



ASK THE EXPERT
POLICY BRIEF

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Marina D'Odorico & Erika Colombo

**Secondary movements of asylum seekers
within the European Union**

ASYLUM





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Contact: resoma@resoma.eu



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Ask the Expert Policy Brief

Secondary movements of asylum seekers within the European Union

By Marina D'Odorico & Erika Colombo

The secondary movements of asylum seekers and beneficiaries of international protection represent a central topic in the academics' discussions. As explained by researchers, many different factors may influence such movements and the decision to settle in a specific country.

Therefore, scholars and stakeholders interpret this phenomenon both as reflection of asylum seekers' need to reach countries with more appropriate reception conditions and better opportunities, and as the direct outcome of the failure of many Member States in respecting dispositions provided by the Reception Conditions Directive and by the Qualification and Procedure Directives.

As a result, the huge number of arrivals of asylum-seekers to Europe in recent years has led to the phenomenon of securisation (by re-introducing internal border controls, derogating from the Schengen regime and by building new border fences), which risks undermining the Schengen system. Thus, the European Commission proposed in 2015 a comprehensive harmonization of asylum rules and a range of new measures on asylum policy both to stop secondary movements and to ensure solidarity for Member States of first entry.

The following brief is a summary of our interview and written exchange with two key experts: Dr. Jeroen Doomernik, Researcher with the Institute for Migration and Ethnic Studies (IMES) and Lecturer at the Department of Political Science; and Prof. Chiara Favilli, Professor in European Law at the University of Florence and at the Legal Profession Specialization School of Rome, Florence and Palermo.

In the light of recent developments in this field, underlined in the first brief, and in the light of their own research, we asked the experts to individuate drivers for secondary movements both of asylum seekers and beneficiaries of international protection and to comment specifically on the instruments to adopt to harmonize EU Member States reception and integration systems and, thus, to manage or reduce this phenomenon.



What are the main drivers for secondary movements of asylum seekers and beneficiaries of international protection? Do you think they differ for the two categories?

As Doomernik said, *"The secondary movements are not necessarily a bad thing, because they allow asylum seekers and refugees to settle where they could expect to have better opportunities for a new life. The secondary movements may be in the interest of asylum seekers and refugees."*

Indeed, we must assume that both asylum seekers and beneficiaries of international protection are looking for work and, therefore, they will try to reach destinations where they could have more chances to find an occupation. Moreover, these people are aware of the discrepancy between reception systems of Member States and they are incentivised to seek for the best options in view of integration.

As underlined by Favilli, drivers for secondary movements are surely affected by "short-term" expectations (basic reception conditions), but, above all, by "long-term" ones. She explained that most of those who try to evade the Dublin system consider the fact that the State competent to examine the application for international protection will be the same State in which the third-country national would be intended to reside if the international protection was granted. Indeed, the European asylum system, combined with other EU provisions on the movement of third-country nationals, leads to a coincidence between the State responsible for examining the application for international pro-

tection, the State responsible for protection and the EU State of residence, almost always the State of first arrival.

Therefore, asylum seekers' choice to move forward and avoid the identification procedures in specific Member States is extremely influenced by the consideration of the opportunities for social integration existing in that context. In fact, the States chosen as destinations by asylum seekers and beneficiaries of international protection are the ones that present economic and social standards that lead migrants through a more accessible integration process, due to the existence of better employment prospects, structured welfare systems and organised social inclusion programmes.

Finally, the choice of the destination could be also determined by other factors, such as the presence of family members or the knowledge of the language of a specific country.

What aspects of States' asylum policies should be prioritized for further harmonization in order to reduce or stop secondary movements between EU Member States?

According to Doomernik, secondary movements are not a phenomenon that needs to be controlled, *"unless its outcomes could be very unfair"*.

However, according to his point of view, the only kind of "control" than could be exerted, consists in allocating asylum seekers according to a certain distribution key, that would assure a more equal responsibility sharing both between European countries and within each Member State itself. In this perspective, he suggested to



follow the good example represented by the German allocation system. In Germany, it is established a sort of “*moving restriction*”: you cannot move freely within the country as long as you depend on the welfare system. Indeed, there is an authority who decides in which Federal State a refugee or an asylum seeker should go and reside; thus, the person is obliged to remain within that specific *bundersland* as long as he or she is dependent on welfare or other public facilities. Only when he or she finds an employment elsewhere, he or she can move.

Moreover, considering the major outcome of the secondary migration, consisting in the Schengen crisis, the experts proposed a harmonisation of the reception systems within the European Union as complementary way to handle these onward movements. As they both underlined, indeed, “*it should not matter where you apply for asylum, even if we know that it is not like this*”. Specifically, Favilli suggested the need to improve the quality of reception systems, providing integration programmes that are immediately activated when migrants apply for asylum.

Do you think that reduction of secondary movements necessitates a legislative reform of the Dublin Regulation and if so, what should be the key features of such reform for the purpose of such reduction?

According to both the experts, the Dublin Regulation provides a non-working mechanism that should be abandoned. In this perspective, as explained by Doornik, Dublin Regulation is a “*bad invention*”, because it leads to a very unfair distribution of the responsibilities within the European Union and produces unsustainable migratory pressure on EU-border countries, such as Italy, Greece, and Spain. Furthermore, he highlighted that the above-mentioned regulation is not only “*unfair*”, but it also undermines the idea of solidarity within the European Union. Dublin III should be replaced by a very simple mechanism, based on a fair distribution key and which might be like the one that has already been proposed by the Commission. However, according to him, assuming the necessity of a reform, it would be very smart and in the interests of everyone to consider both asylum seekers and refugees' desires in view of a modification of the Dublin regulation.

On the other side, Favilli underlined that it should be borne in mind that the real cause of secondary movements is the fact that the Dublin Regulation determines not only the Member State responsible for examining an application for international protection but also the Member State in which the person may reside after recognition of the status. Indeed, unless the European Union is now an area of freedom, security and justice, characterised by the



right of free movement of persons, beneficiaries of international protection have not been granted freedom of residence in other Member States. On the contrary, the recognition of a limited freedom of movement and residence for beneficiaries of international protection would provide a secure and orderly regulatory framework for secondary movements of beneficiaries of international protection and could be an effective preventive and deterrent to secondary movements of asylum seekers.

What are the major issues on this topic that need further research to contribute to the policy field? Related to that, on which issues are further feedback needed from national stakeholders active in this field, namely policy actors at the local and national level as well as related NGOs, experts and practitioners?

- Further analyses on the dynamics and on the drivers of secondary movements can help to propose more adequate solutions to the ongoing crisis. Indeed, qualitative research into the nature of the needs of asylum seekers and refugees means understanding what opportunities these people dream of, and, consequently, individuating the better ways to face the responsibility sharing issue.
- Related to that, broader information about the validity of the refugee status within different Member States can assist in figuring out the reasons that encourage people to choose some destinations rather than others.
- Creative thinking and discussion on distribution mechanisms is an absolute priority.

- Serious reflection and a wide-ranging debate on opportunities sharing can lead to realize that asylum seekers - and migrants in general - are an advantage and a resource, because they want to contribute to our economies. Therefore, it is essential to design opportunities for these people, rather than block them.
- Further studies on the application criteria of the "sovereignty clause" provided by article 17 of the Dublin Regulation and on the evaluation of the existing family links, requested to individuate the Member State competent for the examination of the asylum application, could be useful with a view to design a more harmonized system.
- It would be also important to be able to obtain constant updating about the number of effective transfers from and to each Member State.

In sum, the experts highlighted the need to invest resources in supporting the harmonisation and proper implementation of the CEAS to minimise the differences between national asylum systems and, thus, strengthening mutual trust and mutual recognition of the measures taken by the Member States. Also, they pointed out the urgency to find an alternative for the non-working Dublin system and to design a different mechanism for the allocation of responsibility between Member States. In this perspective, considering the needs of asylum seekers and recognizing a limited freedom of movement and residence for beneficiaries of international protection could represent a disincentive for onwards movements of the first ones and assure a systematic regulatory framework for secondary movements of the second ones.

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✉ resoma@resoma.eu

