ReSOMA:

Research Social platform On Migration and Asylum

Start date of project: 1st February 2018 Duration: 24 months

D1.7 - Ask the expert policy briefs @M14

WP n° and title	WP1 – Setting & responding to the Policy Agenda
Responsible Author(s)	ISMU
Contributor(s)	ISMU, EUR
Version	Final

This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 770730.

Deliverable information

Status **(F: final; D: draft; RD: revised draft):**	**F**
Planned delivery date	**31/03/2019 (M14)**
Actual delivery date	**19/06/2019 (M17)**
Dissemination level: **(PU = Public; PP = Restricted to other program participants; RE = Restricted to a group specified by the consortium; CO = Confidential, only for members of the consortium)**	**PU**
Type: Report, Website, Other, Ethics	**Report**

Document History

Version	Date (MM/DD/YYYY)	Created/Amended by	Changes
01	03/10/2019	ISMU	Document created
02	03/14/2019	ISMU	Sections added
03	04/16/2019	ISMU/EUR	Contribution from EUR added
04	05/21/2019	ISMU	Annexes added
05	06/17/2019		Quality review completed
06	06/19/2019	ISMU	Final check and submission

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1 LIST OF ABBREVIATIONS AND DEFINITIONS

Abbreviation	Definition
DoA	Description of Action
EC	European Commission
H2020	Horizon 2020
SG	Steering Group
WP	Work Package
AE	Ask the Expert Policy Briefs
DB	Discussion Brief
WP	Work Package

2 INTRODUCTION

The Ask the Expert Policy Briefs are highly informative tools proposed in the framework of the ReSOMA project. They tap into the most recent academic research on the 9 topics covered by ReSOMA and map it out in a way that is accessible to a non-academic audience. By doing so, the briefs introduce the policy-relevant research conducted by researchers with different approaches and perspectives on the same topic. From a project perspective, Ask the Expert Policy Briefs are useful tools to collect scholars' evidence and start framing the discussion around the 9 topics which is at the core of WP1.

3 The Ask the Expert Policy Briefs @M14

3.1 TAKING STOCK OF Y1 AND DECIDING THE ROLE OF ASK THE EXPERT POLICY BRIEFS

Partners started strategising on the AE @M14 before the beginning of Y2, namely at the 16/01 Steering Group (SG) Meeting. While deciding how to conclude Y1, partners started brainstorming on the topics ReSOMA would focus on in Y2 with the objective of anticipating part of the work before M13 to prevent the delays incurred in Y1. As a result, partners brainstormed on what the Y2 topics should be and how the Consortium should use AE @M14 and @M17 in a synergical way with all other WP1 outputs, with particular attention to the Discussion Briefs.

After the SG Meeting and at the request of WP leader EUR, partners met in a virtual call on 14/03 to briefly discuss the 9 final topics for Y2 and envision the objectives and structure of the first round of AE. As a result of the call, partners decided that:

1. AE @M14 would map out who is doing what on every single topic. In other words, the focus would be on introducing the scholars working on each topic and not summarizing available knowledge on the topic.
2. AE @M17 would take the form of a Q&A with one of these scholars – either someone from IMISCOE member or an external scholar.
3. The DBs would introduce the discussion points around every topic. In this perspective, both rounds of AE would ease CEPS/MPG's work on each topic and would also be much helpful for online stakeholder consultations.

3.2 THE DRAFTING, PUBLICATION AND DISSEMINATION OF THE ASK THE EXPERT POLICY BRIEFS

Once the 9 topics were finalised by the end of March, lead experts identified the aspects to focus on for each topic in the AE. ISMU circulated the first version of the AE on 15/04 to collect feedback and received comments bilaterally from specific partners. After integrating partners' input, ISMU circulated a consolidated version of the briefs on 2/05. Quality review was performed on the final drafts and the briefs were edited according to the templates used in Y1.

In formatting the final versions ISMU and EUR agreed that, due to the more information featured in Y2 briefs compared to Y1 ones, it would be more reader-friendly to have 9 separate publications and not 3 (i.e. one per area). The publications have been uploaded onto the Platform and are now visible only to Consortium members (level 3). Once dissemination of ReSOMA products from Y1 is over, ISMU will made the publications available to all Platform visitors (level 1) and disseminate them online in partnership with Communication Task Force Coordinator PICUM.

4 CONCLUSIONS

Partners successfully took stock of the experience around AE in Y1 and tried to link the drafting of Y2 AE to the selection of topics as early as possible. At the same time, they clarified what the added value of both AE @M14 and AE @M17 was from a project perspective and in connection with other WP1 outputs such as the Discussion Briefs. The briefs have been drafted, edited by taking into account partners' feedback and uploaded onto the Platform. They will be made publicly available and disseminated online in the first half of June.

5 ANNEXES – ASK THE EXPERT POLICY BRIEFS @M14

ReSOMA

RESEARCH SOCIAL PLATFORM ON MIGRATION AND ASYLUM

ASK THE EXPERT POLICY BRIEF

May 2019

Marina D'Odorico & Erika Colombo

ASYLUM

Secondary movements within the EU

This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement 770730

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LINGUISTIC VERSION
Original: EN

Manuscript completed in May 2019

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This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement *770730*

Ask the Expert Policy Brief

Secondary movements within the EU

By Marina D'Odorico & Erika Colombo

Factors determining secondary movements

The assessment in academic literature of the main reasons behind secondary movements of asylum seekers and beneficiaries of international protection within the European Union reveals that the national differences in reception and integration opportunities between Member States is one of the major causes of the phenomenon (to see which factors influence asylum destination choice: Poppy and Mayblin, 2016; to see an example of comparison between local reception and accommodation structures in some Member States: Glorius, Oesch, Nienaber and Doomernik, 2019).

However, this circumstance may be read from two different points of view: if on one side, secondary movements are the reflection of asylum seekers' need to reach countries with more appropriate reception conditions, better opportunities and more desirable welfare standards, on the other, the secondary migration can be seen as the direct outcome of the failure of many EU Member States in complying with their obligations under the Reception Conditions Directive and under the Qualification and Procedure Directives. This is why, in Dublin cases, both the ECtHR[1] and the CJEU[2] have ruled that in certain cases and in the presence of specific conditions, sending an applicant back to a State of first entry where reception conditions are substandard may amount to inhuman and degrading treatment according to the article 3 of the European Convention of human rights or to the article 4 of the Charter of fundamental rights of the European Union (articles that fix the principle of *non-refoulement*).

[1] See: ECtHR, *M.S.S. v Belgium and Greece* [GC], Application No. 30696/09; ECtHR, *T.I c.UK*, Application No. 43844/98.

[2] See: CJEU, *N. S.* (C-411/10) *v Secretary of State for the Home Department* and *M. E. and Others* (C-493/10) *v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*; CJEU, *Pál Aranyosi* (C-404/15) *and Robert Căldăraru* (C-659/15) *v Generalstaatsanwaltschaft Bremen*; CJEU, *C. K. and Others v Republika Slovenija* (C-578/16); CJEU, *Abubacarr Jawo v Bundesrepublik Deutschland* (C-163/17); CJEU, *Ibrahim* (C-297/17), *Ibrahim* (C-381/17), *Sharqawi* (C-31917) *and others and Magamadov* (C-438/17) v *Bundesrepublik Deutschland*.

These different perspectives clearly emerge from the scholars' analyses. For example, a research led by Brekke and Brochmann (2015) illustrates the huge gap between the European Union's ambition to create a harmonized reception system for asylum seekers and the realities on the ground. The researchers - using as parameter for their analysis the secondary movement of Eritrean asylum seekers from Italy to Norway - explain how the inadequate standards in reception systems of some Member States (Italy, in this case) stimulate the secondary migration, but, at the same time, how this phenomenon leads to challenge the creation of a Common European Asylum System (see also: Belloni, 2016). Therefore, the monitoring of the above-mentioned migratory phenomenon has been pursued by a more recent research, led by Kuschminder (2019), which points out how the governance shortcomings of the relocation programme in Italy has influenced secondary movements within the Italian territory.

Also, a report drawn up by the same researcher (Kuschminder, 2018) explores the results of a survey of more than 500 refugees and other migrants in Greece. Among them, more than 80% had arrived in Greece intending to continue to other European destinations, such as Germany, Sweden, and the United Kingdom. Nevertheless, the fact that only one-third of respondents changed their plans after arriving in Greece suggests how migrants have fixed destination preferences and how changing these through informational campaigns or enforcement measures can be difficult. The analysis reveals that perceptions of opportunity, stability and security are particularly important in forming these preferences. Moreover, that the lack of integration perspectives and employment opportunities in the country of reception is an important driver for secondary movement is also suggested by the fact that even a significant number of persons with a protection status still intend to move to another EU Member State for similar reasons.

The same conclusion is reached by another study (Takle and Seeberg, 2015), based on data collected in Norway, Sweden, and Germany from February to April 2015, which illustrates how decisions to engage in secondary movements within Europe not only depend on access to asylum procedures, divergences in outcomes and the level of reception conditions, but especially on future opportunities post recognition.

On the same topic, a recent report (Wyss, 2019) highlights the nature of mobility from a critical perspective based on multi-sited ethnographic research and interviews with migrants in Austria, Germany, Italy, and Switzerland. The article demonstrates how migrants use mobility to secure basic

needs and avoid migration control attempts and how this mobility aggravates emotional instability.

However, a relevant point of view, illustrated by an article of a Franco-American ethicist scientist known for her research on immigration and security studies (Chebel d'Appollonia, 2019), expresses that the European multilayered legal framework can be analyzed from two opposing perspectives on the differentiated integration of Member States. The first one, focused on the singular nature of arrangements in the field of migration, reveals that differentiated integration is a consequence of the Member States' unwillingness to move toward an "ever closer union". The second perspective, in contrast, refers to differentiation in migration policy as the inevitable reflection of differentiated integration in other policy areas. From this perspective, differentiated integration needs to be legitimized, in order to assure an effective remedy to prevent the risk of disintegration.

The Schengen crisis

The massive influx of migrants from North Africa and the Middle East during 2015 led to an EU-initiated collective securitisation of the Schengen space. In fact, some EU member states responded by re-introducing internal border controls, derogating from the Schengen regime, and by building new border fences.

Today, more than three years later, and although the number of asylum seekers arriving has dropped dramatically, there are still five EU Schengen members conducting systematic internal border controls (Carrera, 2019). According to the latest available information from the European Commission Department for Migration and Home Affairs[3], Austria, Norway, Sweden, Denmark, Germany and France have triggered the mechanism provided by Article 25 et seq. of the Schengen Borders Code.

But what is relevant to underline is that the main reasons invoked to justify the reintroduction on border checks are "the security situation in Europe and threats resulting from the continuous significant secondary movements". This illustrates how secondary movements within Europe are influencing the phenomenon of securisation, which risks undermining the Schengen system.

Some scholars have drawn an interesting parallel between the two major crises of the two main European integration projects of the 1990s: the euro and Schengen (Schimmelfennig, 2018;

[3] See: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control_en.

Biermann, Guérin, Jagdhuber, Rittberger, Weiss, 2019). Both crises had similar causes and beginnings: the two critical situations exposed the functional shortcomings and the structural deficiencies of the euro project and of the Schengen system, produced conflicts among governments and generated a politicization of European integration in Member State societies. Nevertheless, the crises have resulted in significantly different outcomes: whereas the euro crisis has triggered various EU-level reforms and has brought about a major deepening of integration, the Schengen crisis has not. In fact, States least affected by migratory pressure seem to be satisfied with the institutional status quo, proving to be able to leave the more affected states aggrieved.

Finally, an original point of view (Ceccorulli, 2019) allows to look at this situation not as an answer to a single event (the massive influx of migrants in 2015), but as a product of both sequential and parallel interactions, from the Greek inability to control the external border to the temporary reintroduction of internal border controls by some member states. According to this perspective, the triggering events were not or not only "external" to the EU, but largely internal in origin: "wave-through" practices, implementation failures and unilateral moves. The securitisation of Schengen retained an emphasis on securing borders, but more as a means of ensuring good EU governance.

"Institutional" reactions

Thus, the above-mentioned situation of crisis has laid the foundation for a considerable reform of the EU asylum rules, a project initiated by the Commission in 2015 and designed both to stop secondary movements and to ensure solidarity for Member States of first entry. It contains seven legislative proposals, among which five are ready to be concluded. In particular, the Commission would realize a harmonization of the reception conditions, the protection standards and the relocation patterns throughout the EU and the creation of a European Asylum Agency, to provide a greater convergence in the assessment of applications for international protection across the Member States. In addition, the European Parliament and Council are on the process of negotiating updated rules aiming to reinforce the EURODAC system, designed to store and search data on asylum applicants and irregular migrants. The new system would help immigration and asylum authorities to better control irregular immigration to the EU, detect secondary movements (migrants moving from the country in which they first arrived to seek protection elsewhere) and facilitate

their readmission and return to their countries of origin[4].

Therefore, the Commission has recommended a modification of the Procedure Directive, in order to reduce the differences in recognition rates and to ensure common effective procedural guarantees for asylum seekers, and a rebuilding of the Dublin system[5], introducing specific dispositions aimed at preventing secondary movements. To assure this objective, it proposes a new permanent responsibility for asylum applications, by deleting the current time limits in the Dublin regulation; the deletion of the rule which states that responsibility ceases when the person has left EU territory for more than three months; and the replacement of take back requests with take back notifications.

Nevertheless, the entire discussion on this reform is blocked due to the diverging views between EU Member States on solidarity. As these measures risk to continue to allocate the responsibility on Member States of first entry into the EU (i.e. at the external borders) and there is no consensus on how to alleviate the disproportionate burden on those countries that will result from it, the issue will remain at an impasse. How explained by the analysis conducted by Radjenovic (2019), an agreement on the balance between responsibility and solidarity regarding the distribution of asylum-seekers will be a cornerstone for the new EU asylum policy[6].

[4] See: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20181204_com-2018-798-communication-annex_en.pdf.

[5] Proposal for an EU Asylum Agency, Brussels, 4.5.2016, COM(2016) 271 final (http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2016/0271/COM_COM(2016)0271_EN.pdf).

[6] For a critical analysis of the Commission proposal, see: DI FILIPPO M. (2016), *Dublin 'reloaded' or time for ambitious pragmatism?*, 12 October 2016, http://eumigrationlawblog.eu/dublin-reloaded/; PROGIN-THEUERKAUF S. (2017), *The "Dublin IV"-Proposal: Towards more solidarity and protection of individual rights?*, 2017, https://www.sui-generis.ch/34; Hruschka C. (2016), *Enhancing efficiency and fairness? - The Commission proposal for a Dublin IV Regulation*, ERA Forum, December 2016, Volume 17, Issue 4, pp 521–534, https://doi.org/10.1007/s12027-017-0451-x. Also see: https://www.ecre.org/wp-content/uploads/2016/10/ECRE-Comments-Dublin-IV.pdf.

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ReSOMA

RESEARCH SOCIAL PLATFORM ON MIGRATION AND ASYLUM

ReSOMA - Research Social Platform on Migration and Asylum is a project funded under the Horizon 2020 Programme that aims at creating a platform for regular collaboration and exchange between Europe's well-developed networks of migration researchers, stakeholders and practitioners to foster evidence-based policymaking. Being a Coordination and Support Action (CSA), ReSOMA is meant to communicate directly with policy makers by providing ready-to-use evidence on policy, policy perceptions and policy options on migration, asylum and integration gathered among researchers, stakeholders and practitioners.

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RESEARCH SOCIAL PLATFORM ON MIGRATION AND ASYLUM

ASK THE EXPERT POLICY BRIEF

May 2019

Marina D'Odorico & Erika Colombo

ASYLUM

Implementation of the Global Compacts on Refugees (GCR)

This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement 770730

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Ask the Expert Policy Brief

Implementation of the Global Compacts on Refugees (GCR)

By Marina D'Odorico & Erika Colombo

Two Global Compacts

As part of the New York Declaration on Refugees and Migrants, in 2016, UN Member States agreed to negotiate two global compacts to be adopted by the UN General Assembly, one on refugees, the other on safe, orderly and regular migration. The adoption of these two agreements – even if they are not legally binding - reveals a sincere desire on the part of States to cooperate better and to make collective responses to future situations more predictable (Durieux, 2019).

Therefore, researchers are increasingly focusing on what the Compacts need to do to achieve some results and on the understanding of how the documents will lead to change in the behaviour of States (Betts, 2018).

The *Global Compact on Refugees* (GCR) has been adopted on 17 December 2018, with the aim to find a sustainable solution to refugee situations. It provides a model and guidelines for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives. It could be considered as the reference framework for planning and monitoring governmental policy and practice on refugees and asylum at the international level.

Since its launch, the Global Compact on Refugees has been commented by stakeholders and scholars across the globe.

Non-legally binding nature

Scholars individuate the relevance of the Global Compacts in the circumstance that they represent instruments to seek more effective and humane ways to manage migration (Duncan, 2019). Although their non-legally binding nature on signatories led the doctrine to reflect if their nature could be considered as a weakness or as an expression of cooperation and goodwill of the UN members states.

According to some comments, non-binding status does not mean that the

Global Compacts cannot play a role in the ongoing normative development of international refugee law (Gammeltoft-Hansen, 2019). In fact, Durieux (2019) illustrates GCR's potentiality, pointing out how this instrument may lead to find collective responses to future situations more predictable, and, at the same time, it may encourage a reassessment of national laws. Moreover, the GCR could represent a significant incentive to renew local legislative frameworks, stimulating regional, rather than international, agreements. Indeed, as explained by Akram (2019), this is what happened in the Middle East area, where agreements such as the Arab Charter on Human Rights, the Organization of the Islamic Conference's (OIC) Covenant on the Rights of the Child in Islam, and the Protocol for the Treatment of Palestinians in Arab States (Casablanca Protocol), have been re-thought in view of the Global Compact's guidelines, while most of the parallel international treaties continued to lack credibility in the region.

On the contrary, some researchers consider the Refugee Compact as a flawed text and not as an instrument which could really help to promote international cooperation in dealing with the global refugee crisis (Chimni, 2019). In particular, according to this doctrine, the text avoids mention of the principal cause of recent refugee flows; does not take into account fundamental principles of international refugee law; may weaken the protection of children and women; does not provide real mechanisms for responsibility sharing; and leaves to the United Nations High Commissioner for Refugees (UNHCR) the task of supervision without equipping it with the needed instruments to perform. In this view, what could really be constructive is the replacement of the extended borders of powerful States by permeable borders in a spirit of genuine solidarity with those who suffer the consequences of an inhumane global order.

Durable solutions

Another aspect on which scholars and stakeholders specifically focus is the need for durable solutions that could implement the GCR at the national level, assuring positive outcomes at the international one. The aim is to create an inclusive space for refugees in the international community, adopting strategies and instruments which could provide both humanitarian and development assistance. How reported by Goodwin-Gill (2019), an example of the humanitarian assistance model is represented by the Global Concessional Financing Facility, established by the World Bank, the Islamic Development Bank Group and others in 2016, and by the World Bank's IDA18 replenishment, which provides up to US$2 billion in grants and concessional loans to low-income countries to help meet the development needs of refugees and host communities.

This strategy concerns short-term plans based on life-saving operations, essentially aimed at providing food, water, medication, and shelter. At the same time, Goodwin-Gill (2019) highlights the potentiality of the alternative assistance model, the development one, which entails a long-term approach, supported by national projects and designed to reduce poverty through job creation, education, and the development of health and related infrastructure.

On the other side, some scholars (Githinji and Wood, 2019) consider that the creation of migration and refugee frameworks in Africa could be an essential step towards the implementation of the Global Compacts in the region and that the wealthier African States could play a key role in this legislative renovation process.

However, as explained by Tsourapas (2019), many experiences have also proved how States could take advantage of the broad number of refugees hosted in their territories, treating them as sources of economic rent. We can see an example of this approach in the EU-Turkey deal, an agreement signed in March 2016 and specifically aimed at stopping the flow of irregular migration into the European Union in return for 6 billion euros in economic relief. Another similar practice is represented by the "jobs compact" in Ethiopia, consisting of 500 million dollars programs designed to create 100.000 jobs for both Ethiopians and refugees.

The role of the involved actors

Many comments have nonetheless underlined how the GCR's success necessarily calls for the engagement of a wide range of actors, who could support local communities, providing them the essential instruments to receive and integrate refugees.

First, as highlighted by Türk (2019), a pivotal role may be played by the private sector, which could grant benefits for host countries to stimulate job creation and economic growth. In this perspective, what Türk individuates as priority is the renovation of national and local infrastructures, to assure that refugees and host communities could live together in dignity, and, at the same time, the achievement of economic inclusion of refugees, to encourage their contribution to implement the social and economic well-being of the host communities.

Therefore, some experts (Dick and Kuhnt, 2019) focus their attention on the broad potentiality of the local level, pointing out the supporting function that could be performed by cities and municipalities. In fact, the GCR suggests improving the refugees' perspective by integrating them into local societies and promoting their self-reliance, considering the potential that integrating refugees has from an

economic and social point of view. Indeed, refugees' integration paths could receive the essential assistance and protection from urban networks. Thus, scholars (Dick and Kuhnt, 2019) remark the need both to increase the participation of mayors and urban networks in global policymaking and to implement their powers to make policy and financial decisions at the national level.

Finally, scholars have gladly welcomed the proposal to create a global academic network on refugee, in order to provide inputs to face the global refugee challenge in the best way. According to Chimni (2019), considering that integration is a two-way process asking migrants and receiving societies to collaborate to develop social cohesion, the priority concern should be individuating the complex factors that underlie the hostility towards asylum seekers. The same view emerges from Mason-Bish and Trickett's opinion (2019), that especially underline this need at a time of increasingly uncertain global politics, whereby concerns about hate crime and prejudice are a pressing social and political issue.

In conclusion, as explained by Beths (2018), despite the context of major political constraint, with growing populist nationalism accompanied by widespread anti-immigration politics, the Refugee Compact is based on a whole-of-society approach, which engages new actors and new processes like innovative financial mechanisms.

The European Union's role

Now that the Refugee Global Compact have been adopted, it is important to move the discussion on these instruments to a European context. The literature is debating on the engagement of the European Union in the perspective of a successfully implementation of these agreements, trying to figure out how the Member States could become relevant players on international cooperation on migration.

The European Union played a significative role during the negotiations before the approval of the definitive texts, being directly involved in the two years of consultations and giving an indirect contribution deriving from the use of EU cooperative models as a source of inspiration for the solutions adopted in the Global Compacts, both for formal and substantial aspects (Vitiello, 2018). Also, the EU and its Member States could play a key role in ensuring that the Compacts will make a difference in contrast to the current state of play in responsibility-sharing arrangements.

Nevertheless, it is important to remind that during summer 2018, some Members States, including Italy, decided to deviate from the approach maintained until that moment, to not participate to Marrakech

Conference and to not sign the accord. The position of these governments may appear surreal and it has been probably based on an unjustified association of the Global Compact on Migration with concepts that are unrelated to it, such as threats to sovereignty, the human right to migration, or the lack of distinction between regular and irregular migration (Gatti, 2018). This turnaround has questioned the unity and effectiveness of the EU's external policy and has represented a step back in the perspective of realizing protection and implementation of immigrants' rights (Carrera, Lannoo, Stefan and Vosyliūtė, 2018).

Focusing on the Refugee Compact, between its key objectives, there is the establishment of expanding mobility and admission channels for people in search of international protection through resettlement and "complementary" pathways of admission. In this perspective the Refugee Compact provides a reference framework to assess European Union policies in relation to two main issues: first, the role and contribution of the EU and its Member States towards the implementation of the GCR in ways that are loyal to the Compact and EU Treaties guiding principles; second, and more specifically, the main gaps and contested issues of existing resettlement and complementary admission instruments for refugees and would-be refugees implemented at the EU and Member State levels (Carrera and Cortinovis, 2019).

EU Member States should refrain from undermining the effective implementation of the UN GCR, otherwise they would be infringing their obligation of sincere and loyal cooperation as established in Article 4.3 TEU. A coordinated EU position in the Refugee Compact implementation would be the most welcome way forward. Therefore, the "contained mobility" approach, used by the EU States to draw policies in the field of asylum and migration (ex.: 2016 EU-Turkey Statement; Ziebritzki, 2018), should be replaced by one that places refugee rights and agency at the center through facilitated resettlement and other complementary pathways driven by a fundamental rights and international protection logic (Guild and Grant, 2017).

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RESEARCH SOCIAL PLATFORM ON MIGRATION AND ASYLUM

ASK THE EXPERT POLICY BRIEF

May 2019

Marina D'Odorico & Erika Colombo

ASYLUM

SAR and Dublin: ad hoc responses to refusals to disembarkation

This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement 770730

The **Ask the Expert Policy Briefs** are **highly informative tools** proposed in the framework of the ReSOMA project. They tap into the **most recent academic research** on the 9 topics covered by ReSOMA and map it out in a way that is **accessible to a non-academic audience**. By doing so, the briefs introduce the **policy-relevant research** conducted by researchers with different approaches and perspectives on the same topic.

LINGUISTIC VERSION
Original: EN

Manuscript completed in May 2019

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This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement *770730*

Ask the Expert Policy Brief

SAR and Dublin: ad hoc responses to refusals to disembarkation

By Marina D'Odorico & Erika Colombo

The diversity of national approaches towards asylum - especially between transit countries, such as Italy and Greece, main hosting countries, such as Germany, France and Sweden, and countries belonging to the Visegrad group - and the problem of cooperation inside the CEAS are some of the major issues of European asylum policy under the attention of stakeholders and scholars (Zaun, 2017).

Studies and analyses, such as a work by Estevens (2018), have focused on the role of the European Union, pointing out the EU limited centralisation and leadership in managing immigration and asylum problems. How some researchers remarked, as national politicians have had to confront with increased public scepticism about both European integration and immigration, they have provided less support to the Europeanisation of the migration policy domain and they have preferred immigration control over liberalisation (Hampshire and Bale, 2015). Thus, the politicization of Europe and immigration at the domestic level, connected with the growing fragmentation of national migration interests in the enlarged EU, has reinforced Member States' resistance to further harmonisation on these aspects. As a result, despite Lisbon's communitarisation of policy-making, the most dynamic areas of European migration policy remain those that concern intergovernmental arrangements: policies directed towards controlling and excluding, rather than enabling, immigration to Europe (Hampshire, 2016; see also: Marin, 2016).

These aspects have also implications in the European Asylum policies management and lead commentators to consider which could be more effective responses to the asylum issues.

The "SAR" approach

Many experts focus attention on those kinds of responses which put the humanitarian dimension at the center of crisis management: they concern the Search and Rescue (SAR) operations[7], which are conducted in the Mediterranean to prevent loss of human lives at sea.

Some comments and remarks are related to the individuation of the actors who conduct these rescue activities, that, due to the intensification of the migration crisis, has increasingly become frequent. Panebianco (2016) lists the main protagonists of the SAR operations: the Italian Coast Guard, *Triton* (the Frontex operation, set up to control the EU maritime borders, even if not expressly created to conduct SAR operations), EUNAVFOR Med, NGOs (e.g. Save the Children, Médecins sans Frontières, Sea-Watch, SOS Méditerranée, etc.), charities such as MOAS (Migrant Offshore Aid Station) and merchant vessels.

In this perspective, scholars also try to individuate the role of the European Union in SAR operations, considering that the EU should have no competence to regulate them. Ghezelbash, Moreno-Lax, Klein and Opeskin (2018) underline how, although the international SAR framework establishes distinct responsibility for rescue at sea falling on individual Member States, the European Union has acquired a central position in managing SAR, because of the perceived implications for border security. Even if the EU Coastguard should only coordinate operational cooperation between the Member States to reinforce the monitoring of the common external frontiers, in practice, it ends up playing a leading role in initiating and approving joint activities. As a result, border control and SAR activity have (operationally) merged with the former gaining (practical) pre-eminence over the latter. Nevertheless, as Panebianco noticed, the border protection approach is inevitably in conflict with the duty to intervene to rescue persons in distress, which is both a consolidated principle regulating the sea navigation regime and a longstanding international norm[8]. Therefore, the European Union can coordinate rescue operations, but the obligation to provide assistance applies regardless of the

[7] The Section 3.1.9 of the 1979 Convention on Maritime Search and Rescue (SAR Convention) provides rules concerning the disembarkation of persons rescued at sea. It stipulates that the state responsible for the SAR region (SRR) in which assistance is rendered has the primary responsibility to ensure cooperation and coordination to disembark survivors in a place of safety. If the authorities in charge of a SRR are unavailable, this responsibility is temporarily transferred to the first Maritime Rescue Coordination Centre (MRCC).

[8] See: *International Convention on Maritime Search Rescue*, adopted in Hamburg in 1979; *United Nations Convention on the Law of the Sea*, adopted in Montego Bay in 1982.

nationality or status of the people in distress and regardless of national borders (Panebianco, 2016).

Consequently, another debate raised by SAR operations management is related to the question of how to allocate responsibility between the cooperating actors, in particular where allegations of human rights violations arise. Fink (2016) analyses the topic from an original point of view, exploring the responsibility of "third parties", namely those states or international organisations that merely contribute to a violation and that are not the principal actors to whom the relevant conduct in breach of human rights is attributable. How the author explains, considering that, even where a conduct may be attributable to multiple states, it is necessary the existence of an "attribution link" with every single cooperating party to allocate responsibility, the complex forms of involvement of states in the acts of others often remain below the threshold of attributability of the primary wrongful. Thus, he reveals how, in practice, third parties rarely incur responsibility for having played a role in a breach of international law.

Moreover, Cusamano and Gombeer (2018) consider this problem in relation to the role of Italy, especially after the decision of the Italian Interior Minister, Matteo Salvini, to close Italian ports to NGO ships and foreign-flagged merchant vessels carrying migrants rescued off the shore of Libya. The authors point out that, although not illegal under maritime, human rights and European law, this decision has problematic humanitarian implications[9] and may hardly help Italy's call for structured, long-term solidarity in addressing the challenge of large-scale maritime migrations.

Indeed, since the launching of operation *Mare Nostrum* in October 2013, Italy allowed for the disembarkation in its territory of all the migrants rescued in the Maltese and Libyan SRR. In particular, NGOs took advantage of the possibility to disembark migrants in Italian ports in order to avoid the problems caused by the insufficient presence of European Navy and Coast Guard ships offshore Libya (Cusumano, 2017).

Thus, to address the closure of ports by Italy (and Malta at some point), considering the failure of the reform of the Dublin Regulation, the Commission and EASO start working on ad hoc relocation solutions for disembarkation of migrants rescued at sea by NGO-ships, instead of a

[9] Statistics show how, despite the drop in the number of crossings, recorded deaths offshore Libya between June and 19 July 2018 amounted to at least 705, more than the previous six months combined (Villa M., Rob G. and Elias S., 2018).

ship-by-ship approach[10]. In this perspective, a plan drawn up by around ten Member states, including France, Germany, Spain, Portugal and the Netherlands, would not include quotas, nor prejudge decisions on the Dublin regulation, but could include EU funds to return refused asylum claimants to their home countries (Rankin, 2019)[11]. This approach is a clear sign of an increasing trend of States and institutions searching for solutions outside of the CEAS framework.

In addition, as explained by Maiani (2018), another solution to the problem would be the creation of "regional disembarkation platforms" outside the European Union, that should provide for rapid processing to distinguish between economic migrants and those in need of international protection and reduce the incentive to embark on perilous journeys (Herszenhorn and Barigazzi, 2018). This approach should include different measures, among which the conclusion of agreements whereby transit-countries undertake to hinder departures and "pull back" persons intercepted or rescued on their way to Europe. If, on the one hand, these arrangements may let EU States evade legal responsibility by avoiding contact with migrants, on the other, they could be an opportunity for a constructive discussion on responsibility-sharing and mutual support in the EU and in the wider Mediterranean region. Anyway, as Maiani points out, this objective may be achieved only «*if* "full EU support" could be made into something different than a slogan; *if* the EU were ready to make credible and commensurate resettlement offers; *if* EUMS and interested third countries were jointly capable of bringing about safe and dignified conditions for migrants and refugees across the whole region; and *if* all interested actors proved capable of placing the welfare and security of persons at sea above any real or perceived risks of creating "pull factors"» (Maiani, 2018).

[10] European Commission, Managing migration in all its aspects: Progress under the European Agenda on Migration, COM(2018) 798, 4 December 2018.

[11] See also: IOM-UNHCR Proposal to the European Union for a Regional Cooperative Arrangement Ensuring Predictable Disembarkation and Subsequent Processing of Persons Rescued at Sea (https://www.iom.int/news/iom-unhcr-proposal-european-union-regional-cooperative-arrangement-ensuring-predictable)

The reform of Dublin Regulation

The European Agenda on Migration 2015 identified four areas that need immediate action: reducing the incentives for irregular migration, strong asylum policy, saving lives and securing the external borders and a new policy on legal migration. In this perspective, an urgent reform of the Dublin system regulating the entry into the EU seems to be essential. Scholars agree that, while Dublin III was not created as a responsibility-sharing mechanism, procedures that would implement sharing responsibility could possibly be what Dublin III needs to succeed (Fratzke, 2015; Mitchell, 2017).

Thus, on 4 May 2016, the European Commission has published a "Dublin IV Proposal"[12] especially based on a corrective allocation mechanism (a "fairness mechanism"), automatically triggered when a country must handle a disproportionate number of asylum applications (considering the country's size and wealth). However, the normative project provides an option for the Member States of not taking temporarily part in the reallocation, paying, instead, a "solidarity contribution".

The proposal contains the obligation for applicants for international protection to deposit their asylum claim in the first country they enter and, on the other side, the obligation for the State of first irregular entry to verify whether the application is inadmissible or whether it is possible to begin an accelerated procedure.

Nevertheless, an article by Progin-Theuerkauf analyses the implication of the "Dublin IV Proposal", underlining how it seems to be "premature and incoherent" (Progin-Theuerkauf, 2017; see also Van Wolleghem, 2018). How highlighted in this document, the prospected changes would not enhance solidarity between the EU Member States, which should be, on the contrary, the main reason at the base of the new regulation. In fact, simulations show that the proposal still places a disproportionate burden on the countries in charge of the EU's external borders; particularly so for Italy and Greece (Van Wolleghem, 2018). The obligation to introduce a claim for international protection in the Member State of first irregular entry will further contribute to the burden of the Member States at the external borders of the EU. Moreover, Di Filippo and Hruschka focus their analyses on the potential applicability of this new "fairness mechanism", revealing that it will most likely never be applied, as the reference numbers will never be exceeded.

[12] Proposal for an EU Asylum Agency, Brussels, 4.5.2016, COM(2016) 271 final (http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2016/0271/COM_COM(2016)0271_EN.pdf).

The idea of paying a solidarity contribution to another Member State who is willing to take over the asylum seeker will be impossible to execute this provision in practice (Di Filippo, 2016; Hruschka, 2016).

Therefore, the European Parliament has adopted as basis for inter-institutional negotiations the so-called "Wikström report"[13], a document that is highly critical of the Dublin IV Proposal and that aims to reform Dublin criteria and to create an "incentives-based" model of responsibility allocation (Maiani, 2017). First, the document suggests setting up the hierarchy of Dublin criteria on the "genuine links" that applicants may have with determined Member States, deleting the criterion of irregular entry and introducing criteria such as the family one, the one based on possession of visa or the one based on former studies. Secondly, the report builds an allocation mechanism with two main characteristics: an element of choice, because the applicant has the possibility to choose among the four least-burdened States at the moment of the application, and the faculty for applicants to register as groups of maximum 30 persons (the family would be allocated together in all circumstances). This allocation mechanism would be attributed to the (future) EU Agency for Asylum, which would be responsible for the execution of the transfer (even if it is not clear where it would find the resources). Finally, the report suggests introducing disincentives – in the form of restricted access to, and use of, EU funds – for Member States who would refuse to cooperate.

According to the commentators, even if this proposal continues to present few critical issues – for instance, the expanded "genuine link" criteria would still probably apply in a minority of cases, the incentives to cooperate with quota-based allocation would be probably inadequate - the "Wikström report" can be considered a step in the right direction in order to realize an efficient system of sharing of responsibilities. Anyway, both the Commission report and the Wikström report would require a huge increase of transfers while this actual transfer rate currently remains so low and therefore it would end up in a logistical and administrative effort (Maiani, 2017; see also: García, 2018)[14].

[13] See: http://www.europarl.europa.eu/doceo/document/A-8-2017-0345_EN.pdf?redirect

[14] Discussions in the Council of the EU between Member States about this reform have been going on since more than two years and the most controversial aspect in the reform of the Dublin Regulation is the solidarity mechanism and its balance with responsibility. Nevertheless, at the European Council of June 2018, and at each subsequent meeting, in October 2018 and December 2018, EU leaders failed to achieve an agreement on internal aspects of migration and the EU's asylum policy, showing remaining differences

Another point of view (Collett, 2018) shows how, rather than focus on how to divide responsibility for asylum claims, the European Union needs to individuate more pressing concerns. First, Member States should consider that if the actual "Schengen crisis" would lead to an entire collapse of the system, the impact on the daily lives of many EU citizens would be immediate. Secondly, it would be essential to find ways to ensure that States meet their existing obligations, building contingent asylum capacity for future uncertainties in flow. Thirdly, Member States should realize a stronger support mechanism for the Common European Asylum System, especially for those States that face larger numbers of arriving asylum seekers. The experience of hotspots needs urgent evaluation, alongside assessments of the fast-track procedures with which some EU Member States have been experimenting.

However, as Estevens (2018) wrote, the need for better cooperation does not imply that all States must become hosting countries. It rather means that every Member State should participate in a common strategy, either by hosting immigrants and refugees, or by sparing financial, human, and structural resources. In fact, restrictive policies will not stop irregular migration flows in and will not increase internal security in Europe. Therefore, besides border control and agreements with origin and transit countries, what we really need is to create safe routes and easier legal integration options, especially to labor migrants, to speed up the procedures and the coordination between Member States and to create a strategy for relocation and responsibility sharing.

among Member States as regards, in particular, the reform of the Dublin Regulation (see: RADJENOVIC A. (2019), *Reform of the Dublin system*, 1 Marzo 2019; http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2016)586639).

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ASK THE EXPERT POLICY BRIEF

May 2019

Magdalena Lesińska

MIGRATION

Strategic litigation of criminalisation cases

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LINGUISTIC VERSION
Original: EN

Manuscript completed in May 2019

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Ask the Expert Policy Brief

Strategic litigation of criminalisation cases

By Magdalena Lesińska

Criminalization of assistance to migrants

Facilitators Package[15] adopted by the EU enables and instructs the member states to criminalize any person who intentionally assists unauthorized entry, transit, or residence of a non-UE national in the EU, unless they are doing so for humanitarian reasons. Despite the fact that EU law allows not to criminalise the facilitation of irregular entry when it is conducted on humanitarian grounds, in a half of the EU member states facilitation of entry is defined as a criminal offence which is punishable by either a prison sentence or a fine, even when assisting person does not obtain any financial benefit (Carrera et al. 2018, p.6). One of the critical remark about Facilitation Package was about lack of definition of the 'humanitarian assistance' and "smuggling activities" concepts, leaving considerable discretion to the member states. In this context, there is a high risk of criminalisation of humanitarian assistance provided by civil society organisations working with irregular migrants at the member states territory and at the external borders, what takes place in practice.

There are some terms introduced by researchers directly related to the process of criminalization of solidarity in the EU. The notion of the "shrinking space of civil society" describes a situation in which the operational space for NGOs (understood as the capacity to function as an organization and perform their tasks) is being limited by the policies or legal amendments adopted by the government (EP 2017; Szuleka 2018; van der Borgh, Terwindt 2012). The concept of "policing the mobility society" refers to the "wider set of practices, mechanisms and tools driven by the logic of policing" which affects both those on the move and those who act on behalf of immigrants and asylum seekers (Carrera et al. 2018, p.3). The phrase has wider meaning and embodies various actions of EU and national authorities and institutions that impact the activities of varied civil society players such as traditional NGOs assisting migrants on regular basis as well as informal and loosely organized groups and individual activists.

The types and cases of criminalization of humanitarian assistance

[15] Facilitators Package includes Directive 2002/90/EC according to which each EU member state is required to implement legislation introducing criminal sanctions against the facilitation of irregular entry, transit and residence, and Framework Decision 2002/946/JHA which reinforced the penal framework by setting out minimum rules for sanctions.

Carrera et al. (2018, p. 3-4) distinguished three faces/stages of mobility society policing process, namely suspicion/intimidation, disciplining, and criminalization. In turn, authors of quantitative research (based on interviews with members of NGOs in Slovenia and neighbouring countries) identified five types of practices and approaches aimed at obstructing or precluding the work and activities of non-governmental organizations (labelled as "continuum of criminalization"), such as: 1) criticism and public attacks, discrediting of the work of NGOs in the media, disinformation, and harassment by right-wing politicians and their allies, 2) bureaucratic tightening of the space for civic action (organizations and volunteers are required to register and to cooperate with authorities), 3) banning access and prohibiting monitoring the detention centers or transit zones, 4) deterrence and marking of "dangerous" organizations and persons, 5) direct criminalization of assistance (Jalušič 2019).

As a result of various jurisdictions, people offering humanitarian assistance or rescuing migrants in the EU cannot be sure whether their actions are legal or potentially criminal. There were court proceedings against the lifeguards, ship owners and NGO workers charged with human smuggling after intervening to save peoples' lives at sea or offer help at the border zone and against people who had helped their family members enter the EU for personal and other altruistic reasons. A recent studies on the criminalization of humanitarian assistance in Europe presents detailed examination of cases of individuals prosecuted under anti-smuggling and immigration laws in EU members states (Carrera et al. 2016; Fekete et al. 2017, FRA 2018). The overview of court cases shows that organizations and volunteers are accused of facilitating irregular entry of migrants by providing health care, food, shelter or other support, of colluding with smugglers and encouraging trafficking[16]. The study based on interviews with practitioners and officials in the UK and analyses of court cases of immigration-crimes, including those of facilitation shows that in practice smugglers were rarely prosecuted, contrary to individuals helping a friend or relative to enter the state or stay on its territory (Aliverti 2012).

Recently, some of the countries implemented more radical measures against organizations engaged in assisting the migrants (Bajt, Frelih 2019; Kingsley 2018; Szuleka 2018). Hungary accepted a new legislation called "Stop Soros" bill making the aid of refugees in the country a punishable offense. The measures allow courts to pass criminal sentences including jail terms of up to one year on individuals for aiding asylum-seekers and illegal migrants. The bill introduces a new category of crime

[16] The media and human rights organizations inform regularly about persons arrested and accused of assisting the illegal migrants, e.g. the case of Sarah Mardini and Sean Binder, volunteers in search and rescue operations around Greek island Lesbos, were arrested in Greece and accused of facilitating people-smuggling through membership of a criminal organization and money laundering in August 2018; captain of a German NGO ship *Lifeline* has been charged with entering Malta's waters illegally with 234 migrants, whom the ship's crew had picked up in waters off Libya in June 2018).

called "illicit assistance for immigration" meaning that a person cannot give any kind of assistance to people who entered the country illegally including offering assistance in applying for asylum to people not eligible for asylum. Additionally, the 25% "special tax on immigration" has to be paid by organisations that receive foreign funding and provide aid to migrants and refugees.

Strategic litigation and the role of European courts

The increasing number of cases of criminalization of migration and humanitarian assistance and questionable policies of many European countries have in turn led to a rise in litigation before European courts. The aim is to achieve strategic litigation precedents in the field of access to the asylum procedure, legality of detention decisions, identification of vulnerable asylum seekers, etc. Both European courts - the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) - which institutional position has been significantly reinforced in recent decades - have witnessed a notable rise in their caseloads relating to migrants and their rights, with a small but growing number of NGOs and specialized lawyers engaging in strategic litigation (Baumgärtel 2018).

A strategic litigation is different from normal litigation, since it combines legal and other tactics in order to change public and political opinions and ultimately reform legislation. The strategic litigation initiatives make a significant contribution to law, practice and procedures to uphold and promote the rights and protection of migrants and asylum seekers, provide the opportunity to test the actual scope of countries' protection obligations and to extend the currently prevailing restrictive interpretation of this scope. A strategic litigation offers also the opportunity to raise public awareness and increases a political pressure on governments to focus on the migration and asylum issues (Scott 2015). The key factors contributing to successful strategic litigation are, among others, the effective cooperation among different actors (legal practitioners, NGOs and civil society) and adequate financial support; publicly funded legal aid and pro bono legal advice is critical important. It requires also combining a litigation strategy with advocacy work and a communication strategy including media and public opinion (PICUM 2017).

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ASK THE EXPERT POLICY BRIEF

May 2019

Magdalena Lesińska

MIGRATION

Implementation of the Global Compact on Migration (GCM)

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Manuscript completed in May 2019

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Ask the Expert Policy Brief

Implementation of the Global Compact on Migration (GCM)

By Magdalena Lesińska

The Global Compact for Safe, Orderly and Regular Migration (known as the Global Compact for Migration – GCM) is an action-oriented global compact prepared under the auspices of the United Nations, its aim is to address aspects of migration from the subnational to the global level in a holistic and comprehensive manner. It was drafted through consultations with member states and interested parties, and received overwhelming support of the governments worldwide[17]. It reflects a common approach that states must work together on issues around migration and present migration processes as normal, advantageous for countries and part of international prosperity. The document is evaluated as a notable achievement, being the first and relevant attempt to create a coherent framework on migration at the global level.

The background of the Global Compact is a conviction that unilateral state action will not address migration and requires coalitions of states, inter-governmental organizations, local authorities and non-state actors (Thouez 2018). The Global Compact reflects broad agreement around a number of starting points: governments must cooperate to manage migration effectively; human rights of migrants must be respected; migrants are entitled to basic services regardless of their migration status; and migration policies should be based on accurate data and evidence.

As a compact, it is a soft law instrument - it is not legally binding, and as such it will not create any legal obligations for the governments signing. It is a framework containing a broad set of consensual guidelines and standards for international cooperation between different partners on migration (among 23 objectives included in the Compact, the cooperation between states, promoting measures to strengthen regular migration pathways, tackling irregular migration, and protection human rights of migrants are mentioned). However, it is bound to become an important instrument and might evolve into a global framework agreement with both binding and non-binding elements and identify areas in which states may work together

[17] During the 73rd UN General Assembly in December 2018, 152 countries voted in favor, five were against, and twelve abstained.

towards the conclusion of new international norms and treaties (Sutherland Report 2016, para. 87).

Criticism

The critics of the Global Combat on Migration claim that there is little clarity on exactly what kind of international agreement a compact is, and where it sits in relation to existing instruments of international law. It was also underlined that the text was negotiated to obtain a "one-size-fits-all" common solution among countries of origin, transit and destination, what might be interpreted as a weakness as different countries represent different visions and interests related to migration processes (Gammeltoft-Hansen et al. 2017, p. 26). The difference of positions was visible during the negotiation process. While destination countries aimed for a strong statement on the obligation of states to take back their nationals who had no legal right to remain in another country, countries of origin insisted on a more robust commitment to reintegration assistance (Newland 2019).

The Global Compact consists of multiple components, but some of them might be difficult to reconcile. On the one hand, the document stresses the principle of international cooperation, but on the other hand, confirms state sovereignty to determine the national migration policy and law (Gatti 2018). It also includes issues such as opening wider regular channels for migrants, which are difficult to accept by some governments.

The main arguments raised by governments that refused to sign the Global Compact concern the lack of distinction between regular and irregular migration, and migrants and asylum seekers/refugees[18]. Moreover, those governments argue that the Compact undermines the sovereign right of states to enforce immigration laws and secure their borders, and that it contains a number of goals that are inconsistent with national law and policy, especially in areas such as detention standards and procedures, and migrants' access to social services (Gatti 2018; Guild, Basaran 2018a; The Global Compacts…2019).

Challenges

The final draft of the Global Compact is a product of trade-offs and compromise, where finally "all participating states got something they wanted; none got everything" (Newland 2019). Thus, it is worth to point out most important challenges related to the future of the Compact.

Implementation and monitoring. Undoubtedly, the Global Compact is an important step forward. However, its effectiveness and ability to create a real change on the ground still remains questionable. As the Compact clearly states, its success depends on "the mutual trust, determination and solidarity of States" to fulfil the objectives contained in the Global Compact, not on commitments or agreements. The implementation section in the document is particularly vague. An important problem,

[18] Among countries that decided not to endorse the GCM are Australia, Austria, Bulgaria, the Czech Republic, the Dominican Republic, Hungary, Italy, Israel, Latvia, Poland, Slovakia, the USA.

underlined by experts, is related to monitoring of application of objectives included in the Compact by national governments (Guild, Basaran 2018b). The monitoring system shall be based on national plans developed by states around the Compact. The monitoring mechanisms are lumped primarily in the International Migration Review Forum, which only meets every four years, and the newly established Migration Network within the UN system. The Compact does not strengthen the mandates of the Special Representative for International Migration or the Special Rapporteur on the Human Rights of Migrants, which play crucial roles in processes of monitoring.

Scheduling priorities. The Compact includes a list of various objectives, ranging from enabling for a more evidence-driven environment through data collection and monitoring to addressing the causes of irregular movements by promoting regular channels of migration and establishing long-term strategies by reducing the negative drivers of migration. The list requires further programming and putting particular attention to these what involves further negotiation, commitment of resources, and mobilizing political will.

Cooperation with countries which did not endorse the Global Compact. Although the number of countries which either voted against or abstained from endorsing the Global Compact is low, it includes key destination countries (the United States and Australia) as well as few EU member states (mostly CEE countries). It is a challenge to convince the reluctant governments to cooperate and to implement the Global Compact objectives.

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Towards alternatives to detention

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Ask the Expert Policy Brief

Towards alternatives to detention

By Magdalena Lesińska

Concerns about the increasing use of detention

The excessive use of detention in the immigration framework has been widely criticized in recent years. UNHCR in the Global Strategy (2014, p.5) concludes it straightforward: "putting people in detention has become a routine – rather than exceptional – response to the irregular entry or stay of asylum-seekers and migrants in a number of countries". The high proportion of detained individuals released from detention, and the fact that vulnerable individuals (including minors) are regularly found in detention, indicate that the system is inefficient for the authorities and inhumane and alienating for migrants (ECRE 2017; Fili 2018; Matevžič 2019). According to EU law (Reception Conditions Directive, Returns Directive and Dublin III) as well as the European Convention of Human Rights (article 5) and Council of Europe recommendations, deprivation of liberty for immigration-related reasons can only be used as a measure of last resort. This entails that the national competent authority, administrative or judiciary, once it has been ascertained that there are grounds for detaining the individuals, is obliged to evaluate whether the aims pursued can be achieved through a less coercive measure (Mangiaracina 2016).

The expanding evidence suggests that long detention processes reduce migrants' trust in the system as well as their wellbeing and mental health as they are separated from their families, communities, support groups and lawyers (Coffey 2010; Silverman, Massa 2012). The studies consistently demonstrate that detainees experience high levels of mental health problems, including anxiety, depression, fear, post-traumatic stress disorder both during and after detention (Keller et al. 2003; von Werthern et al. 2018). These negative effects are reinforced also because detention often takes place in places and in conditions that do not meet human rights standards. Detention of children brings devastating effect in particular on their physical, emotional and psychological development (Delbos et al. 2010; Zwi et al. 2018). Although immigration detention should remain an administrative and non-punitive measure, and as such distinct from criminal detention, the recent research shows something contrary. A study in Swedish immigration detention centers indicates that detainees feel that they are punished for a crime that they have not committed and consider detention as a prison (Puthoopparambil et at. 2015). The recent advocacy push for alternatives to detention has emerged in response to more restrictive migration policies and tougher measures

against irregular migration around the world, of which detention is only one of the symptoms. There is a common call for less intrusive measures, which are usually referred to as alternatives to detention.

Alternatives to detention

In view of the lack of legal understanding of the term alternative measures to detention, in this regard some definitions have been made by international organisations and scholars. The widely accepted interpretation provided by International Detention Coalition (IDC) is as follows: "any legislation, policy or practice that allows for asylum seekers, refugees and migrants to reside in the community with freedom of movement while their migration status is being resolved or while awaiting deportation or removal from the country" (IDC 2015, p. 12). According to IDC, alternatives to detention represent a shift from security and restrictions to a pragmatic and proactive approach focused on case resolution.

The increasing interest in alternatives to detention from governmental actors and civil society organizations is reflected in guidance and recommendations addressed to policy makers and practitioners on the use of non-custodial measures for asylum seekers and people in return procedures (FRA 2015, IDC 2015). The recommended measures embrace e.g. duty to stay in a particular location in open facilities, often combined with regular reporting requirements to the police or immigration authorities at regular intervals, and/or electronic monitoring. These instruments improve individual health and wellbeing, increase participation in immigration procedures, and ease the process of integration for individuals who obtain the right to remain. The important argument is also that detention is inherently more expensive than providing open reception or other alternatives to detention[19]. There is evidence that for migrants in a return procedure, the impression of fairness in the procedure and transparency in communication would facilitate decision on voluntary return (Edwards 2011). Obviously, in the context of asylum procedure, alternatives to detention can fulfil the interests of all parties: asylum seekers, host society and the governments by building greater fairness, accountability and trust into the system.

The Community Assessment and Placement model **(**CAP model) is one example of detention alternatives (IDC 2015). It is grounded on research findings revealing that the most effective alternatives to detention are based on case management, keeping individuals engaged in immigration procedures and meeting the basic needs of individuals and involving a clear referral mechanism that links screening and assessment with placement decisions. The CAP model is based on a social work approach, individual relation and counselling. Asylum seekers or people in return procedures are

[19] According to the Odysseus Network Research, detention is inherently more expensive than the alternatives. In Canada, detention was 93% more expensive, while in Australia, detention costs exceeded those of the alternatives by 69%. Generally, using alternatives to detention will save approximately 70% of the overall costs (De Bruycker et al., 2015, p. 23).

placed in open facilities and provided with individual coaches or counsellors to inform and advise them about their situation and options. The case manager ensures that the individual has access to information about the immigration or asylum process and that the government has up-to-date and relevant information about the person. The comparative research by UNHCR on detention procedures also confirms the crucial importance of access to early reliable legal advice and assistance, life at liberty with suitable reception conditions and holistic support of migrants (Costello, Kaytaz 2013). The general recommendation from research studies is to shift the detention system from enforcement to engagement. Alternatives to detention should assist migrants going through the system to understand the rules and participate better in immigration procedures, enabling their cases to be resolved in a fair, timely and humane manner, with the minimum use of enforcement.

Alternatives to detention in practice

All available data shows that introducing alternatives to detention is, in fact, more pragmatic approach with regards to the relationship between decisive factors such as the length and effectiveness of procedures, the risk of the migrant absconding, cost-effectiveness and the human rights impact (Dušková 2017). The comparative research among EU member states shows that the potential alternatives to detention are available in most of the EU member states and include reporting obligations, residence requirements, the obligation to surrender their identity or travel documents, release on bail, electronic monitoring, the provision of a guarantor, or being released to cooperate with care workers (EMN 2015). However, there are several differences regarding measures which are available, categories of third-country nationals that can be subjected to alternative measures, the kind of authorities that can make a decision. Practical implementation of alternatives to detention varies among the countries, in many cases the use of alternatives is rather rare and applied usually only to asylum seekers (EMN 2015).

According to many scholars, the increasing level of detention is part of a wider process of criminalisation of migration, where immigration law has been absorbing the theories, methods and priorities associated with criminal enforcement (Bloomfield 2016; Stumpf 2006). The excessive use of detention could also serve political purposes as a tool of managing popular anxiety of "undesirable foreigners", asserting state control over territorial borders and integrating international migration into security framework (Bourbeau 2019; Leerkes, Broeders 2010; Majcher, de Senarclens 2014; Sampson, Mitchell 2013).

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RESEARCH SOCIAL PLATFORM ON MIGRATION AND ASYLUM

ASK THE EXPERT POLICY BRIEF

May 2019

Zeynep Kaşlı

INTEGRATION

Comprehensive integration at the local level

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LINGUISTIC VERSION

Original: EN

Manuscript completed in May 2019

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Ask the Expert Policy Brief

Comprehensive integration at the local level

By Zeynep Kaşlı[20]

Immigrant integration refers to "the process of becoming an accepted part of society" which takes place in analytically distinct yet interrelated dimensions, namely the legal-political, the socio-economic, and the cultural-religious. This comprehensive process involves different parties, from immigrants themselves to the receiving society, acting at individual, collective, and institutional levels, as well as vertical and horizontal aspects of integration policymaking (Penninx and Garcés-Mascareñas 2016).

Building on our previous review of the literature on cities as providers, these expert policy brief maps out the latest research on the aforementioned dimensions, role of community organizations and local policies on integration processes.

Interrelated dimensions of integration process

Recent studies reveal that socio-economic, cultural-religious and legal-political dimensions of integration are mostly intertwined and are shaped by the local and contextual factors as well as the national policies.

Different contextual factors are noted. In the Swedish case, the willingness to receive refugees correlates with many factors, such as income, the unemployment rate, population and support for the right-wing party negatively (Lidén, G. & Nyhlén 2014). In the UK, local deprivation has direct negative effects on the patterns of labour market integration of new migrants (Clark et al 2018). An emerging strand of research on migration-related diversity stress the necessity to study the 'integration' experiences of people of native descent in cities and neighborhoods that are becoming increasingly diverse (Crul and Lelie 2019).

In terms of migrants' integration experiences, considerable variations are observed across Dutch and French cities that have different

[20] This brief is based on literature compiled via CrossMigration database. The author would like to thank the providers for privileged access to the portal which will be open access by 2020.

education and labor market structures in terms of school and labor market participation of descendants of migrants with shared social capital (Keskiner 2019). In terms of dependence on social assistance a study on the exists from assistance in Belgium shows that migration status stability and duration of residence eliminate the differences between migrants, refugees and natives (Carpentier et al 2017).

Studies on political and civic participation of immigrants in multiethnic cities, such as Amsterdam, Barcelona, London or other North American and European cities, also highlight factors related to both immigration and citizenship policies and people's mobility experiences related to those policies. These factors include length of residence, language and citizenship acquisition (Fick 2016; Yanasmayan 2019), negative impact of immigration enforcement on especially fast-growing mixed-status households in the US and elsewhere (Amuedo-Dorantes and Lopez 2017) and the restrictive citizenship rules which have impact on voting turnout in local elections even in cities that grant voting rights to foreigners (González-ferrer and Morales 2013; Seidle 2015).

Others draw attention to individual yet context dependent factors such as the immigrants' or their descendants' class position and life-course stage (McIlwaine and Bermúdez 2011), religiosity (McAndrew and Voas 2013), education, party identification and civic habitus (Sandoval, J. & Jennings 2012) and generational differences in social and cultural integration needs and experiences in different cities (Vathi 2015).

Role of civil society and community organizations at the local level

On the one hand, scholars observe that civic community organizing activities for all immigrants, regardless of citizenship status, can help empower and build individual and community identity, and mitigate stressors associated with immigrant feelings of social isolation (Dixon et al 2018). On the other hand, city and neighborhood level studies reveal that community organizations' impact on local immigrant integration policies is dependent on many factors, namely the infrastructure and types of organizational structures, and relations within these organizations (Morales and Pilati 2011) as well as the political composition of local governments and electoral power of immigrants (de Graauw and Vermeulen 2016).

Recent studies following a place-based approach show that local organizations and agencies play key roles in bring together newcomers and established communities and including immigrants in general and refugees in particular into the urban fabric manifested. Examples of organizations that help immigrants gain agency and voice in the public arena include the local development networks in Paris (Vincent-Mory 2018), volunteer work of migrant and native women in London (Vacchelli and Peyrefitte 2017), cultural co-production in Andalusia (Abraham 2016) and place-based communities in Vancouver (Schmidtke 2018).

Similarly, some studies reveal the 'gap filling' role of the third sector organizations (TSOs) at the local level especially due to national governments' increasingly restrictive approach to the rights and entitlements of migrants in the face of minimal electoral costs of failing to fulfill their legal obligations. TSOs' role is recorded in the welfare support provided to asylum seekers and refugees in the British cities (Mayblin and James 2019) and shelter to irregular immigrants in Dutch cities (van der Leun and Bouter 2015)

It is also necessary to note here that such placed-based perspectives do not presume that social or spatial mobility of immigrants would automatically lead to cutting of social networks and ties with the migrant neighborhood (Hanhörster and Weck 2016). Even more, a growing body of literature on transnationalism, seeing integration as a three-way process, stress how translocal links between migrant organizations and local governments in countries of origin also contribute to local integration in the country of destination (Di Bartolomeo et al 2017; Garcés-Mascareñas B., Penninx R. 2016; Salamońska J., Unterreiner 2017; van Ewijk and Nijenhuis 2016; Weinar et al 2017).

Localism in practice

A recently edited volume highlights that, cities worldwide have become markets for migration management and development as a result of decentralisation policies (Lacroix and Desille 2018). With the recent evolution of migration and integration policies at the EU, national, regional and local levels, the notion of "multilevel governance" is developed as one possible way of structuring relations between various government levels (Scholten and Penninx 2016).

Scholarly debates on the cities' role in integration are portrayed in our earlier expert briefs on cities as service providers and also on the local support for social inclusion of the undocumented. Studies focusing on the interaction between national and local policy frames observe either increasing compliance with the national government, as in the case of Sweden (Emilsson 2015) or frame divergence as in the case of the Netherlands (Scholten 2016). Studies focusing on local processes of implementation show that local policymakers seem to pragmatically mix and merge different integration perspectives (Schiller 2015) and some city level policies, such as Rotterdam's conservative integration policy, even set an example for other national and local integration policies (Dekker and van Breugel 2018). Recent studies reveal further contradictions in the UK case, namely the frictions between new devolved levels of governance and implementation of non-devolved policies at the time of austerity in the UK (Coker 2018; Galandini et al 2018)

The outcomes of Concordia Discors project on European neighborhoods bring it closer to the grassroots level and underline that integration of immigrants in rapidly evolving, fragile and yet resilient neighborhoods has become a non-excludable public good, in strictly micro-economic terms. The comparison across European neighborhoods show that those with their own shared sense of a vital narrative or a neighborhood policy community are better able to control and

frame news referring to them, and produce a more balanced (less negative) representation of immigrants and ethnic minorities (Pogliano 2016). It is also noted that diffuse and proactive engagement of local communities requires regular encounters in 'interaction sites,' such as public libraries, public parks, NGOs' premises, and other similar places which are at high risk of disappearance across European cities due to the sharp retreat of public actors (Pastore and Ponzo 2016).

In short, latest research on immigrant integration at the local level show that sustainability of integration process requires not only some structural support related to migration process and involvement of civil society and community organizations. Resourceful local authorities, in terms of their decision-making power and financial resources, are also essential to support bottom-up initiatives, to boost and sustain far-reaching and inclusive local communities.

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Zeynep Kaşlı

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LINGUISTIC VERSION
Original: EN

Manuscript completed in May 2019

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Ask the Expert Policy Brief

Public opinion on migrants and migration policies

By Zeynep Kaşlı[21]

Public opinion on migrants and migration policies

In the last years, along with the increasing politicization of migration in the last decades, public opinion on migration and the role of media in public perception have come under closer scrutiny. So far, academic debates have mainly focused on issues of framing. Scholars of political behavior, political psychology and communication, compiling data in different settings and through the use of different research methods, are pioneers in this field.

This expert brief gives an overview of the current state of the art which could be classified as three strands of research: politicization of migration and formation of what is called public opinion; media's role in shaping public perception and policies through issue framing; and lastly the interdependences between media framings and different sectors of the societies and states.

Politicization of Migration and formation of "public opinion"

Comparative or single case studies across Europe and the US show that migration has been politicized or policy-makers follow public views and demands on immigration at different degrees and at different times (Blitz 2018; Ford et al 2015; Morales et al 2015; van der Brug et al 2015). On the one hand, despite the seemingly strong public demand for immigration restriction, policy-makers have faced a trade-off between being 'responsive' to public demands and 'responsible' for providing the needs of a flexible, globally integrated economy, as it is the case in the UK since 2004 (Ford et al 2015). On the other hand, European governments have developed restrictive policies despite public sympathy towards refugees and asylum seekers, proving that the reconnection of security and humanitarian policy is a key characteristic of a 'post-post-Cold War era' (Blitz 2018).

[21] This brief is based on literature compiled via CrossMigration database. The author would like to thank the providers for privileged access to the portal which will be open access by 2020.

It is surprisingly the mainstream parties, and especially those in government, that are central players in this process whereas 'challengers,' namely radical right-wing parties, play a relatively limited role. The gap/distance between policies and public opinion on immigration is found to be related to the combination of negative public attitudes with extensive media coverage, and not related directly to the strength of radical right-wing parties (Morales et al 2015). Yet these parties generally have most 'ownership' on the issue of immigration, which makes them claims-makers in the news regardless of the party size and government status (van der Brug and Berkout 2015).

Some public opinion studies, however, remind us that there is not a homogenous public opinion against which the effect of policy-opinion gap or the effect of media coverage on public opinion is observed. For example, although assimilation model gained popularity in Luxembourg between 1999 and 2008 among all groups, native residents are more supportive of this model compared to foreign-born residents and second-generation immigrants with two foreign-born parents who score higher on preferences for multicultural integration (Callens et al 2014). Similarly the survey experiments underpin the importance of individual differences, such as differences in people's level of empathy which moderates the effects of both threat and humanitarian inducements in the given information environment (Newman et al 2015) or individuals' motivation to control prejudice on key issues of multiculturalism (Blinder et al 2019). As a recent cross-country study suggests, these results reveal differences in individual's opinion not only across key policy issues, such as support for religious schools, but also across European countries with or without multicultural path of accommodation (Blinder et al 2019).

This brings us to a methodological note on interpreting public opinion research in general and on immigration attitudes in particular. Based on novel survey data, it has been proven that individuals' perceptions of immigrant and immigration may diverge significantly from what government statistics and policies identify or target as immigrants (Blinder 2013) and that the acceptance of immigrants is dependent on the perceived presence of immigrants (Cea D'Ancona 2015). Therefore, the relationship between public imaginaries on immigration and (anti-)immigration policy preferences stands on a slippery slope.

Role of issue framing on public perceptions and policies

Research shows that media framing of immigration may focus on the short-term implications of immigration on the receiving society or economy at the expense of broader societal and global effects. This was apparently the case in the sole focus of Canadian newspapers (2004-2009) on domestic physician shortages and the total disregard of academic concerns over the brain drain of physicians and nurses from developing countries (Pylypa 2013). Media framing also seem to be instrumental for restrictive policy solutions as it was the case in the global city of Hong Kong where policy-makers refer to media coverage of the causes of requests for asylum and their recommendations for dealing with the "problem" and disregarding how much restrictive immigration policies would affect local economy (Ng et al 2018).

Recent studies on public opinion suggest that it is vulnerable to various types of framing and cue effects. For example, press portrayals seem to match public perceptions of migrants, with "illegal immigrants" and "failed asylum seekers" as predominant depictions in broadsheet and tabloid newspapers in the UK (2010-2012) (Blinder and Allen 2018). Yet media framing is also found effective in swaying public opinion, for example in the US where a majority of Americans support harsh immigration policies while also supporting deferred action for undocumented college students during the DREAM Act campaign (Haynes et al 2016). Similarly, a survey experiment shows that humanitarian concern significantly decreases support for restrictive immigration policy in an information environment which evokes both threat and countervailing humanitarian concern regarding immigration (Newman et al 2015).

An adjacent literature draws attention to individuals' interaction with news coverage for opinion formation or relative importance of media framing across different migration-related issues. A survey experiment conducted in Switzerland shows that voters responded to frames and cues by increasing support for the position that is in line with their pre-existing partisan attachment and this "reinforcement effect" was most visible among low knowledgeable voters that identified with the party that owned the issue (Bechtel et al 2015). Another survey experiment conducted in the US, just one week after President Donald Trump signed a controversial executive order to reduce the influx of refugees to the United States, reveals that participants in refugee-dense counties are less responsive to threatening frames (Ferwerda et al 2017). The positive

impact of proximity is complemented by the findings of the Concordia Discors project conducted across Europe on the role of the local dimension in media representations of immigrants and ethnic minorities as it shows that neighborhoods with their own shared sense of a vital narrative are better able to structure media representations, control and frame news referring to them against moral panic fostered elsewhere (Pogliano 2016). This brings us to the final point on the relationship between media and public opinion, that is, media autonomy.

Media autonomy and issue framing

Recent studies show that media autonomy, a key aspect of freedom of expression, has different implications on this matter. It is important to pay attention to especially social media communication, regardless of its representative power, as it allows to observe attitudes and grievances that would be harder to observe otherwise in opinion surveys or experiments. For example, in Portugal, where politics and mainstream media have been resistant to the recent spread of populism, social media is the only milieu that allows the introduction and dissemination of populist views or styles of communication in the public debate, and that amplifies the visibility of this kind of discourses as much as they are linked to the local/national political and social changes (Salgado 2019). Similarly, a recent study based on internet searches in 3099 U.S. counties (2014-2016) reveal that anti-Muslim searches are strongly associated with pro-ISIS searches, particularly in communities with high levels of poverty and ethnic homogeneity; settings where minority groups are isolated and therefore highly visible or compete with majority groups for limited financial resources (Bail et al 2018).

Scholars looking at the autonomy of newspapers, more conventional media sources, assess them in terms of their relationship with the government and differences across scales. A comparative study of British regional shows that the regional media, unlike the national media, makes a clear distinction between national and local issues, uses a positive, humanizing frames on especially local topics and a rather negative national discourse on topics such as legislation (Cooper et al 2016). Ironically, a research on the items of migration coverage in national British newspapers (2006-2015) highlight the role of bureaucratic procedure on what appears as media autonomy by showing that the differences in the use of terms and language between the press and the politicians' preferred lines stem from the routine press interactions with the

nonpolitical Office for National Statistics which enable press coverage (Allen and Blinder 2018).

In sum, media coverage on migration and migration policies has an impact on public opinion, yet this effect varies across medium and is determined by individual factors, ranging from pre-existing partisanship to proximity to newcomers. Societal conditions that would allow positive contact and thrive pro-immigrant perceptions and experiences seem important to prevent the (re)production and dissemination of disinformation on migration in conventional or new media outlets.

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ASK THE EXPERT
POLICY BRIEF

May 2019

Zeynep Kaşlı

INTEGRATION

Integration outcomes of recent sponsorship and humanitarian visa arrivals

The **Ask the Expert Policy Briefs** are **highly informative tools** proposed in the framework of the ReSOMA project. They tap into the **most recent academic research** on the 9 topics covered by ReSOMA and map it out in a way that is **accessible to a non-academic audience**. By doing so, the briefs introduce the **policy-relevant research** conducted by researchers with different approaches and perspectives on the same topic.

LINGUISTIC VERSION

Original: EN

Manuscript completed in May 2019

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This project has received funding from the European Union's Horizon 2020 research and innovation program under the grant agreement *770730*

Ask the Expert Policy Brief

Integration outcomes of recent sponsorship and humanitarian visa arrivals

By Zeynep Kaşlı[22]

In recent years, there has been experimentation and exchange of good practices in refugee settlement and integration in key asylum and migration destinations. This brief introduces available academic scholarship on diverse refugee integration policies, experiences and outcomes of new arrivals compared to spontaneous and resettlement arrivals in Europe and elsewhere.

Our literature review reveals that existing studies focus on the following: the developments in legal protection and international law; refugees' integration experiences across programs and key challenges; and finally, role of local actors in refugee integration.

New pathways as legal innovation

Alternative legal pathways for refugees, and specifically private sponsorship (PSR), are welcomed as innovative developments in international law and flexible tools to speed up the process of settlement. Some argue that PSR would not only allow individuals to be the bearers of sovereignty, distinct from that of states, and but also enable more persons to get the legal protection by implementing international obligations in the area of refugee and human rights law more efficiently (Krivenko 2012).

PSR has been especially used as both a flexible and durable solution in Canada. Over the years, a number of studies have examined whether it is in line with the international objectives of increasing and diversifying resettlement (Treviranus and Casasola 2003) or whether the expanding role of civil society in this program leads to further privatization of immigrant welfare, localization and depoliticization of the integration experiences of refugees (Ritchie 2018). Recently it is shown that 2013 addition to the private resettlement scheme, the Blended Visa Office-Referred

[22]This brief is based on literature compiled via CrossMigration database. The author would like to thank the providers for privileged access to the portal which will be open access by 2020.

(BVOR) program, which matches refugees identified for resettlement by the United Nations Refugee Agency (UNHCR) with private sponsors in Canada, turned it into a middle ground between sponsorship and government-assisted resettlement (Labman and Pearlman 2018).

Initiatives as well as research on assessing alternative channels in Europe seems in its infancy. Yet a recent study on the "integrated refugee management" (2013-217) in Germany shows that the new legal and administrative measures, on the one hand, speed up asylum seeking processes, and, on the other hand, create new hierarchies. It is mainly criticized for classifying persons applying for a humanitarian residence visa into four clusters, each with different entitlements regarding the admittance to state-financed German courses and integration measures focused on education and the labour market (Will 2018). Another study inspired by the free movement within an "innovation zone" that is proposed by the E15 under GATS, makes the case for a possible policy innovation on the entry of migrant entrepreneurs that would include refugee entrepreneurship in the quest for innovation (Lange 2018).

Integration experiences and challenges under different pathways

Success of sponsorship programs has been measured in different ways. Recent studies show that the co-existence of different sponsorship programs in Canada (PSR versus GAR- short for government sponsored refugees) in practice led to differential treatment based on country of origin, status of refugee claim, and mode of arrival to Canada. This has had negative implications for integration in the form of limited and hierarchal insurance coverage for asylum seekers in the aftermath of Protecting Canada's Immigration System Act of 2012 (Harris and Zuberi 2015), and GAR's significantly lower perceived physical and mental health as well as higher unmet healthcare needs compared with PSRs (Oda et al 2019).

When it comes to wellbeing and integration over time, variation across sponsorship, temporary protection and government-led asylum procedure, seem related to many different factors. A two year-long study of households participating in an Extended Case Management Program (2009-2011) in Salt Lake City, in the US, show that it is related primarily to language ability/competence at arrival, household type, country of origin, and employment status (Shaw and Poulin 2014). A recent study comparing integration experiences of Liberian refugees in New York City and Minneapolis-St Paul shows that the emphasis of temporary protected status on security and legal protection, and not having

access to certain services and institutions, such as higher education, not only restrain political integration, citizenship and belonging in the country of settlement, but may also exacerbate old ethnic divisions among country fellows and created new divisions (Reilly 2016). Moreover, studies on the socio-economic integration of different refugee groups in the Netherlands and Canada show that the type of residence status granted or sponsorship type can be a source of insecurity and, along with the socio-economic position in the new destination, may turn into post-migration stressors with severe effects on health, and in particular mental health, and integration (Bakker et al 2014; Tuck et al 2019).

Next to type of residence, recent studies also draw attention to the long asylum waiting period and employment bans in many European countries as factors with long-term effects on the subsequent economic integration of refugees (Hainmueller et al 2016). A recent study on the German case show that despite the existing court ruling, which prompted a reduction in the length of the employment ban, it took up to 10 years for the employment gap to disappear (Marbarch et al 2018). The authors also suggest that this employment ban cost German taxpayers about 40 million euros per year, on average, in terms of welfare expenditures and foregone tax revenues from unemployed refugee (ibid).

For successful and quick integration of refugee, and especially in terms of employment, (a) family support and friendships, and (b) whether and how these connections help in finding employment and housing seem important. Recent studies conducted on US and Canada show that even the number of business owners in refugees' networks matters (Dagnelie et al 2019) and both bonding and bridging capital are crucial for privately-sponsored refugees (Hanley et al 2019). The wellbeing, social and cultural integration and academic success of refuge children in especially global cities like New York seem highly contingent on access to international high schools (Bartlett et al 2017). A research in the UK shows how refugees actually constantly seek acceptance and respect beyond the tolerance they are offered (Healey 2014). Positive interaction with neighbours (Hebbani et al 2018) and informal networks, like local women organizations, (Erden 2016), and maintenance of hope (Jani et al 2016) seem to play important role in newcomers' perception of being welcomed in the host society, the opposite of which severely hampers the acquisition of bridging social capital and potentially slows down linguistic and cultural adaptation, employment and life standards. The importance of positive interaction and being welcomed are also proven by a recent research on Vancouver, based on the longitudinal national data from the New Canadian Children and Youth Study (NCCYS), which shows how, despite a decrease in perceived parental discrimination and perceived family discrimination, perceived cultural discrimination has increased over time and had a negative effect on child health (George and Bassani 2018).

Role of local governments and service providers

Empirical studies show that refugee integration is also contingent upon local dynamics.[23] On the one hand, municipal income, unemployment rate, population, and support for the right-wing party are negatively related with the willingness to receive refugees (Lidén, G. & Nyhlén 2014). On the other hand, secondary migration across cities presents an extra challenge in terms of local dispersal policies which are specifically designed to manage regional development and population pressures on welfare and employment (Bloem and Loveridge 2018).

Some early studies on the experiences of PSRs in Canada underlined the fragility undermining reliance on refugee arrivals as a significant source of future immigration to certain provinces, suggested to think strategically on how to retain new arrivals within the province (Denton 2003) and invited both the newcomers – to assume a greater role in shaping their own resettlement pathways through transnational linkages—and places of worship –to make a bridge between their wider community services and newcomer idioms and customs (Lanphier 2003). In deed recent studies on the partnership between a dedicated health clinic for GARs, a local reception centre and community providers in Canada (McMurray et al 2014) and US-based preventive services program (Critelli 2015) demonstrate that an integrated community-based primary healthcare intervention has become key for timely and more culturally appropriate care sensitive to family characteristics, service needs, and strength-based practices for integration.

Recent studies looking at reception experiences from the perspective of service providers and administrators reveal a considerable variation among those actors in what they believe to be the goals and outcomes of reception (Dubus 2017) while lack of interconnections between actors, lack of an articulated political vision of integration and absence of systematic evaluations and long-term follow-ups of how the reception affect integration are highlighted as issues that take fold and are to be addressed at the local level (Wimelius et al 2017).

In sum, existing research shows that, for successful, fast and effective refugee resettlement, as much as opening up alternative pathways, it is important to offer smooth transition into labor market and closely follow up of the health and other needs related to the wellbeing of individuals and households. Research conducted at different times also stress that local level actors play a crucial role in refugee integration especially in countries where municipalities have full autonomy to accept or decline refugees.

[23] For policy debates on cities' role as services providers to migrant populations topic see RESOMA discussion brief and expert brief published in 2018.

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