Lifejackets at a landfill site on Lesvos Island in Greece. Credit: Pablo Tosco/Oxfam

BEYOND 'FORTRESS EUROPE'

Principles for a humane EU migration policy

In 2015, the EU announced its Agenda for Migration: a blueprint for managing migration. Two years on, it's clear these policies have sacrificed people's safety and well-being in order to stop irregular migration at all costs. This report outlines Oxfam's proposal for a new and balanced approach to managing migration – one that protects people and promotes the benefits associated with migration for European host countries, people on the move and their countries of origin.

OXFAM

EXECUTIVE SUMMARY

In 2015, in response to the dramatic increase in the number of people crossing the Mediterranean in search of safety and a better life, the European Commission published the European Agenda on Migration. The policy, also known as the Migration Agenda, was adopted by European heads of state and government in the European Council meeting of 25–26 June 2015 and has since formed the basis of European actions on migration.

More than two years after the Migration Agenda was adopted, it is clear that EU institutions and member states have not taken a balanced approach to managing migration. Instead they have focused their efforts on reducing irregular migration and increasing border management, with very little attempt to increase options for safe and regular migration, and insufficient concern for the human rights and living conditions of asylum seekers.

Oxfam has seen first-hand the devastating impact of some of the Migration Agenda measures and other recent European policies on people moving across borders, and is calling on European decision makers to adopt a migration policy which is fair, protects human rights and is conducive to development. A better approach is both urgently needed, and possible. In the meantime, the current European approach is pushing people to take longer and more dangerous routes, increasing the hardship and risks they face, with women and children at particular risk of violence and trafficking.

SHORT-TERM POLICIES SACRIFICING DEVELOPMENT GAINS

Preventing people from arriving irregularly into Europe by boat or on foot is a central objective of the EU's approach to migration. To this end, the EU and member states have recently adopted several policies and agreements, such as the Valletta Action Plan[1] and the Migration Partnership Framework.[2]

However, such initiatives risk compromising aid effectiveness and good donorship principles, and provide no safeguards to ensure that human rights are respected or that rule of law standards and protection mechanisms are in place. Political pressure to act tough on migration has resulted in changes to how the effectiveness of development aid is measured, by linking 'success' with reductions in migration. Instead, development projects in sub-Saharan Africa and elsewhere should only be evaluated in terms of improvements in people's lives, and not against the numbers of people crossing the Mediterranean to Europe.

In addition, the EU approach of reinforcing support for border controls in order to prevent irregular cross-border movement ignores the critical contribution of regional migration to economic development in Africa, despite the fact that regional migration is far greater than migration to Europe. Regional migration also has an important role in people's ability to cope with serious threats such as conflict, famine and other sudden or slow-onset hazards. While most displaced people remain within their own states, many have no choice but to cross borders.

Measures to ‘tackle forced displacement’, one of the main objectives of Europe’s migration interventions in Africa, can undermine disaster preparedness and resilience-building efforts by making cross-border movement more difficult and dangerous. Rather than forcing people to remain in their country, such interventions should enable people to flee from harm and make it easier for local authorities and humanitarian organizations to provide assistance.

Deals that negatively affect people’s lives

In 2016 and 2017, the EU and its member states made a number of agreements with third countries to reduce the numbers of people arriving irregularly at European borders, and to ensure that more people are returned to non-European countries. The effectiveness of the model for these agreements, the EU-Turkey deal of 18 March 2016, has been questioned by academics.[3] Yet, by replicating this model through agreements with additional countries, the EU pushes its obligation to host refugees onto poorer countries at an immense cost to people’s dignity, well-being and their ability to seek asylum safely.

The consequences of stopping people from moving through Europe

Another objective of the EU migration approach is to stop people who arrive at Europe’s borders from moving any further, and the EU has set up various legal and physical barriers to this end. Attempts to replace asylum seekers’ ability to move in Europe by agreeing on sharing the responsibility for addressing their needs have stalled due to political disagreements. As member states point the finger at each other, thousands of people have been left living in unacceptable conditions.

Many refugees are unable to reunite with family members who are already in Europe. As a result, many people are giving up on their asylum process and are undertaking dangerous journeys between member states, travelling alone or with smugglers, with women and girls particularly exposed to violence and abuse.[4] Security forces in countries along the route, such as in Hungary and Croatia, use brutal tactics to force people back to the countries they had passed through.[5]

The European approach is often leaving people in limbo, without a clear understanding of their rights or the asylum process, and little support. The mechanism to relocate asylum seekers from Italy and Greece to other European states has also failed to meet expectations: only 28 percent of member states’ commitments for relocation have actually been fulfilled,[6] and the European Commission expects that the total percentage will reach 38 percent.[7] Thousands of people have been rejected by member states, have not registered for resettlement or have simply found other ways to move out of the country they arrived in.

A NEW APPROACH IS NEEDED

In response to the need for proactive migration policies, European leaders have made the wrong choices. By presenting migration as a threat rather than recognizing its benefits, they are playing into the hands of populist fearmongers who falsely claim that Europe is unable to cope with the arrival of more people on its shores.

Two years into the implementation of the Migration Agenda, it is clear that European member states and institutions must adopt a new and balanced approach to managing migration – one that protects people and promotes the benefits associated with migration for European host countries as well as for migrants and their countries of origin.

Policies which address migration-related issues in countries of origin or transit must adhere to the following principles: (a) make development work for people; (b) do not ignore the risks – address them; (c) rescue people in danger; and (d) improve and increase safe and regular mobility options.

Europe's policies for managing migration at and within its borders must follow these principles: (a) ensure people can live their lives in dignity; (b) ensure asylum procedures are accessible, fair and effective; (c) do not detain people simply on the basis of their migration status; and (d) help families to reunite.

Recommendations

Governments have a duty to respect and protect the human rights of refugees and migrants, and a responsibility to promote the positive aspects of migration. The EU and its member states should:

1. Ensure that European law and national legislation meet, at a minimum, international and European human rights standards and protect the rights of migrants and refugees. European and national policies should also be designed with the aim of increasing the benefit that migration can carry for those who are moving across international borders as well as for the communities and countries of origin, transit and destination.
2. Ensure that all projects adopted under the EU Trust Fund (EUTF) for Africa promote the objectives and effectiveness of development aid, and that input from all relevant stakeholders, primarily the populations affected by each project, is considered before projects are approved.
3. Ensure that agreements with partner countries do not include provisions that reduce the EU and member states' responsibility for hosting and protecting asylum seekers and refugees. Europe must continue to assess asylum claims on an individual basis, providing access to a full, fair and effective process.
4. Implement fair and effective asylum procedures and give people access to at least minimum standards of living and procedural rights. To ensure this, the EU and its member states should:
    a. Ensure people have access to information on their rights and the asylum process in a language they understand, and expand legal assistance.
    b. Improve conditions in hotspots and reception centres in front-line states, so that people can access appropriate accommodation, healthcare, good

quality food, water and sanitation.

c. Use detention as a measure of last resort that is taken only after all non-custodial alternatives to detention have been considered. Children should never be detained because of their own or their parents' migration status.

d. Provide access for independent organizations and bodies that can provide aid, including psychosocial support and legal assistance, and monitor respect for human rights.

5. Commit to protecting and advancing the rights of migrants in the negotiations towards the UN Global Compact for Safe, Orderly and Regular Migration; commit to sharing responsibility for receiving, hosting and supporting refugees at home and abroad in the negotiations towards the UN Global Compact on Refugees; and encourage other countries to do the same.
6. Commit, both at an EU and member state level, to examining and adopting mechanisms to increase and improve safe and regular pathways for refugees and migrants. This should include effective mechanisms for relocation that respect the legitimate needs and choices of asylum seekers, prioritize the most vulnerable without discrimination, and ensure that responsibility is shared between member states.
7. Expand the definition of family for both refugee family reunion and Dublin Regulation applications, to include young adults who were dependent on family unity prior to displacement, parents, siblings and in-laws, and ensure that the concept of dependency is adequately addressed.

NOTES

1 Valletta Summit on Migration (2015, November 11–12). *Action Plan.*

2 European Commission. (2016, June 7). *Establishing a new partnership framework with third countries under the European Agenda on Migration*. (COM(2016) 385 final).

3 See, for example, Thomas Spijkerboer. (2016). *Fact Check: Did the EU-Turkey Deal Bring Down the Number of Migrants and of Border Deaths?* Retrieved 21 September 2017 from *Border Criminologies*, Oxford University Faculty of Law blog. https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/09/fact-check-did-eu

4 Oxfam. (2016, September). *Closed Borders: Programme Report on the impact of the borders closures on people on the move, with a focus on Women and Children in Serbia and Macedonia*. Retrieved 21 September 2017 from: https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/closed_borders_eng_low.pdf

5 Oxfam. (2017, April). *A Dangerous 'Game': The pushback of migrants, including refugees, at Europe's borders*. Retrieved 21 September 2017 from: https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-dangerous-game-pushback-migrants-refugees-060417-en_0.pdf

6 European Commission. (2017, September 6). *Annex 3 to the Fifth report on relocation and resettlement*.

7 European Commission. (2017, September 27). Communication on the Delivery of the European Agenda on Migration.

This paper was written by Raphael Shilhav. It is part of a series of papers written to inform public debate on development and humanitarian policy issues.

For further information on the issues raised in this paper please email advocacy@oxfaminternational.org

Published by Oxfam GB for Oxfam International under
ISBN 978-1-78748-084-1 in October 2017.
Oxfam GB, Oxfam House, John Smith Drive, Cowley, Oxford, OX4 2JY, UK.

OXFAM

Oxfam is an international confederation of 20 organizations networked together in more than 90 countries, as part of a global movement for change, to build a future free from the injustice of poverty. Please write to any of the agencies for further information, or visit www.oxfam.org

Oxfam America (www.oxfamamerica.org)
Oxfam Australia (www.oxfam.org.au)
Oxfam-in-Belgium (www.oxfamsol.be)
Oxfam Brasil (www.oxfam.org.br)
Oxfam Canada (www.oxfam.ca)
Oxfam France (www.oxfamfrance.org)
Oxfam Germany (www.oxfam.de)
Oxfam GB (www.oxfam.org.uk)
Oxfam Hong Kong (www.oxfam.org.hk)
Oxfam IBIS (Denmark) (www.ibis-global.org)
Oxfam India (www.oxfamindia.org)
Oxfam Intermón (Spain) (www.oxfamintermon.org)
Oxfam Ireland (www.oxfamireland.org)
Oxfam Italy (www.oxfamitalia.org)
Oxfam Japan (www.oxfam.jp)
Oxfam Mexico (www.oxfammexico.org)
Oxfam New Zealand (www.oxfam.org.nz)
Oxfam Novib (Netherlands) (www.oxfamnovib.nl)
Oxfam Québec (www.oxfam.qc.ca)
Oxfam South Africa (www.oxfam.org.za)