MEDAM

Mercator Dialogue on
Asylum and Migration

2022 MEDAM ASSESSMENT REPORT
ON ASYLUM AND MIGRATION POLICIES IN EUROPE

Refugee protection in the EU: Building resilience to geopolitical conflict

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Preface

This Assessment Report concludes six years of research, policy analysis, and interaction with stakeholders by the Mercator Dialogue on Asylum and Migration in Europe (MEDAM). Our overarching objective has been to help design asylum and migration policies that effectively protect refugees and other migrants and allow all stakeholders to reap the economic benefits of expanded labor migration.

Over the last year, geopolitical conflicts like the Russian invasion of Ukraine and state-sponsored instrumentalisation of migrants from Belarus to Poland have dominated migration policy making in the EU and its member states, along with acute challenges like the COVID-19 pandemic. Simultaneously, the Commission's efforts to fundamentally reform the EU asylum system are facing serious delays. Yet, the structural problems that have plagued the EU for many years—in particular deep-seated differences of opinion between member states on responsibility sharing and inadequate implementation of existing policies—remain major challenges. In addition, a profound shift has occurred in the political landscape and public discourse as immigration from outside the EU has become one of the greatest concerns among European citizens. It has often silenced reflections on how well-managed migration can create opportunities and attract talent, through which migrants can contribute to the continent.

In 2016, MEDAM was initiated by Stiftung Mercator and three research partners to propose a research-based, comprehensive approach to reform of asylum and migration policy and address the most pressing concerns of European policy makers. We set out to provide a fresh perspective on what principles a system for global refugee protection could be based, how better-functioning institutions could be designed that are supported by voters, and how incentives for all stakeholders could be aligned for improved cooperation on asylum and migration issues.

Since then, we have analyzed key elements of the EU's asylum and migration system and highlighted global links and interdependencies. We have investigated drivers of migration, migrants' decision-making, EU cooperation with countries of first asylum, transit and origin, and public attitudes toward migration policy. Based on evidence from our own and others' research, we have drawn up strategies to make the European asylum system more resilient to future geopolitical crises and larger refugee movements.

We have brought together a multidisciplinary team of legal experts, political scientists, and economists to find pragmatic, implementable solutions that improve refugee protection in the real world. Not all MEDAM team members support all policy conclusions, but we share the whole-of-system approach to analyzing asylum and migration. More specifically, that is the understanding that migration is a complex, interconnected system where migration outcomes depend on the interactions of multiple actors in sometimes unexpected ways and policy interventions need to take those interactions into account to be effective.

Through rigorous research, policy analysis, and outreach with stakeholders, MEDAM's research findings and policy recommendations have made their way into the EU's policy making process on asylum and migration. Although this is our sixth and final MEDAM Assessment Report, and the MEDAM project will come to an end soon, we will continue to provide evidence-based insights on asylum and migration policy. MEDAM has enabled its research partners to conduct research that pushes the frontiers of knowledge, builds networks, and establishes research infrastructure that will continue to contribute to policy analysis in these important fields.
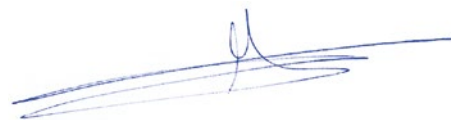
All this would not have been possible without the substantial support we have received over the last six years from Stiftung Mercator. The foundation's initiative has enabled us to search for better asylum and migration policies that will simultaneously improve the social and economic integration of immigrants and foster social cohesion. As a result, we can inform crucial debates at a time when asylum and migration policy makers find themselves yet again at a critical juncture.

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Silvia Carta is a policy analyst in the European Migration and Diversity Program at the European Policy Centre. Her work centers on developments in migration and asylum policy in the EU as well as in key member states, the external dimension of asylum policies, and labor migration. Her research interests also include international refugee law and asylum jurisprudence. Within MEDAM, Silvia currently contributes policy analysis to the project and promotes it to the EU policy community based in Brussels. She has previously worked as a parliamentary assistant and policy adviser in the European Parliament.

Helena Hahn is a policy analyst in the European Diversity and Migration Program at the European Policy Centre (EPC). Along with migration cooperation between the EU and countries, her research mainly covers EU funding, borders, climate-induced displacement, and refugee integration policies. Her work on the MEDAM project involves policy monitoring, analysis, and outreach within the Brussels sphere. Prior to joining the EPC, she gained experience at the Migration Policy Institute in Washington, DC and the International Organization for Migration in Vienna.

Tobias Heidland is a professor of Economics at Kiel University and head of the International Development Research Center at the Kiel Institute for the World Economy. He works on international aspects of economic development with a particular focus on migration and capital flows in developing countries, especially in Africa. In his research on the movement of people, his main interests are migration decisions and attitudes toward migration. Currently, he coordinates MEDAM research on the driving forces of migration in African countries of origin and transit. He is also the Kiel Institute's local principal investigator of the Horizon 2020 project ITFLOWS.

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Matthias Lücke is a senior researcher at the Kiel Institute for the World Economy, an adjunct professor at Kiel University, and a former senior economist at the International Monetary Fund. His research and teaching encompass migration, development, international trade policy, and European integration. Matthias coordinates the MEDAM project. He consolidates research findings and policy analysis into implementable strategies for action by the EU and member states. In addition, he leads dialogue activities with stakeholders at the European and national levels. He has been a consultant to several national governments and international organizations, especially on issues related to WTO accession and labor migration from Eastern Europe and Central Asia.

Karolina Łukasiewicz is a Marie Skłodowska-Curie Fellow at the University of Warsaw's Centre of Migration Research. She examines immigrant integration and poverty policies in urban contexts. Her research has been funded by the European Commission, the European Social Fund, the German Academic Exchange Service (DAAD), and the Institute of Human Development and Social Change at New York University, among others. It has been published in journals such as the *Journal of Ethnic and Migration Studies, International Migration, City and Community, Polish American Studies,* and *Journal of Family Issues.* Karolina has also served as an evaluation consultant for NGOs and centers supporting immigrant communities.

Mehari Taddele Maru is a part-time professor at the Migration Policy Centre and academic coordinator of the Young African Leaders Program at the School of Transnational Governance, European University Institute in Florence. He is also a fellow at the United Nations University Institute on Comparative Regional Integration Studies. With more than 20 years of work experience at the African Union (AU), Intergovernmental Authority on Development (IGAD), and other institutions, Mehari has drafted various AU and IGAD blueprint policy documents—on migration and mobility, free movement and border governance, human rights and humanitarian affairs, and peace and security issues.

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Martin Ruhs is professor of Migration Studies and Deputy Director of the Migration Policy Centre at the European University Institute in Florence. He is on long-term leave from the University of Oxford where he is professor of Political Economy. Martin researches the economics and politics of international migration, with a strong international comparative dimension. Within the framework of MEDAM, he is currently working on attitudes and policy preferences in Europe and Africa, with a view to finding more effective and cooperative policy responses to irregular migration. Martin has provided policy analysis and advice for various national governments and international institutions, published extensively in this field, and written for the *New York Times, Guardian,* and *Financial Times.*

While MEDAM team members share the whole-systems approach to analyzing migration, not every author agrees with all policy conclusions in all sections of the report.

Main messages

In 2020, the European Commission proposed the New Pact on Migration and Asylum to overcome the flaws of the existing EU asylum system and create a common framework to address future crisis situations. Yet, a global pandemic and geopolitical developments—the Taliban takeover of Afghanistan, the state-sponsored smuggling of migrants at the border with Belarus, and the Russian invasion of Ukraine—hit at a time when member states were still far from finding agreement on structural reforms. These circumstances, and especially those with direct consequences on international displacement, have put the bloc's preparedness to the test.

In this sixth and final MEDAM Assessment Report, we start by reviewing EU policy developments—both in response to recent geopolitical conflicts and with respect to the broader reform agenda for the EU asylum system (messages 1 and 2). We then turn to the reception and hosting of refugees from Ukraine in the EU member states (message 3). We focus on the situation in Poland, which is hosting a large refugee population for the first time since its transition to a democracy (message 4). While events in Europe have dominated the public debate in Europe over the past year, it remains a long-term challenge to understand and manage migration to Europe from Africa—the continent with the fastest population growth worldwide. We report MEDAM research findings on the decision-making behavior of potential migrants (message 5), the links between migration prevalence and improving living conditions in low- and middle-income countries (message 6), and cooperation on migration management between the European Union and African Union (AU) (message 7). In conclusion, we reflect on the public-good nature of refugee protection in Europe and how 'more Europe' in the EU asylum system—centralizing operational control and financing—could help to overcome ingrained flaws in the architecture of the system (message 8).

Message #1:

In response to recent geopolitical developments, the EU has consolidated its role as coordinator and convenor for member states and other actors to come together and develop joint policies. The EU has also demonstrated its ability to rapidly mobilize resources, resulting in substantial commitments of financial aid and greater flexibility in spending (chapter 2).

Overall, the EU has demonstrated a new level of preparedness and unity and become a more agile actor in migration policy and management. If this momentum can be maintained, similar initiatives could progressively generate support from member states and reestablish confidence in the benefits of migration cooperation at the EU level.

– Some recent policy innovations—such as the successful activation of the Temporary Protection Directive (TPD) for the first time, or flexible financial assistance from the EU—can inform a re-thinking of the approach to ongoing reforms of asylum and migration policy.

– Ultimately, the success of the New Pact or other future reform proposals will depend on the ability of EU decision-makers to engage in long-term thinking not only when negotiating structural reforms, but also when managing unexpected circumstances. In particular, flexibility and crisis-oriented responses should be balanced with other longer-term priorities, especially when they entail the reallocation of consistent financial and material resources.

Message #2:

Some EU responses to recent migration-related challenges have been ad hoc, driven by security concerns, and paving the way for greater emphasis on control-oriented responses than on people's humanitarian or protection needs. The EU needs to move beyond such crisis-mode responses to make progress on the structural reforms that are a precondition for a resilient asylum policy system (chapter 2).

The Commission has presented several new legislative proposals or adopted policy responses tailored to needs arising out of the different crisis situations in the areas of protection, legal pathways, and border management. While some proposals have generated useful momentum, for instance on refugee resettlement and temporary protection, others have created the conditions for member states to derogate from EU law. This risks not only favoring more ad hoc national responses to migration-related challenges, but also widening the gaps between member states' practices, further undermining decision-making and access to protection in the EU.

– One specific risk is that exceptional measures may be motivated by the need to address a crisis situation, but will outlive the immediate crisis and serve to increase control and containment and limit access to protection. Also, acting in crisis-mode risks creating a vicious circle whereby financial and ma-

terial resources as well as political energies are spent trying to find ad hoc solutions, which divert attention away from long-term priorities.

— To make progress on structural reforms the EU and its member states need to exit this circle. While ad hoc solutions may be needed in the absence of a fully functioning policy framework, their temporary and exceptional nature should be preserved. Moreover, rather than encouraging derogation and non-compliance, the EU should invest in monitoring the implementation of minimum standards, while actively supporting member states that find themselves under pressure.

Message #3:

By activating the TPD for refugees from Ukraine, the EU has facilitated the reception and social and economic integration of more than 4 million refugees from Ukraine in EU member states—the largest refugee movement in Europe since World War II. However, the TPD can be applied at most for three years, whereas the war and its aftermath will likely last longer. A long-term solution will be needed for the legal status of refugees from Ukraine in the EU (chapter 3; section 6.2).

Through the activation of the TPD, Ukrainian refugees in the EU have rights beyond those of asylum seekers: They may (in principle) choose in which member state they live and have immediate access to public services, social welfare, and employment. However, the TPD can be applied at most for three years, whereas the war and its aftermath will likely last longer. A long-term solution will be needed for the legal status of refugees from Ukraine in the EU (chapter 3; section 6.2).

— The activation of the TPD has minimized red tape in the reception of refugees from Ukraine as there is no need for a formal status determination. Immediate access to employment allows some refugees to become self-sufficient quickly, which is helpful when the guaranteed minimum income in the respective member state is low.

— The distribution of Ukrainian refugees across EU member states is driven in large part by the previous presence of Ukrainian labor migrants. This helps to explain the large numbers of Ukrainian refugees in Poland and the Czech Republic, which previously hosted few refugees, and the wide dispersion of refugees from Ukraine across EU member states.

— Ukraine is now a candidate for EU membership, and access to the EU single market has been identified as an important intermediate objective. This includes freedom of movement for Ukrainian citizens, with the right to work and be self-employed anywhere in the EU. If Ukrainian citizens are granted freedom of movement in the EU early on, this would clarify their long-term status after the TPD runs out and demonstrate the benefits of EU accession to Ukraine, despite the challenging economic and legal reforms that come with it.

Message #4:

Of all EU member states, Poland has received the most Ukrainian refugees in absolute terms (1.3 million); Poland is also among the top host countries relative to its resident population (3 percent). When refugees began arriving from Ukraine in late February 2022, the initial humanitarian response was shouldered largely by civil society organizations, increasingly supported over time by municipalities and international organizations. The central government now needs to adopt an institutionalized, long-term framework for migrant integration that defines the roles of civil society and public actors at the various levels of government and provides for adequate funding streams (chapter 3).

The main challenge in meeting the needs of refugees from Ukraine in Poland now lies in ensuring access to long-term housing and public services, including health care and schooling. This is a novel development in a country where in the past most migrants were labor migrants, often on a temporary basis.

— Notably, Poland not only responded to the immediate humanitarian needs of those refugees who still live in Poland today. Poland was also the country of first arrival in the EU for many more refugees who later moved on to Germany, the Czech Republic, or other EU member states. This observation indicates the enormity of the humanitarian challenge during the weeks immediately after the Russian invasion of Ukraine, with the response mostly provided by civil society and disaster relief organizations.

— While Poland's central government acted early to develop national legislation for temporary protection solely for Ukrainian citizens and their family members, it was slow to provide needed coordination and leadership for a comprehensive migration policy, including long-term integration. The presence of many refugees from Ukraine now requires

coordination from the central government and a consistent funding structure so that municipal governments and civil society organizations can efficiently implement integration policies on the ground.

— An enhanced capacity to receive and host substantial numbers of refugees would also contribute to the EU's resilience to geopolitical conflict when migrants are instrumentalized by a foreign government, such as in 2021 at the Polish border with Belarus.

Message #5:

Policies to manage migration movements to Europe need to consider how people decide whether to migrate or not. Our recent surveys in Uganda and Senegal show that (i) there are two 'extreme' groups who say that they will either migrate, or not migrate, under almost any circumstances (hence, both groups are unresponsive to policy interventions); (ii) for those in the 'middle,' the opportunity to migrate legally makes migration substantially more attractive (chapter 4).

While our findings need to be refined and verified in other contexts through future research, several implications emerge:

— Many policy interventions seek to change the incentives to migrate. Their impact on aggregate migration movements depends on how they affect the potential migrants in the middle—i.e., those whose decision to migrate or continue living in the country of origin can be swayed—as well as the size of this group. This insight provides guidance for the targeting of interventions.

— Additional opportunities for legal migration to Europe would increase the pool of potential migrants by attracting individuals in the middle whose personal and socioeconomic characteristics tend to differ from those in the 'extreme' camp who aspire to migrate under any circumstances, even irregularly. For example, the former may be more risk-averse and more willing to invest in their human capital for social and economic integration in the destination country. This may be good news for EU member states seeking to attract labor migrants who are willing to acquire necessary skills.

— At the same time, more legal migration opportunities that involve substantial skill requirements may have little impact on the decisions of those who will migrate under any circumstances, even irregularly.

Message #6:

Better economic prospects and living conditions at home, higher incomes, and development assistance, especially for social sectors and amenities, tend to reduce emigration from low- and middle-income countries (chapter 4).

There is an extensive body of evidence that the prospect of a better life at home reduces emigration from low- and middle-income countries substantially. This is less intuitive than it might first appear because a higher income not only makes staying at home more attractive, but also allows aspiring migrants to pay for the cost of migration, relieving credit constraints that are widespread among the poor. Yet, studies relating to a range of indicators—national incomes, subjective expectations of future living standards, development assistance for social amenities—indicate that if people expect their living conditions to improve, in terms of both their incomes and access to important public services, migration prevalence will typically decline.

— There is a debate about possible policy interventions to address the fundamental causes of migration and thereby reduce irregular migration to the EU. Development cooperation can in principle reduce migration aspirations if projects promote the growth of individual incomes and the public services and social amenities that people care about. But the effect is too small to 'manage' migration through this channel. Still, improving living conditions and prospects is an important development objective in its own right; a narrow focus on the migration effects of social and economic development would be unhelpful.

— Based on available evidence, donors may rest assured that improving living conditions will not increase emigration.

Message #7:

Migration cooperation between the EU and the AU and their respective member states has produced a comprehensive agenda but little action. To make progress on controversial issues, such as return and readmission or expanding opportunities for legal labor migration to Europe, the competences of both Unions vs. their member states need to be clarified and appropriate forums for negotiations defined (chapter 5).

In EU-AU migration cooperation, progress has been made mostly on uncontroversial topics like diaspora policies and reducing the cost of sending remittances.

Significantly, the EU and AU have also cooperated in facilitating the voluntary return of migrants stuck in Libya to their countries of origin. Nevertheless, the EU and AU have not been able to negotiate and, crucially, implement policy packages that include measures that are critically important for one side but challenging for the other, while ensuring that the entire package is acceptable to both.

— Little progress has been made at the level of the two Unions on the return and readmission of African citizens who have no permission to stay in the EU; this is a key element in the Commission's proposed New Pact on Migration and Asylum. Nor is there a tangible plan to significantly expand opportunities for African citizens, especially low- to medium-skilled workers, to migrate to Europe for work, which is a key demand of African governments.

— EU and AU member states would have to play a key role in an agreement, in addition to Union institutions. Return and readmission touches upon issues of citizenship, national sovereignty, and the political economy in migrants' countries of origin, whereas access to EU labor markets is controlled by the member states. Even so, there is room for the EU and AU to play a coordinating role because there are certain shared regional concerns.

— Furthermore, the Africa-EU partnership has not paid enough attention to protecting the fundamental rights of migrants. Some actions and policies stemming from the cooperation have had an adverse effect on the human rights of migrants and have hardened border governance in Africa. Although both sides have committed to protecting the human rights of migrants in various Africa-EU cooperation agreements, human rights have not been given adequate attention.

◾ Message #8:

While many observers agree that the EU asylum system requires fundamental reform, little progress has been made over the past several decades. One important reason may be that the architecture of the system (existing and proposed) does not adequately reflect the public-good nature of refugee protection. Overarching asylum rules are made at the EU level, whereas member states have considerable leeway in implementation and are responsible for funding. Successful reform may require centralized operational control and financing of the asylum system at the EU level (chapter 6).

One implication of looking upon refugee protection as a public good is that the population in each EU member state values the fact that refugees are protected in Europe—especially if refugees are hosted in another member state which pays for hosting them. Without coordination, this gives every member state an incentive to 'free-ride,' i.e., to provide too little protection while hoping that other member states will make up for the shortfall. The standard solution to this dilemma is to centralize the provision of the public good and the associated financing.

— While EU rules cover important features of the asylum system, including reception conditions and asylum procedures, member states retain considerable flexibility in implementation and have an incentive to minimize their expenditures by lowering standards where possible. In addition, the standard of living in each member state also determines the level of welfare benefits to which asylum seekers and refugees are entitled. As a result, asylum outcomes (such as asylum recognition rates by country of origin) and living conditions for asylum seekers and recognized refugees vary widely across member states.

— So far, attempts to deepen responsibility sharing for refugee protection among EU member states have mostly revolved around relocating refugees across member states. It is difficult to see how mandatory relocation could work well if refugees may be required to move to member states with poor living conditions. A system with centralized funding from the EU budget would embody responsibility sharing. What is more, by providing income support at similar levels in all member states, it would also facilitate a possible relocation of asylum seekers or recognized refugees in line with reception capacity.

— The fiscal cost of a jointly financed asylum system would be considerable and would necessitate additional revenue for the EU budget. Yet, joint financing could be introduced gradually, possibly starting with the reception of asylum seekers at the external border where the EU is already more involved than with asylum applications elsewhere in member states' territories.

1 Introduction

The Russian invasion of Ukraine in February 2022 is only the latest example of a geopolitical conflict in which one party imposes on other parties, including the EU, the cost of hosting large numbers of refugees or receiving irregular migrants and asylum seekers. Russia's war against Ukraine has displaced nearly 7 million individuals within Ukraine while more than 4 million refugees[1] have been recorded in EU member states. Quite apart from the human suffering and the material and financial losses of the displaced, hosting several million refugees imposes substantial fiscal expenditures upon EU member states and may strain housing markets and public services.

While the displacement of millions of individuals was a direct consequence of the Russian invasion of Ukraine, it may or may not have been one of Russia's primary objectives for its war. By contrast, in several earlier manifestations of wider geopolitical conflicts, Morocco, Turkey, and Belarus directly instigated or enabled irregular migration movements to the EU, seeking to put political pressure on the EU or individual member states by suspending customary cooperation in orderly border management. These migration movements were much smaller than those from Ukraine, involving between several thousand (from Morocco to Spain, 2021) and several tens of thousands of migrants (from Belarus to Poland, 2021; from Turkey to Greece, March 2020). Nevertheless, affected EU member states adopted extraordinary security measures to close their external borders and physically prevent irregular migrants from entering EU territory.

Apparently, many decision-makers sensed that much larger migration movements could follow if the initial attempts to breach the external EU border were successful. Observers also recalled the perceived challenges from the large-scale arrivals in the EU in 2015. That migration movement was curbed effectively in 2016 when the EU and its member states acted jointly with Western Balkan countries and Turkey to close irregular migration routes and provide better living conditions for Syrian refugees in Turkey. However, more recently when neighboring countries actively encouraged irregular immigration, EU member states were mostly left to their own devices to maintain the integrity of their (and the EU's) external border. They resorted to more intense securitization in various forms, including by building new border fences or further strengthening those that already existed. As a result, some people in need of protection who would likely have applied for asylum in the EU never had a chance to do so. Some migrants were even pushed back across the external EU border after attempting to enter EU territory.

Such practices are often illegal under EU and international law and contradict humanitarian standards. At the same time, tight border security arguably played an important role in ending the stand-offs with non-cooperative neighboring countries and irregular border crossings.[2] Beyond these flashpoints, physical barriers and tight surveillance have become the 'new normal' for long stretches of the EU's external border. Yet, experience shows that tight border security alone—without a consistent behind-the-border policy—is insufficient to manage migration humanely and effectively.

In this final MEDAM Assessment Report, we analyze important dimensions of EU asylum and migration policies with a focus on ways to strengthen EU resilience not only to non-EU countries' attempts to instrumentalize irregular migration movements, but also to geopolitical crises that may lead to large-scale displacement and forced migration. We understand resilience broadly as the ability of the EU asylum and migration system to continue functioning and ensure the protection of refugees and other migrants in the face of sudden and large migration movements. Anderson, Poeschel, and Ruhs (2021) have grouped possible determinants of systemic resilience under the headings of flexibility, networks, and policies. In this report, we pursue two recurring themes: first is the need for sufficient capacity to host and integrate refugees in the EU ('flexibility'), with responsibility sharing among EU member states ('policies'); and second is international responsibility sharing for refugee protection, including through financial contributions, as many refugee situations across the world overstretch the capacity of host countries acting on their own ('networks').

We begin by reviewing how the displacement-related consequences of new geopolitical realities—the Taliban takeover of Afghanistan, state-sponsored migrant smuggling from Belarus, and the Russian war against Ukraine—have challenged EU attempts to reform migration and asylum policies (chapter 2). While work on legislative reforms has continued under the Commission's proposed New Pact on Asylum and Migration, member states have edged toward case-by-case and crisis-mode decision-making, diverting resources and attention away from the ongoing and more general reform efforts.

The EU response to displacement from Ukraine has rested heavily on Poland not only facilitating the transit of refugees to other EU member states, but also

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[1] In line with EU usage, we use term 'refugees' generically, referring to all displaced individuals who have left Ukraine due to the international armed conflict.
[2] Other factors also mattered: Spain fulfilled a long-standing Moroccan demand and now supports the Moroccan position on the status of the Western Sahara (Bartolomé 2022). The EU put pressure on airlines and countries of departure to shut down flights to Minsk heavily used by irregular migrants to the EU.

hosting many refugees itself. We assess the challenges of building substantial reception capacity almost from scratch, combined with the need to determine a functional division of labor between private initiative, civil society organizations, local government, and central government (chapter 3).

Looking beyond the current crises toward the EU's long-term migration challenges, we analyze the links between emigration and development policies (chapter 4) and the preconditions for effective cooperation on migration management with countries of origin and transit, particularly in Africa (chapter 5). In conclusion, we discuss broad lessons for future asylum and migration policies in Europe, drawing both on this report and on insights gained during the past six years of the MEDAM project (chapter 6).

2 Weathering storms: EU migration policy between reform and crisis mode

Lead authors: Silvia Carta and Helena Hahn

Since the 2015–16 'migration crisis,' the EU has undertaken several attempts to reform its migration and asylum policy framework. Despite these efforts, the flaws of the Common European Asylum System (CEAS) have persisted, fueled by entrenched disagreements between member states over questions of solidarity and responsibility sharing, as well as weak implementation of existing policies.

The Commission's New Pact on Migration and Asylum, launched in 2020, promised to address the structural flaws of the CEAS, as well as to create a common framework to address future crisis situations. Despite some gradual improvement, co-legislators have by and large not made tangible progress toward a structural, comprehensive reform. The transition of the European Asylum Support Office into the full-fledged EU Agency for Asylum (EUAA) in 2021 has been the only concrete legislative agreement achieved. Meanwhile, negotiations on key issues such as solidarity and responsibility sharing continue to advance slowly. In June 2022, following a meeting of the Justice and Home Affairs Council, the French Presidency and the Commission celebrated "major progress" and a "historic agreement" on a voluntary solidarity mechanism.[3] Yet its current form—a political declaration adopted by 21 states,[4] rather than a binding legal agreement—suggests that it is more of a flanking measure than a lasting solution (see ECRE 2022c).

Against this background, the bloc has not succeeded in putting into place the "comprehensive and robust migration and asylum policy" which the New Pact identified as "the best protection against the risk of crisis situations."[5] That said, the period that followed the presentation of the legislative package has not all been plain sailing. After recovering from the first wave of the COVID-19 pandemic, the bloc faced a series of new geopolitical realities that deeply impacted its migration policy making. In the space of less than a year, since summer 2021, the EU and member states have had to contend with the displacement-related consequences of the Taliban takeover of Afghanistan, the state-sponsored smuggling of migrants at the border with Belarus, and the Russian invasion of Ukraine.

Each of these situations has led to the arrival of migrants and refugees in the EU, albeit on very different scales (see Box 1). The resulting migratory pressure, or the fear thereof, has forced the EU to resort to ad hoc policy responses and tools. The structural nature of the flaws in the common migration and asylum system has made it more vulnerable in these emergencies and contributed to a shift of EU migration governance toward a permanent crisis mode (Nagy and Nicolosi 2021; Nicolosi 2021). In such a mode, policy making has become dominated by a focus on immediate measures aimed at prevention, preparedness, response, and recovery,

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[3] G. Liboreiro, "Major Progress as EU Gives Fresh Push to Stalled Migration Pact," Euronews (June 10, 2022), https://www.euronews.com/my-europe/2022/06/10/eu-hails-historic-agreement-as-it-gives-fresh-push-to-stalled-migration-pact.

[4] The Declaration was signed by 18 EU member states and 3 associated states. See European Council, "Asylum and Migration: The Council Approves Negotiating Mandates on the Eurodac and Screening Regulations and 21 States Adopt a Declaration on Solidarity" (June 22, 2022), https://www.consilium.europa.eu/en/press/press-releases/2022/06/22/migration-and-asylum-pact-council-adopts-negotiating-mandates-on-the-eurodac-and-screening-regulations/.

[5] See European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM(2020) 609 final, Brussels (September 23, 2020), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A609%3AFIN.

Box 1 Displacement-related crises in Afghanistan, Belarus, and Ukraine

Afghanistan (summer 2021—ongoing). Following the Biden Administration's announcement in May 2021 to complete the unilateral withdrawal of US and NATO forces by the end of August, the security situation in Afghanistan steadily began to worsen. Amid uncertainty around the political future of the country, violence began to grow in the summer months, with displacement reaching a new record high of almost 593,000 conflict-induced internally displaced persons (IDPs) by late September (the total number of IDPs has since risen to almost 3.5 million). The peak of the crisis occurred in late August, when the Taliban took over Kabul, resulting in a chaotic and frenzied attempt by the US and its allies to evacuate their citizens, local staff, and Afghans at high risk—such as women's rights activists, the political opposition, and artists. Some 114,000 people managed to leave the country during this period (22,000 were evacuated by EU member states as of August 2021), but many more confronted obstacles and were forced to stay.

In Europe, fears of a repeat of the 2015–16 'migration crisis' proved unfounded. Most Afghan refugees are hosted in the neighboring region, mainly in Pakistan and Iran. Turkey also hosts over 125,000 displaced Afghans, who have little prospect of accessing adequate protection (see MEDAM 2021). While Turkey remains a key transit country to Europe, arrivals have been limited as Greece has taken further steps to securitize its borders. Therefore, the number of Afghans seeking asylum in the EU has remained low compared with 2015–16. Around 14,000 asylum applications were lodged by Afghans in September 2021, but this number fell to some 8,700 in May 2022.

Belarus (summer 2021—ongoing). In response to sanctions imposed by the EU following the fraudulent presidential elections in August 2020, Belarusian leader Alexander Lukashenko retaliated by or-

chestrating the entry of thousands of people, mainly from the Middle East and Sub-Saharan Africa, to the EU. The regime facilitated these transfers, promising refugees and migrants an easy entry into the EU after arriving in Minsk. The situation initially affected Latvia and Lithuania but then shifted to Poland. During this period, the three member states adopted emergency measures that were broadly criticized for curtailing the rights of migrants. While it is difficult to estimate exact figures, approximately 8,000 irregular border crossings were registered at the eastern land borders in 2021. Yet, attempts to cross the border were likely higher. The Polish border guard reported 17,500 attempts in October 2021 alone. Several thousand people also remained stranded in Belarus. Due to the EU's response, which included diplomatic efforts to halt flights to Belarus and disciplinary measures against airlines, the number of arrivals quickly dwindled. Still, as of summer 2022, the humanitarian crisis remains present at the Belarusian border where hundreds of people continue to encounter violence, pushbacks, and unlawful detention.

Ukraine (February 2022—ongoing). On 24 February, Russia launched a full-scale invasion of Ukraine. Humanitarian needs quickly skyrocketed as the war began to spread. After more than six months, around 12.3 million border crossings from Ukraine have been registered, with the number of IDPs rising to almost 7 million at the end of August. In response to the displacement, the EU activated the 2001 Temporary Protection Directive, recognizing a situation of mass influx and thereby granting people fleeing Ukraine temporary stay in the EU for up to three years, as well as work authorization and access to social benefits. By the first week of September, 4 million people had registered for temporary protection or similar national protection schemes in the EU-27.

Source: Own compilation—see the footnote for the full list of sources.[6]

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[6] Reuters, "Factbox: Evacuations from Afghanistan by Country" (August 30, 2021), https://www.reuters.com/world/evacuations-afghanistan-by-country-2021-08-26/; UNHCR, "External AFG Emergency Situation Update," No. 5, Geneva (2021), https://data.unhcr.org/en/documents/details/88549; UNHCR, "Afghanistan Situation Update—1 August 2022," Geneva (2022), https://data.unhcr.org/en/documents/details/94944; Eurostat, "Asylum Applicants by Type of Applicant, Citizenship, Age and Sex—Monthly Data (rounded)," Luxembourg, (accessed July 28, 2022), https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYAPPCTZM__custom_2914839/default/table?lang=en; EUAA, "Latest Asylum Trends—May 2022" (2022), https://euaa.europa.eu/latest-asylum-trends-asylum; Y. Johansson, "Commissioner Johansson's Speech at the EU High-level Forum on Providing Protection to Afghans at Risk," European Commission, Brussels (October 7, 2021), https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/commissioner-johanssons-speech-eu-high-level-forum-providing-protection-afghans-risk_en; Human Rights Watch (2022a); UNHCR, "Ukraine Refugee Situation," Geneva (accessed September 8, 2022), https://data.unhcr.org/en/situations/ukraine; IOM, "Ukraine Internal Displacement Report, General Population Survey" (August 23, 2022), https://displacement.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-8-17-23-august-2022?close=true; IOM (2021).

rather than occurring through the traditional means of policy advocacy, public deliberation, or consultation (see Rhinard 2018).

Across the board, such crisis-mode decision-making has also diverted resources and attention away from the ongoing and more general efforts to reform migration policy. As this chapter shows, the continual efforts to design and implement ad hoc responses to migration-related challenges has also led to a number of trade-offs, undermining attempts to bring greater convergence in the migration debate. This, in turn, has raised questions about what lessons the EU has drawn from these recent crises and to what extent they are compatible with the goal of structural change and the reforms negotiated within the New Pact (for a more detailed analysis of the New Pact proposals, see MEDAM 2021). While this chapter does not look at the future of the New Pact per se, the lessons drawn from past crisis responses can inform a re-thinking of the approach to current and future reform.

This chapter reviews the EU's crisis responses in the past year against the background of ongoing reform efforts. First, it looks at how the EU has increased its preparedness and responsiveness to crisis situations, through reinforced coordination mechanisms and operational support (section 2.1). Second, it delves into the mobilization of resources and explores the potential impacts on long-term humanitarian and development priorities (section 2.2). The chapter then looks at how the EU's responses to the different crises have tended to be driven by security concerns, both in rhetoric and in action (section 2.3). Finally, it analyzes how legislative and policy responses arising out of the different crises risk creating additional fragmentation in the migration and asylum policy landscape (section 2.4). Viewed altogether, these dynamics suggest that some elements of the EU's crisis responses should be kept and potentially embedded in longer-term, structural reforms. As this chapter argues, however, ad hoc responses should not come at the expense of working toward structural and systematic preparedness and a more robust asylum policy framework. In particular, crisis responses that lead to more policy fragmentation risk weakening member states' implementation of migration and asylum laws and can in the longer run undermine potential convergence on common and harmonized solutions.

2.1 A boost in coordination mechanisms and operational support

The crisis moments of the past year have posed many challenges for effective coordination, both within the EU and internationally. Despite their different nature, the events have prompted rapid responses and new thinking, creating opportunities for the EU's crisis response to develop, especially in terms of coordination mechanisms and operational support. In this context, the European Commission has played an important role, showcasing its ability to swiftly mobilize resources and leverage cooperation in the areas of protection, legal pathways, and border management.

Coordination mechanisms

The Migration Preparedness and Crisis Blueprint, presented by the Commission in 2020, provides a soft law framework to support the EU's emergency and crisis response in the field of migration.[7] The mechanism brings together the Commission, member states, and other relevant stakeholders. Among them are the European Border and Coast Guard Agency (Frontex) and the EUAA, international organizations like the UN High Commissioner for Refugees (UNHCR) and International Organization for Migration, and key non-governmental organizations (NGOs). The aim of this mechanism is to enable better monitoring and preparedness, and then move to crisis management when necessary. The Blueprint Network was operational during the peak period of the crisis at the border with Belarus and in the aftermath of the Taliban takeover of Afghanistan. It has also been active since the early phases of the response to displacement from the war in Ukraine, to coordinate operational support and facilitate border crossings.[8]

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[7] See Commission Recommendation (EU) 2020/1366 of 23 September 2020 on an EU Mechanism for Preparedness and Management of Crises related to Migration (Migration Preparedness and Crisis Blueprint), https://eur-lex.europa.eu/legal-content/ga/TXT/?uri=CELEX:32020H1366.
[8] See European Commission, "Ukraine Refugees: Operational Guidelines to Support Member States in Applying the Temporary Protection Directive," Press release, Brussels (March 18, 2022), https://ec.europa.eu/commission/presscorner/detail/en/IP_22_1727.

In the context of a complex, multilevel response—such as activation of the Temporary Protection Directive—support from the European Commission has been important to channel member states' readiness to help and to guarantee effective management during the first, most uncertain phases of the war. The EU has additionally expanded coordination across different dimensions. A 10-Point Plan, presented on March 28, outlined a number of points where further coordination could be achieved under the umbrella of an 'EU Solidarity Platform.'[9] Among others, this includes information exchange on registrations for temporary protection, the mapping of reception capacity, and the development of national contingency plans to address medium- to long-term needs. Moreover, the platform has been used to provide support to the EU's neighboring countries, particularly Moldova, by arranging voluntary relocations for vulnerable refugees.[10]

Apart from providing support for intra-EU solidarity efforts, the Commission also acted as a convenor for international partners. This active role has not just been in response to the conflict in Ukraine—but has also been evident in the context of Afghanistan. On these occasions, the Commission has spurred efforts to provide resettlement and legal pathways, leveraging cooperation from the US, Canada, and the UK. Between July and October 2021, Commissioner for Home Affairs Ylva Johansson hosted two High-Level Resettlement Forums.[11] The first one was convened to boost global pledges after the pandemic, the second to address the needs of Afghans at risk after the Taliban takeover. Since the outbreak of the war in Ukraine, high-level coordination efforts have also continued under the umbrella of the solidarity platform. While it is difficult to determine the impact of such initiatives in terms of numbers (see section 2.2), they play a role in keeping international solidarity high on the agenda, within the EU and globally. Moreover, cooperation forums may also have an added value as they encourage a complementarity of efforts, peer learning, and exchanges on common issues (Carta, Hahn, and Sundberg Diez 2021a).

In general, by deploying these coordination mechanisms, the EU has demonstrated a new level of readiness to provide support and facilitate exchanges between member states and beyond. This was reflected, first, in the Commission's use of its convening power and crisis mechanisms to leverage coordination and support, internally and at a global level. In the future, it remains to be seen whether such set-ups can be operationalized in a more streamlined manner. Platforms for coordination and knowledge exchange have already demonstrated their added value in terms of encouraging member states to work together. In the medium term, therefore, ad hoc mechanisms that increase coordination could create the conditions for more member states to regain confidence in EU migration cooperation, albeit at an operational level. In turn, this could prove beneficial in political discussions, rebuilding broader political trust on migration and asylum between member states.

Operational support

The EU's involvement in crisis management has seen the deployment of its justice and home affairs agencies in different situations, particularly the EU Border and Coast Guard Agency (Frontex), EUAA, and the European Union Agency for Law Enforcement Cooperation (Europol).[12]

In response to the events in Belarus, Frontex launched a rapid border intervention to support border surveillance and border management in Lithuania and Latvia. The EUAA provided operational assistance to the two Baltic countries to enhance capacity in the registration and processing of asylum applications and for the reception of applicants. On this occasion, despite repeated calls from the Commission, Poland refused the help of EU agencies in its territory.[13] Arguably, the Polish government sought to evade the EU's supervisory role, which would have reduced its discretion to violate EU law and human rights obligations (Woollard 2021).

Support from Frontex, the EUAA, and Europol has also been made available to the member states most affected by displacement from Ukraine. At the end of April 2022, the three EU agencies were reported to have deployed almost 350 experts in the region.[14] Frontex and Europol have sent staff mainly to the member states bordering Ukraine, including Poland.

[9] European Commission, "Home Affairs Council: 10-Point Plan on Stronger European Coordination on Welcoming People Fleeing the War against Ukraine," Brussels (March 28, 2022), https://ec.europa.eu/commission/presscorner/detail/en/IP_22_2152. See also European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on European Solidarity with Refugees and Those Fleeing War in Ukraine, COM(2022) 107 final, Brussels (March 8, 2022), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex-:52022DC0107.

[10] UNHCR, "EU Air Transfers," Geneva (accessed July 27, 2022), https://help.unhcr.org/moldova/eu-air-transfers/.

[11] European Commission, "Providing Protection through Joint Leadership: Stepping up Resettlement and Complementary Legal Pathways," Press release, Brussels (July 9, 2022), https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_3628; European Commission, "High-Level Forum on Providing Protection to Afghans at Risk," Brussels (October 6, 2021), https://ec.europa.eu/commission/presscorner/detail/en/IP_21_5088.

[12] EUAA, "Asylum Report (2022)," Luxembourg: Publications Office of the EU (2022), https://euaa.europa.eu/publications/asylum-report-2022.

[13] W. Kość, "Poland Faces Blowback over its Migrant Policy," *Politico Europe* (September 30, 2021), https://www.politico.eu/article/poland-faces-blow-back-over-its-migrant-policy/.

[14] European Commission, "Answer Given by Ms Johansson on Behalf of the European Commission," Brussels (May 17, 2022), https://www.europarl.europa.eu/doceo/document/P-9-2022-001252-ASW_EN.html.

The EUAA has been involved in operational support in Malta, Italy, Greece, Spain, Cyprus, Romania, Belgium, Latvia, and Lithuania. Finally, Frontex and the EUAA have deployed staff outside the EU, in Moldova, to support the response to refugee arrivals.[15]

If EU agencies have been at the forefront of the emergency response to recent crises, it has also been thanks to the recent expansion of their powers. This process has been interpreted as a positive step in terms of anticipating further "Europeanisation" of EU asylum and border policies (Tsourdi 2020). Still, not all member states have accepted EU support to the same degree, especially as it entails scrutiny and oversight (Angenendt, Kipp, and Koch 2022). Poland's refusal to accept the deployment of EU agencies at its border with Belarus, where evidence of pushbacks and other human rights violations emerged, is an example of this.[16]

At the same time, experts and civil society have also expressed concerns about consolidation of the role of agencies. The progressive growth of Frontex has especially been closely linked to crisis narratives, as well as to debates on securitization in border management (Gkliati and Kilpatrick 2022). At the time of writing, the role of the agency remains under scrutiny following allegations of complicity in pushbacks in Greece and is subject to criticism for its lack of accountability and transparency.[17] Similar concerns were also raised with regard to the situation in Lithuania. To manage arrivals from Belarus, the country adopted emergency legislation that limited access to asylum and led to automatic detention for irregular border crossings (Amnesty

International 2022). The deployment of Frontex in the country was questioned on these grounds, especially after the Court of Justice of the European Union (CJEU) found such measures to be contrary to EU law.[18] In the long term, therefore, the sustainability of the EU's crisis response will also be determined by the EU's ability to address these structural problems. In particular, it will be difficult for the EU to fully uphold its values vis-à-vis member states if these are not fully reflected in the actions of its agencies.

In summarizing efforts to boost coordination, the EU has given member states more structures and opportunities for working together to manage crises. This could represent a positive step for intra-EU migration policy making. Establishing forums for member states to find common ground and exchange best practices can provide a basis for constructive exchanges in the future. Even so, some issues have emerged insofar as this approach has clashed with member states' national agendas and sovereignty-driven concerns. Going forward, policy makers will have to contend with the question of how to make crisis management less reliant on temporary agreements and fluctuating political support. Meanwhile, the relative unity and the new approaches at both the political and operational levels should be leveraged to re-establish trust and encourage collaboration beyond crisis situations. For this to be achieved, however, the EU must not only provide positive incentives for cooperation, but also make sure that the support provided through its operative arms is fully in line with its own legislation and standards.

2.2 Shift of resources

The EU's ability to mobilize resources and flexibly adjust to circumstances of crisis and migratory pressure has grown over time. But there are also several downsides to maintaining a crisis-management approach, especially when the measures or actions introduced lack implementation plans or appear to conflict with longer-term policy priorities, as this section discusses in the context of funding measures adopted in response to Ukraine. Moreover, aside from redirecting tangible resources and money from one issue to another, there is also a risk that sudden changes in strategic migration or humanitari-

an priorities come at the expense of existing needs, as shown in the example of resettlement.

Funding

Funding plays a central role in EU crisis responses. Yet, budgetary decisions are often shrouded in uncertainty, given the difficulty of estimating the social and economic consequences that wars, conflicts, and displacement will ultimately have. In the Ukraine context, the EU has shown innovative thinking in anticipation of heightened protection and reception needs. Neverthe-

[15] EUAA, "EU Asylum Agency Deploys to Moldova," Press release, Valletta (May 24, 2022), https://euaa.europa.eu/news-events/eu-asylum-agency-deploys-moldova.

[16] A. Bodnar and A. Grzelak, "In Poland, Where is Frontex?" *Politico* (November 4, 2021), https://www.politico.eu/article/poland-frontex-belarus-border-migration-crisis/.

[17] K. Fallon, "Revealed: EU Border Agency Involved in Hundreds of Refugee Pushbacks," *The Guardian* (April 22, 2022), https://www.theguardian.com/global-development/2022/apr/28/revealed-eu-border-agency-involved-in-hundreds-of-refugee-pushbacks.

[18] Judgment of the Court of Justice of June 30, 2022, *M.A. v Valstybės sienos apsaugos tarnyba*, C-72/22 PPU, ECLI:EU:C:2022:505.

less, despite the EU having a large range of funding instruments at its disposal, it can run into challenges when having to make strategic budgetary choices that involve shifting resources. On the one hand, enabling a more flexible use of funding can be effective, provided that it aligns with member states' absorption capacity and comes with a shared understanding of how it should be used. On the other hand, shifting resources can undermine the pursuit of long-term commitments, notably in the area of humanitarian and development aid—often with damaging consequences.

Mobilization and flexible use of EU funding for Ukrainian refugees

When thousands, and soon thereafter millions of people from Ukraine arrived in the EU, it became clear that member states would require substantial EU financial support. An initial assessment found that the EU budget was "well-suited" to dealing with the consequences of the war, particularly in addressing large numbers of arriving refugees, humanitarian needs in Ukraine and Moldova, and heightened food insecurity in Africa and the Middle East (Rubio 2022). Early on, the Commission rapidly mobilized resources under the previous Asylum, Migration and Integration Fund (AMIF) (2014–20) as well as the current one (2021–27).[19] Then, in a pragmatic and solution-oriented move (Angenendt, Kipp, and Koch 2022), it also introduced measures to unlock approximately €17 billion made up of cohesion funds (e.g., the European Social Fund Plus (ESF+) and European Regional Development Fund) and recovery funding (REACT-EU).[20] The measures, dubbed CARE and FAST-CARE,[21] aim to support member states by simultaneously addressing COVID-19 recovery and the long-term difficulties of integrating millions of Ukrainian nationals, particularly in the areas of education, housing, and health care.

The allocation of these monies had an important signaling effect that the EU was willing to support mem-

ber states, especially those hosting the largest numbers of Ukrainians,[22] in dealing with the high arrival rates. That notwithstanding, there are three dilemmas that have already begun to materialize or which will have to be resolved in the long run.

First, uncertainty around the duration of the war has raised important questions about the short- and long-term needs member states will need to cover. AMIF money supports member states in reinforcing reception capacity, hiring new asylum officers, and relocation efforts, among others. Cohesion funds can be used for integration measures. Despite rising numbers of returns to Ukraine (5.5 million border crossings from 28 February to 6 September 2022),[23] some fraction of Ukrainians will presumably stay and ultimately seek permanent refugee status or residence after the temporary protection regime expires in 2025. Member states therefore need to establish long-term integration strategies (Rasche 2022) now and match the requirements with funding. Numbers for the expected costs are difficult to come by, but initial estimates of the total resources required for hosting Ukrainian refugees point to anywhere in the range of €30–43 billion, with a large portion expected to fall on Poland, Romania, Hungary, and Slovakia (Lee, Aboneaaj, and Landers 2022; Darvas 2022). As such, the funds unlocked by the EU may amount to roughly half of the needed resources for 2022, though these estimates should be treated carefully, given that those covered by the Temporary Protection Directive (TPD) have different needs compared with people who undergo a regular asylum procedure.

Second, despite their show of solidarity in the context of displacement from Ukraine, countries such as Poland, Hungary, and the Czech Republic also belong to a group of member states that has resisted pan-European responsibility-sharing initiatives in the past. In addition to refusing to contribute to earlier relocation or resettlement efforts, their lack of adherence to the rule of law has led to serious trust issues within the EU.[24] As such, allocating larger shares of money to these member states is also a sensitive matter. Given

[19] European Commission, "Ukraine: €17 Billion of EU Funds to Help Refugees," Brussels (April 4, 2022), https://www.consilium.europa.eu/en/press/press-releases/2022/04/04/ukraine-council-unlocks-17-billion-of-eu-funds-to-help-refugees/.

[20] European Commission, Regulation amending Regulations (EU) No 514/2014 on AMIF, (EU) No 516/2014, and (EU) 2021/1147, https://data.consilium.europa.eu/doc/document/PE-11-2022-INIT/en/pdf.

[21] European Commission, Proposal for a Regulation amending Regulation (EU) No 1303/2013 and Regulation (EU) 2021/1060—FAST (Flexible Assistance for Territories)—CARE, Brussels, COM(2022) 325, Brussels (2022), https://ec.europa.eu/regional_policy/sources/docoffic/official/communic/fast-care/fast-care-proposal-2022.pdf. At the time of writing, the proposal on FAST-CARE is still awaiting approval by the European Parliament.

[22] At the beginning of September, UNHCR data show that Poland (1,365,810), Germany (over 1 million), and the Czech Republic (427,6964) had the highest arrival numbers in the EU. The number of TPD registrations was the same as the one of arrivals for Poland; in Germany, the number was 655,800, while in the Czech Republic, 427,521 people registered. See UNHCR, "Ukraine Refugee Situation," Geneva (accessed 8 September, 2022).

[23] Frontex, "5.3 Million Ukrainians Have Entered EU since the Beginning of the Invasion," Warsaw (June 2, 2022), https://frontex.europa.eu/media-centre/news/news-release/5-3-million-ukrainians-have-entered-eu-since-the-beginning-of-the-invasion-HbXkUz. Data on returns to Ukraine pertain to either the number of recorded border crossings or individuals who crossed the border. As there continues to be back-and-forth movement between the EU and Ukraine, officially reported data remain subject to fluctuation. See also: UNHCR, "Ukraine Refugee Situation" Geneva (accessed 8 September, 2022), https://data.unhcr.org/en/situations/ukraine.

[24] See, for instance, European Commission, "Relocation: Commission Launches Infringement Procedures against the Czech Republic, Hungary and Poland," Brussels (June 14, 2017), https://ec.europa.eu/commission/presscorner/detail/en/IP_17_1607; CJEU, "Judgment in Joined Cases C-715/17, C-718/17 and C-719/17: Commission v. Poland, Hungary and the Czech Republic," Press release no. 40/20, Luxembourg (April 2, 2020), https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-04/cp200040en.pdf; InfoMigrants, "Hungary Closes its Doors to Afghan Refugees" (September 1, 2022), https://www.infomigrants.net/en/post/34744/hungary-closes-doors-to-afghan-refugees.

that cohesion funds are 100 percent under shared management, it is member states rather than the Commission that will decide how the money is used. This presents a risk that some member states may use the funds according to political priorities—which may or may not include integration support. For example, the ESF+ requires member states to allocate 25 percent of its resources to the integration of non-EU nationals and other minorities.[25] But states remain relatively free to determine the allocation of resources under this heading, making it difficult to estimate the extent to which social inclusion measures will further the integration of refugees specifically (Westerby 2018). Going forward, navigating among questions on balancing policy priorities and financial needs may prove tricky, considering that member states are also having to deal with programming and implementation issues.[26] This will require good coordination and detailed guidance from the Commission to national authorities.

Third, and in relation to that challenge, another will be to ensure that local authorities and civil society organizations are able to access EU funds. The issue of limited access is not novel yet has regained salience in light of these actors' key roles in the Ukraine response thus far: complementing but also stepping in for government efforts to receive and support refugees to the point of being overwhelmed.[27] Judging by the present, member states' difficulties in distributing EU funds may prove a stumbling block. As of June, member states had indicatively planned only €1 billion under CARE,[28] with few or none of these resources having reached civil society.[29] Similar issues could arise for the AMIF, for which 60 percent of the 2021–27 budget (worth €9.9 billion) is pre-allocated, with member states having trouble adapting their work programs.

To counter this imbalance—and arguably to circumvent a possible politicization of refugee integration in member states—the Commission proposed

under FAST-CARE that 30 percent of cohesion funding should be used to support programs run by local authorities and civil society organizations.[30] If implemented successfully, this could prove a positive example of EU action responding to needs arising out of crises, and could help to ensure support for refugees in the long run even if political attitudes at the national level experience a downturn. In addition, the Commission has the power to launch transnational calls for project proposals under the AMIF, which NGOs can directly submit. Amid these circumstances, a reallocation of resources that underlines the important contributions of local authorities and civil society to the Ukraine crisis could prove a pivotal moment of success in the flexible use of EU funding.

Juggling new and existing funding priorities

While it is to be expected that priorities change in the face of crises, this becomes problematic when new funding measures conflict with existing humanitarian and development commitments. The EU, for its part, only contributed fresh funding to the UN Flash Appeal shortly after the start of the war, vowing that this money would not come at the expense of humanitarian needs elsewhere.[31] However, speaking more broadly and judging by international donor rates a few months later, the shift of resources had already had a noticeable impact. While the Ukraine appeal was 85 percent funded, the rates for Sudan, Yemen, and Afghanistan hovered around 20–38 percent,[32] while those for Haiti, El Salvador, and Myanmar were 11–17 percent.[33] Not only does this raise questions about how strategic priorities may be reshaped going forward, but it also has palpable effects, already leaving aid organizations unable to provide assistance.[34]

[25] Regulation (EU) 2021/1057 Establishing the European Social Fund Plus (ESF+) and Repealing Regulation (EU) No 1296/2013, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1057.

[26] ECRE, "EU Ukraine Response: Commission Proposes to Give 30 Per Cent of Cohesion Funds for Ukraine Response to Local Authorities and Civil Society," *Weekly Bulletin* (July 8, 2022), https://ecre.org/eu-ukraine-response-commission-proposes-to-give-30-per-cent-of-cohesion-funds-for-ukraine-response-to-local-authorities-and-civil-society/.

[27] Eurocities, "Cities Need More Support for Ukrainian Refugees," Statement, Brussels (May 11, 2022), https://eurocities.eu/latest/cities-need-more-support-for-ukrainian-refugees/; PL NGO Alliance, "Letter to Ursula von der Leyen, Helena Dalli, Elisa Ferreira, Ylva Johansson, Janez Lenarčič, Nicolas Schmit: EU—Please Support REAL Help Providers!," https://naszademokracja.pl/petitions/eu-please-support-real-help-providers.

[28] European Commission, "Delivering on the 10-Point Plan for Ukraine," Factsheet, Brussels (June 10, 2022), https://ec.europa.eu/commission/presscorner/api/files/attachment/872777/JHA%2010%20Point-Plan%20Factsheet.pdf.pdf.

[29] ECRE, "EU Ukraine Response" (July 8, 2022); M. Koreň, "Slovakia's Local Authorities Yet to Use EU Money for Ukrainian Refugees," *Euractiv* (July 13, 2022), https://www.euractiv.com/section/politics/short_news/slovakia-local-authorities-yet-to-use-eu-money-for-ukrainian-refugees/.

[30] European Commission, "Cohesion Policy Steps up Support to Address the Consequences of Russia's Aggression in Ukraine with 'Flexible Assistance to Territories,'" Brussels (June 30, 2022), https://ec.europa.eu/european-social-fund-plus/en/news/ukraine-flexible-assistance.

[31] V. Chadwick, "EU Aid Chief Vows not to Neglect Other Crises amid Ukraine Needs," Devex (March 1, 2022), https://www.devex.com/news/eu-aid-chief-vows-not-to-neglect-other-crises-amid-ukraine-needs-102767.

[32] The European Commission's contribution amounted to 12.6 percent for Ukraine, almost 8 percent for Afghanistan, and around 10 percent for Yemen and Sudan, respectively, placing it among the top five donors internationally. Even so, the overall contributions to the appeals point to a divergence between 2021 and 2022.

[33] F. Fassihi, "U.N. Faces Record Humanitarian Aid Shortfall—but Not for Ukrainians," New York Times /August 22, 2022), https://www.nytimes.com/2022/08/22/world/middleeast/humanitarian-aid-gap-un.html; UN OCHA, Appeals and response plans 2022 (accessed September 2, 2022), https://fts.unocha.org/appeals/overview/2022/plans.

[34] C. Redfern, "How the Focus on Ukraine is Hurting other Humanitarian Responses," *The New Humanitarian* (July 7, 2022), https://www.thenewhumanitarian.org/news-feature/2022/07/07/Ukraine-aid-Russia-invasion-funding-donors.

A shift of resources has likewise occurred at the national level, with some countries deciding to repurpose development funds for the domestic context. In May 2022, the Swedish government announced that it would pull €1 billion out of its €5.8 billion budget for development aid in order to meet the needs of arriving Ukrainians.[35] While such a reallocation of overseas development assistance is permitted under certain conditions,[36] it (i) risks inflating national development commitments and (ii) effectively diverts much-needed funding from other, protracted humanitarian crises. Norway announced similar plans, intending to use money to address needs within Ukraine and to cover the costs of domestic refugee reception, as did the Netherlands, Denmark, and the UK.[37] The Nordic countries' moves were met with harsh criticism by the UN, other NGOs, and private donors, who pointed to the risk that this could have a 'domino effect'—encouraging other states to take similar measures, delay programming and project implementation, and leave poorer countries behind.[38] The intentions were partly scaled back not long after, but critics warned that it was "high time to change the [practice] of financing in country refugee costs with [official development assistance]."[39]

Resettlement

In addition to the direct reallocation of funding and material resources, emergency situations can also confront policy makers with constraints and political trade-offs between crisis management and broader policy objectives. For instance, experience shows that when spontaneous arrivals of refugees lead to the saturation of reception systems, states are less inclined to engage in other forms of refugee admissions, such as resettlement (Carta, Hahn, and Sundberg Diez 2021a). The scale of displacement from Ukraine and the unprecedented efforts and resources required soon provoked fears that the crisis would overshadow other, protracted displacement situations with major resettlement needs.[40]

With legal admission pathways already at a historic low after COVID-19, resettlement gained momentum in two high-level forums in summer 2021 (see section 2.1). On this occasion, the Commission and EU leaders expressed their willingness to step up resettlement efforts in response to mounting global needs.[41] The Commission's drive to bring them back to the pre-pandemic level has received limited support from member states so far. In 2021, 15,660 refugees were resettled by 12 EU member states—still below the pre-pandemic figure (22,100 in 2019).[42] As of July 2022, the Commission had not yet made public member states' pledges for the following year. As a comparison, the UNHCR recommended resettling at least 40,000 refugees in 2023, in addition to offering at least 8,500 dedicated places to Afghans.[43] Civil society organizations have also called upon the EU and member states to keep investing in resettlement programs and other complementary pathways.[44] After having been hit hard by the pandemic, these programs risk 'inadvertently' being put on hold as states experience more pressure on their reception and asylum systems. Moreover, it remains to be seen if the confirmed pledges will be honored. For instance, Germany had originally offered humanitarian admission to 25,000 Afghans at risk during 2021–22. Then, in May 2022, it proposed to cap annual admission to 5,000 per year to keep the program operationally manageable.[45]

In a context where member states' authorities have to manage multiple priorities with limited resources, it is not unlikely that similar scenarios will become more commonplace. In particular, the question of planning reception and integration capacity in the longer term, rather than on the basis of emergency needs will be key. This approach would allow member states to support the needs of refugees within their territory, without reneging on their international solidarity commitments vis-à-vis low-income countries hosting refugees (see Carta, Hahn, and Sundberg Diez 2021a).

Looking at the broader picture, the ability to shift

[35] V. Chadwick, "Sweden Pulls $1B in Foreign Aid for Ukrainian Refugees at Home," *Devex* (May 5, 2022), https://www.devex.com/news/sweden-pulls-1b-in-foreign-aid-for-ukrainian-refugees-at-home-103164.

[36] See OECD, "In-Donor Refugee Costs in Official Development Assistance (ODA)," Paris (accessed July 18, 2022), https://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/refugee-costs-oda.htm.

[37] A35 M. Kitchens West, "Ukraine Crisis and Refugee Costs: Initial Assessments of Impacts for Development assistance," Donor Tracker (May 6, 2022), https://donortracker.org/insights/ukraine-crisis-and-refugee-costs-initial-assessment-impacts-development-assistance; W. Worley, "'Brutal' Suspension to UK Aid to Last at Least until September," Devex (July 25, 2022), https://www.devex.com/news/brutal-suspension-to-uk-aid-to-last-at-least-until-september-103693.

[38] See Chadwick, "Sweden Pulls $1B in Foreign Aid for Ukrainian Refugees at Home" (2022).

[39] V. Chadwick, "Nordic Nations Partially Walk Back Foreign Aid Cuts," Devex (June 28, 2022), https://www.devex.com/news/nordic-nations-partially-walk-back-foreign-aid-cuts-103463.

[40] International Rescue Committee, "Mounting Global Needs Call for Renewed European Leadership on Resettlement," Joint NGO Statement (June 13, 2022), https://eu.rescue.org/press-release/joint-statement-eu-has-duty-revive-and-expand-refugee-resettlement.

[41] European Commission, "Providing Protection through Joint Leadership: Stepping up Resettlement and Complementary Legal Pathways," Press release, Brussels (July 9, 2021), https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_3628.

[42] Eurostat, "Resettled Persons—Annual Data" (MIGR_ASYRESA), Luxembourg, https://ec.europa.eu/eurostat/databrowser/view/tps00195/default/table.

[43] UNHCR, "Resettlement Needs, Complementary Pathways, and Key Priorities for 2023: Summary of UNHCR Recommendations to the European Union," Geneva (June 2022), https://www.unhcr.org/62bedd994.

[44] International Rescue Committee, "Mounting Global Needs," (June 13, 2022).

[45] *Reuters*, "Germany Promises to Take in 25,000 Afghans" (December 10, 2021), https://www.reuters.com/world/europe/germany-promises-take-25000-afghans-eu-document-2021-12-10/; *InfoMigrants*, "Resettlement: Germany Planning to Cap Number of Afghan Refugees" (May 5, 2022), https://www.infomigrants.net/fr/post/40281/resettlement-germany-planning-to-cap-number-of-afghan-refugees.

resources is important and provides relief through immediate responses. The increased agility and flexibility shown by the EU and member states to cover needs as they arise are crucial in any crisis situation. Yet, EU and national policy makers also need to consider the trade-offs between adapting to new circumstances and maintaining existing, longer-term commitments in the areas of EU migration, humanitarian, and development policy. This requires ensuring that enough time and political capital is invested in building the resilience of the EU's migration and asylum system, even as emergency situations arise.

2.3 Resurgence of securitization

While the recent crisis responses showed some improvement in coordination and preparedness, they were also accompanied by a resurgence of securitization dynamics around migration. This was evidenced in both rhetoric and action. By instilling a sense of fear and alienation—whether warranted or not—and pitting 'Us' against 'Them,' political leaders can build trust, loyalty, and identity within communities (Huysmans 2006). This, in turn, helps justify and garner support for measures that aim to increase security, such as border controls or more surveillance, even if they come at the expense of civil rights. In the context analyzed, where the EU has encountered increasing arrivals of migrants and refugees, addressing potential security threats has appeared to necessitate and legitimize a crisis-management approach that has not always taken protection needs and respect for fundamental rights into due consideration. The consequence is that, if maintained, such a securitized framing risks normalizing crisis-mode thinking beyond the actual crisis moments. This section looks at how the recent crisis situations have led to securitization dynamics taking hold, from both a communication and a policy perspective.

To begin with, the EU's response after the Taliban takeover in Afghanistan showed how fears of large-scale movements reinforced securitized framings early on. Across Europe, there were calls for keeping people at bay, with leaders warning that there should be no repeat of the 'migration crisis' of 2015–16. French President Emmanuel Macron argued that Europe "must protect [itself] against significant irregular migratory flows," while Greece stated clearly that it would not accept being a "gateway for irregular flows into the EU."[46] The Commission, for its part, was more measured in its communication, but likewise emphasized the importance of external border management and further measures to disincentivize movement to Europe.[47] The fears have proven unsubstantiated, largely due to efforts by the Taliban, Iran, Turkey, and Greece to restrict Afghans' onward movement (Mohammadi, Nguyen, and Vallentine 2021). While there was an increase in asylum applications by Afghans during September–December 2021, which rose again after a dip in spring 2022, the numbers never reached 2015–16 levels.[48]

Then the EU's crisis response diversified, with a €1 billion Afghan support package and a dedicated action plan for Afghanistan to support measures relating not only to border management objectives, but also to humanitarian support, enhancing protection capacity in the region, and boosting resettlement.[49] Overall, however, the way forward focused on containment and deterrence, which suggests that the EU's crisis communication was not, in fact, much different to 2015–16. Initially, questions of asylum were once again "institutionally and discursively integrated" (Huysmans 2006) into policy that gave more weight to concerns about external border management (Bamberg 2019) and internal security than to people's legitimate protection needs.[50]

The EU-Belarus crisis is another example, leading to a new vocabulary around the 'instrumentalization' or 'weaponization' of migration that has already become established in EU policy discussions. Terming the situ-

[46] *Al-Jazeera*, "Europe Fears Afghan Refugee Crisis after Taliban Takeover" (August 22, 2021), https://www.aljazeera.com/news/2021/8/22/europe-fears-afghan-refugee-crisis-after-taliban-takeover.

[47] *Wiener Zeitung*, Hausbau mit Hindernissen (September 4, 2021), https://www.wienerzeitung.at/nachrichten/politik/europa/2119130-Hausbau-mit-Hindernissen.html.

[48] Eurostat, "Asylum Applications by Type of Applicant, Citizenship, Age and Sex—Monthly Data (Rounded)," Luxembourg (accessed July 6, 2022), https://ec.europa.eu/eurostat/databrowser/product/view/MIGR_ASYAPPCTZM?lang=en.

[49] European Commission, "Afghanistan: Commission Announces €1 billion Afghan Support Package," Press release, Brussels (October 12, 2022), https://ec.europa.eu/commission/presscorner/detail/en/ip_21_5208; European Commission, "Draft Action Plan: Afghanistan," Brussels (October 8, 2021), https://www.statewatch.org/media/2899/eu-council-migration-action-plan-afghanistan-10472-21-rev2.pdf.

[50] Since the Taliban takeover, recognition rates for Afghan nationals have risen across the EU-27. In October 2021, the average rate was 91 percent, with most receiving refugee status rather than subsidiary protection. The average rate has since decreased to 60–75 percent but remains higher than before the Taliban takeover. See EUAA, "Fewer Afghan Applicants but New High of Unaccompanied Minors," Valletta (January 7, 2022), https://euaa.europa.eu/news-events/fewer-afghan-applicants-new-high-unaccompanied-minors; EUAA, "Latest Asylum Trends: April 2022," Valletta, https://euaa.europa.eu/latest-asylum-trends-asylum.

ation a 'border crisis' suggested a need for control-oriented measures, a trend that has become more visible in the EU's crisis communication since 2015 (Bamberg 2019). Arguably, even if the goal was to align its response with the facts on the ground, the Commission's response was complicated by the lack of sufficiently reliable information about how many people were present at the border. While its measures, including its diplomatic outreach and sanctions, were warranted by the tactics of the Lukashenko regime, the border-crisis framing was consequential. Humanitarian needs were deprioritized vis-à-vis border management measures, with the Commission appearing to have little sway over Poland and Lithuania's emergency measures. These have led to summary pushbacks, arbitrary detention, and violent treatment of people trying to cross the border.[51]

While the Belarus case was by most accounts a foreign policy crisis with a migration angle, it also showed how the discourse around it shaped the substance of the migration policies that emerged. Commission Vice President Margaritis Schinas, who led the EU's response together with High Representative/Vice President Josep Borrell, described the situation as "not a migration crisis, but a particularly cruel, unprecedented hybrid attack."[52] The increased overlap between migration and security can be found in policy documents, such as the EU's 2022 Strategic Compass, its new action plan for strengthening security and defense policy. It emphasizes the need to "counter hybrid threats" in light of new, geopolitical realities.[53] Framing it primarily as an attack on EU borders, and by extension, EU values, ostensibly paved the way for defensive measures, rather than protection-oriented measures.

This tension between external border management and respect for fundamental rights has long marked EU crisis responses (Bamberg, Fabbri, and McNamara 2017), yet is ultimately skewed more often toward the former than the latter. Commissioner Johansson, for her part, urged member states to offer adequate reception and asylum support to those who managed to cross the border, as well as to accept Frontex and EUAA operational support. Moreover, the intention to de-escalate the situation was also demonstrated in her backing of NGO calls to be granted access to the Polish border zone so as to provide immediate humanitarian support to the stranded migrants (ECRE 2021). But these calls were less audible and received little follow-up compared with the Commission's broader

response in two new legislative proposals relating to situations of instrumentalization (see section 2.4).

In contrast, the Ukraine war has not triggered the same kind of securitized thinking at the EU level, despite causing the highest number of displaced people in Europe since World War II. There has been a greater focus on effectively managing the situation, instead of reverting to control and prevention, although this has been less the case for some member states. In Poland, there have been unfounded reports about the security threat posed by non-Ukrainian refugees in particular, which have spread with the help of right-wing parties.[54] False narratives like these do more than just heighten hostility and undermine social cohesion (Neidhardt 2022)—they also feed an environment in which disinformation is already rampant (EDMO 2022). Nevertheless, public solidarity has persisted, likely also serving as a buffer against such security-driven framing. Especially as the situation remains unpredictable, sustaining this public support will be crucial to ensuring that language does not end up justifying securitized policy and action.

In the three instances, securitization dynamics took hold especially in the early crisis phases, when the uncertainties of how the situations would evolve and fears about the impacts were high. Each case has given rise to security-driven thinking reminiscent of earlier reactions by the EU and member states to similar situations, such as in 2015–16. It has been evident in crisis communication, as the initial responses to Afghanistan and Belarus show, and found its way into policy documents. This other aspect of securitization—the way in which rhetoric shapes and helps justify actions—has received ample attention over the years. Reinforced external border control and externalization measures were recently discussed in the context of Afghanistan (Mohammadi, Nguyen, and Vallentine 2021) and have remained on the agenda in EU cooperation with non-EU countries like Turkey and Pakistan (MEDAM 2021). Policies that serve to normalize exceptional or emergency measures (see section 2.4) likewise fall under the scope of securitization (see e.g., Neal 2010), with control and containment measures overriding those aimed at ensuring access to protection and respect for fundamental rights. Arguably, security concerns that emerge at the onset of crises do not always prove valid and do not necessarily translate into action. It is when they do that close attention needs to be paid to the consequences, as the section on policy fragmentation shows.

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[51] See Human Rights Watch (2022a and 2022b) and Amnesty International (2022).

[52] A. Rogal, "MEPs Debate Belarus Border Emergency Measures," *The Parliament Magazine* (January 13, 2022), https://www.theparliamentmagazine.eu/news/article/meps-debate-belarus-border-emergency-measures.

[53] See European External Action Service, "A Strategic Compass for Security and Defence," Brussels (2022, 34), https://www.eeas.europa.eu/sites/default/files/documents/strategic_compass_en3_web.pdf.

[54] See G. Gigitashvili, "False Reports Incite Attacks on Non-Ukrainian Refugees in Poland," *Medium* (March 11, 2022), https://medium.com/dfrlab/false-reports-incite-attacks-on-non-ukrainian-refugees-in-poland-a2b549bec10a.

2.4 Policy fragmentation

The different crisis situations under review have demanded timely and tailor-made responses by the EU. In the cases of Afghanistan, Belarus, and Ukraine, these have ranged from international, coordinated diplomatic efforts to dedicated operational and financial support as well as ad hoc legislative proposals. The ability to adapt to new and unforeseen circumstances is essential in responding to any emergency. A key goal in such situations is to reduce the strain on member states' asylum systems or temporarily ease entry requirements to facilitate the processing of arrivals. This can be done by introducing specific or extraordinary measures that allow for additional flexibility, as well as tools and policy instruments.

A downside of tailor-made approaches to crisis situations is that they risk further fragmenting an already patchy policy framework. The urge to address crisis situations has often led the Commission and member states to propose or adopt ad hoc, flanking solutions. While these have served, to a certain extent, to tackle the specific challenges at hand, they do not always promise longer-term value or easy application in a harmonized manner. This pertains as much to the rules that govern migration and asylum in the EU as to their application or implementation.

The clearest example of this relates to the policy proposals that emerged out of the border crisis with Belarus. The proposed regulation addressing cases of instrumentalization in the field of migration and asylum[55] would notably institutionalize derogations from EU law in cases where migration is 'instrumentalized' for political purposes by third parties.[56] More specifically, it would extend to other member states the emergency measures initially proposed for the benefit of Latvia, Lithuania, and Poland.[57] If adopted, member states facing 'instrumentalization' would be able to adopt broad exceptions to the EU border management rules and limit access to international protection (see ECRE 2022). Derogations of the EU's asylum *acquis* would include extending registration periods for asylum applications, applying the border procedure to all asylum claims, reducing reception conditions to meet only basic needs, and expediting return procedures.

In addition, some of the elements introduced in the regulation, including a legal definition of instrumentalization, also feature in a proposal to revise the Schengen Borders Code (SBC).[58] The draft revisions to the SBC would permit member states to, first, temporarily close or limit access to official border crossing points. Second, in cases of attempted entry en masse by non-EU nationals, member states would be allowed to use the means necessary to prevent entry as long as they conform with obligations to provide access to international protection and uphold the principle of non-refoulement. Although not much progress has been made on the instrumentalization regulation, the SBC proposal has already seen some movement with a general approach adopted by the Council in June 2022. The final text is still to be negotiated with the European Parliament, yet the instrumentalization amendments have already raised concerns. Among others, the definition of instrumentalization proposed by the Commission has been criticized for being too broad in scope (ECRE 2022). The Council's recently adopted negotiating position widens it even further by including both state and non-state actors as potential sources of destabilization.

The consequences of the derogations in the two proposals can be easily spelled out: not only could the border restrictions ostensibly result in bottlenecks and longer waiting periods, but also migrants could face de facto detention as well as a deprivation of material support. While the future of the instrumentalization proposal is unclear, and by some estimates unlikely to move ahead (Woollard 2022), it is an important example of how securitized policy responses often come at the expense of more protection-oriented approaches. Showing unity to the outside, while permitting more fragmentation in asylum standards internally, even if only temporarily, risks doing more harm than good in the long run. That is especially so considering that malfunctioning asylum systems and a lack of crisis preparedness are often a result of weak implementation of common standards (ECRE 2019). The proposal ultimately makes concessions to non-compliant states, further encouraging them to derogate from rules at a time when the right to territorial asylum is already under widespread attack (Beirens and Davidoff 2022).[59]

A few months after proposing the new measures on instrumentalization detailed above, member states took the unprecedented decision to activate the TPD

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[55] European Commission, Proposal for a Regulation of the European Parliament and of the Council Addressing Situations of Instrumentalisation in the Field of Migration and Asylum, COM(2021) 890 final, Brussels, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:890:FIN.

[56] Instrumentalization and types of actors (state or non-state entities) at its source are yet to be legally defined.

[57] European Commission, Proposal for a Council Decision on Provisional Emergency Measures for the Benefit of Latvia, Lithuania and Poland, COM(2021) 752 final, Brussels https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0752.

[58] European Commission, Proposal for a Regulation amending Regulation (EU) 2016/399 on a Union Code on the rules Governing the Movement of Persons across Borders, COM(2021) 891 final, Brussels https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A891%3AFIN.

[59] UNHCR, "News Comment: UNHCR Warns of Increasing Violence and Human Rights Violations at European Borders," Geneva (February 21, 2022), https://www.unhcr.org/news/press/2022/2/62137a284/news-comment-unhcr-warns-increasing-violence-human-rights-violations-european.html.

for the benefit of those fleeing the conflict in Ukraine (see Box 2). The blanket protection offered by the TPD, for its part, has proven to be an effective short-term solution in light of a mass influx of people. Like other CEAS instruments, the TPD provides for a set of generally defined rights that need to be transposed into national law, which paves the way for differentiated implementation by member states.[60]

In the past, weak harmonization, coupled with poor implementation and mismanagement of national asylum systems, has had negative impacts on the fair sharing of responsibility between member states (ECRE 2019). So far, shortfalls linked to differentiated imple-

mentation have partly been counterbalanced by the possibility granted to TPD beneficiaries to move freely across the EU, which is meant to encourage a more equal distribution (see Thym 2022). However, experts indicate that, while member states might have bought some time by activating the TPD, they will need to implement forward-looking policies to sustain this "balance of efforts" (Rasche 2022). Failure to provide TPD beneficiaries with adequate government assistance or insufficient efforts to maintain public support might rekindle political and institutional crises across member states (ibid.; Drazanova and Geddes 2022). In the longer term, structural reforms to the common asylum

Box 2 Activation of the Temporary Protection Directive

On March 3, 2022, EU member states unanimously approved a Decision (2022/38) activating the Temporary Protection Directive. This is the first time that the directive, which was introduced in 2001 in relation to the Yugoslav wars, was triggered.

Previously, calls to activate the TPD were made in response to other situations when large numbers of refugees arrived, such as the war in Syria in 2015 and following the 2021 Taliban takeover in Afghanistan. Experts point to the broad definition of what constitutes a 'mass influx' and to the high threshold for approval required for its activation (a qualified majority vote in the Council) as the main reasons why the instrument has never been used to date. Prior to the outbreak of the war in Ukraine, the Commission itself considered the TPD to no longer be fit for purpose. The New Pact included a proposal to repeal the TPD and replace it with a new regulation addressing migration and asylum in situations of crisis and force majeure.

Decision 2022/382 establishes the existence of a mass influx of displaced persons by reason of the Russian invasion of Ukraine and sets the conditions for utilizing the TPD. While beneficiaries are granted immediate access to temporary protection without undergoing regular asylum procedures, its application is limited to certain categories of persons.

First of all, it applies only to those who fled Ukraine

after February 24. Moreover, it covers Ukrainian citizens and recognized beneficiaries of international protection who had been residing in Ukraine before the war broke out, as well as their family members. The TPD only applies to those non-EU nationals who are long-term residents in Ukraine and who are unable to safely return to their country of origin. As for its duration, protection granted under the TPD lasts one year from the date it took effect (March 4, 2022) but, unless the conditions in Ukraine improve significantly such that safe return is possible, it may be extended for up to three years.

Another key aspect of the decision implementing the TPD concerns the commitment by member states to allow beneficiaries to choose where in the EU they want to relocate to. Governments agreed in principle not to apply Article 11 of the directive—thus, to refrain from issuing take-back requests for beneficiaries of temporary protection who moved from one state to another.

Apart from residency rights, temporary protection gives beneficiaries access to employment and education. It also provides some entitlement to social welfare, housing, and health care. Member states retain the option to go beyond the scope of temporary protection and implement its provisions more generously, for example by extending it to those who left the country before the outbreak of the war or by offering broader access to social benefits.

Sources: Own compilation based on İneli Ciğer (2022), Thym (2022), and Council of the European Union, Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, Brussels (March 4, 2022), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382.

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[60] For instance, different interpretations of which categories of people would fall under the scope of protection emerged early on, going so far as to de facto exclude non-Ukrainians fleeing the country from accessing protection. Most member states have retained the scope of protection as set out in the Council Decision implementing the TPD, covering Ukrainian nationals, recognized refugees in Ukraine, stateless persons, and long-term residents who are unable to return safely to their home countries. While some member states have opted for a more extensive interpretation, concerns have been raised in Hungary and Poland, where non-Ukrainians fleeing the conflict have de facto been excluded from application of the TPD. See Babická (2022).

systems might prove to be the easiest and most sustainable way to reduce these gaps, while also providing long-term solutions for those who fled Ukraine (Venturi and Vallianatou 2022).

Finally, fragmentation is also evidenced by the varying frameworks and rights that apply to groups of people seeking protection. Accordingly, while the EU's protection system de jure applies to everyone unequivocally, de facto a two-tier system is likely to emerge following the activation of the TPD. On paper, by creating an immediate pathway to protection for those escaping Ukraine, the TPD should free up resources that enable the normal functioning of member states' asylum systems. As a consequence, the implementation of the TPD should not, to the maximum extent possible, be an excuse to unduly limit access to protection for other asylum seekers (see Mouzourakis 2021). Yet, it remains to be seen whether this will happen in practice, as past experience points in the opposite direction. While refugees fleeing Ukraine are granted residency and other rights, those attempting to cross EU borders from Belarus, or other regions in the world, are deterred from seeking protection and face discrepancies in accessing asylum across member states.

In this vein, the EU and its member states will have to contend with the question of how to reconcile these structural differences and move toward a more unified, permanent, and crisis-resilient migration and asylum system. The current fragmentation, as well as the constellation of policy proposals that encourage diverging implementation of EU standards, risk broadening the gaps between member states' positions and dealing another blow to attempts to agree on common solutions. Going forward, the response to displacement in Ukraine is likely to remain a benchmark for future migration-related challenges. Even so, its effectiveness in the short term should not be an occasion for complacency. Forward-looking, structural solutions are still required to address the needs of those forcibly displaced from Ukraine as well as from the rest of the world.

2.5 Conclusions and outlook

In the past year, the EU has faced a series of displacement-related emergencies, often resulting from changing geopolitical circumstances: the Russian aggression against Ukraine, the state-sponsored smuggling of migrants at the border with Belarus, and the Taliban takeover of Afghanistan. The subsequent crises have hit at a time when the bloc has sought to make progress on structural reforms, largely grouped under the New Pact, which intends to remedy some of the deficiencies of the common migration and asylum system.

These events have prompted rapid responses and new thinking as to how the EU can best manage the resulting displacement of people, many of whom are in need of protection. On the one hand, these circumstances can be seen as having forced the EU to react and to design effective and innovative solutions. In this respect, the EU's crisis response has propelled a number of positive trends that could strengthen crisis resilience and inform future policy approaches to situations of migratory pressure:

— *Reinforced coordination and operational support.* In the context of recent crisis situations, the EU and its member states have significantly stepped up operational cooperation. The availability of platforms for coordination and EU operational support has been an important element in creating opportunities for more coordinated management, rather than unilateral action. In such circumstances, the Commission has also acted as a convenor at the international level and showcased its ability to generate political momentum around specific political objectives, such as refugee resettlement.

— *Agile mobilization of funding, material resources, and political capital.* The EU's ability to rapidly mobilize relevant resources and funds as well as operational support to adjust to emergency circumstances has been remarkable. In particular, efforts to make the EU's financial resources more flexible in their use have proven instrumental to supporting member states in adjusting their reception, asylum, and integration systems to unforeseen needs. Moreover, additional flexibility could improve the chances of vital but previously underrecognized actors, such as local authorities and civil society, to benefit from funding.

On the other hand, the examples discussed in this chapter show that policy making in crisis mode entails a number of risks and trade-offs, which undermine efforts to bring greater convergence in the migration debate.

— *Trade-offs between adaptation and maintaining existing commitments.* The response to crisis situations and deployment of resources to address emergencies can come at the expense of other long-term priorities, such as providing humanitarian aid or resettlement pledges to non-EU countries. Fur-

thermore, the time and political capital invested in designing and implementing emergency responses might slow down progress in building more structural preparedness and resilience.

— *Resurgence of securitization dynamics.* The EU's crisis-mode, securitized thinking evidenced in both its communication and policy initiatives gave greater weight to border management than to protection needs. Securitized thinking has helped to reinforce crisis narratives on migration-related challenges, often ultimately at odds with the scale of arrivals. It has also provided grounds for justifying exceptional measures, such as internal border controls, beyond the actual emergency situations.

— *Fragmentation.* Policy and legislative solutions proposed in crisis circumstances have been designed to respond to member states' needs, but often encourage, rather than prevent, states' unilateral actions and derogations from common standards. While emergency measures are intended to be exceptional and of a temporary nature, they ultimately serve to boost a trend of non-compliance and implementation gaps that have weakened the existing asylum rules. Without clear and proportional limitations, they risk leading to a normalization of a state of exception, and to further fragmentation of common migration and asylum policies.

Given that the EU will likely encounter higher numbers of spontaneous arrivals again in the future, learning from what works in crisis moments is vital. As the past year has shown, a reinforced European dimension to crisis responses at the operational level has proven to be beneficial. Still, the benefits that can be derived from stronger cooperation and from the EU's operational and financial assistance only represent one side of the coin. Securitization, policy fragmentation, and erosion of the material and political resources that are required for fulfilling long-term priorities could hijack efforts to maintain common lines and trust even in crisis moments. Moreover, these dynamics are not entirely compatible with the goal of structurally reforming the EU's migration and asylum system.

In the absence of full-fledged policies, ad hoc responses have been a defining feature of the EU's approach. Yet, they also risk coming at the expense of structural and systematic preparedness and establishing a more robust framework for asylum policy. As such, the EU and member states should engage in long-term thinking and seize the opportunity to establish firmer ground for migration and asylum governance as a whole. Only then will the EU be able to address and respond to unforeseen circumstances with greater unity and preparedness.

3 Ukrainian refugees in the EU: Mobility, integration, and return

Lead authors: Paweł Kaczmarczyk, Matthias Lücke, Karolina Łukasiewicz, and Marta Pachocka

The The Russian invasion of Ukraine has forcibly displaced more than a quarter of the Ukrainian population—mostly within Ukraine (7.0 million internally displaced as of August 23, 2022), but also across EU member states, with 4.1 million "recorded" refugees as of September 7, 2022.[61] In addition, 2.5 million individuals have left Russian-controlled areas of Ukraine for Russia or Belarus; reportedly, some departures were not voluntary but were effectively deportations.

This is the largest forced population displacement in Europe since the aftermath of World War II, surpassing population movements due to the wars in former Yugoslavia. The number of Ukrainian refugees in EU member states also exceeds the number of refugees from the Middle East who arrived in the EU in 2015 and 2016. At that time, however, far more refugees remained in the Middle East itself (especially in Turkey, Lebanon, and Jordan, as well as an even larger number of internally displaced persons in Syria).

To address the needs of refugees from Ukraine, the EU has activated its Temporary Protection Directive (TPD; see chapter 2), which may be extended for up to three years. Under the TPD, refugees from Ukraine can live in the EU without applying for asylum; they may work and have access to social support, health care, and other public services under the same conditions as local citizens.

So far, most able-bodied men are not allowed to leave Ukraine because they are expected to support the war effort. Therefore, the Ukrainian refugee population in the EU is skewed toward women and children, creating strong demand for childcare and schooling. At the same time, many families find it difficult to make plans for their future, given uncertainty over the course of the war, post-war reconstruction, and the political and economic development of Ukraine.

We begin this chapter by reviewing the main data sources on internally displaced individuals in Ukraine and the number of refugees and their host countries. Although the situation is evolving, there is now a fairly comprehensive picture of its size and the challenges it poses (section 3.1). We then focus on Poland as the most important host country. We begin by describing the pre-war Ukrainian population in Poland. We then use national data sources and dedicated surveys to answer questions on the socioeconomic characteristics of the current refugee population and their intentions about integration, return, and onward movement. We also look at the multilevel response to the crisis by the Polish government, civil society, and local governments. We discuss major response challenges (section 3.2) and lessons learned from the Polish case (section 3.3).

3.1 Refugee movements from Ukraine since February 2022

Data on Ukrainian refugees in the EU are patchy because Ukrainian citizens benefit from a relatively liberal immigration regime compared with other forced migrants and asylum seekers. Since May 2017, Ukrainians have enjoyed visa-free access to the EU for 90 days at a time, but in practice, this limit has now been extended in many EU member states. Thus, when Ukrainian refugees arrive in the EU, there is no immediate need for them to register with authorities unless they require state support such as housing, income support, health care, schooling, or a work permit. Even after refugees have registered with the authorities of one member state in line with the TPD or a similar national scheme, they may move on to another member state and benefit from the same treatment under the TPD.

Figure 1 Refugees from Ukraine, by destination country, September 2022

(thousands)
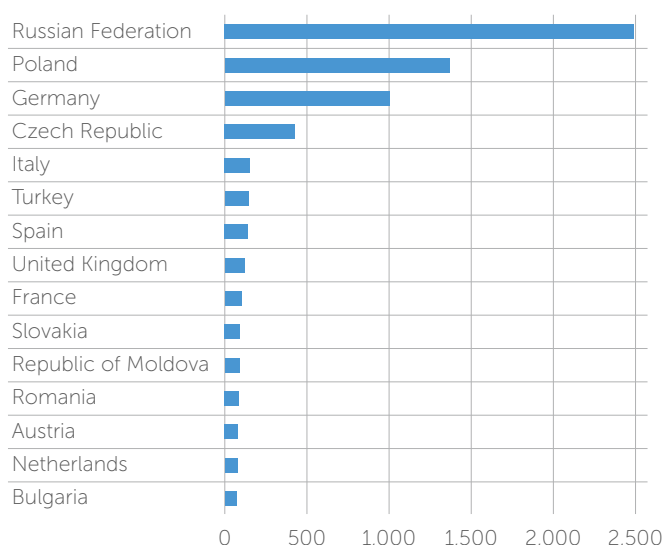
Source: UNHCR Operational Data Portal.
Notes: Destination countries are listed if they host least 70,000 refugees; 700,000 refugees are hosted in other European countries.
For statistical purposes, the UNHCR uses the term refugees generically, referring to all refugees having left Ukraine due to the international armed conflict. Ukrainian officials as well as media reports have accused Russia of forcibly relocating Ukrainian citizens to Russia and Belarus.

Figure 2 Ukrainian refugees per 1,000 residents, September 2022
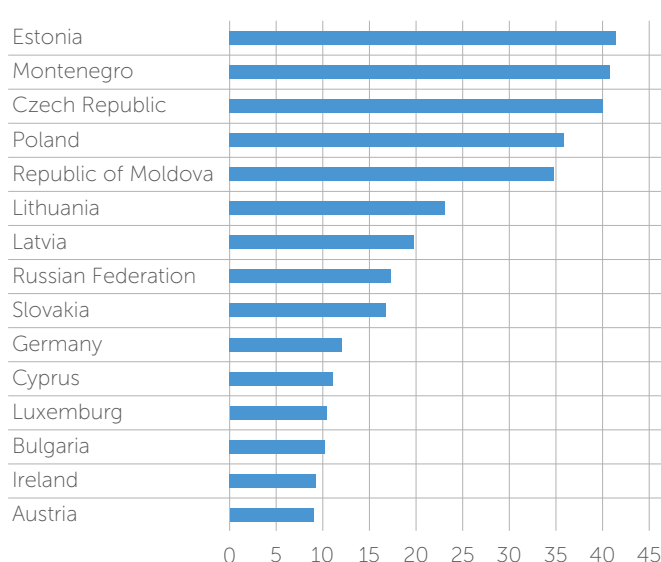
Source: UNHCR; World Bank (population); own calculations.

Based on an informal comparison with total border crossings, it seems plausible that data from the UN High Commissioner for Refugees (UNHCR) for "recorded" Ukrainian refugees provide a realistic picture of their numbers in the various destination countries. These estimates are based on administrative data, especially registrations under the TPD or similar national legislation.[62] Broadly speaking, refugees have followed their ethnic networks, which consist mainly of labor migrants. Poland, Germany, and the Czech Republic are the prime destinations, with the remainder scattered across Europe (Figure 1). Relative to the resident population, the number of refugees exceeds 3 percent of residents in the Czech Republic, Moldova, Estonia, and Poland, while it is below 1.5 percent for most other EU member states (Figure 2).

Meanwhile, the number of internally displaced individuals stabilized at 7.0 million by end-August 2022.[63] Information on internally displaced individuals is fairly reliable as it is collected monthly by the International Organization for Migration (IOM) through a nationally representative survey in Ukraine (computer-assisted telephone interviews, random digit dialing). At the same time, 6.0 million individuals in Ukraine (up from 2.7 million on May 3) had at one point returned from displacement, mostly (85 percent) within Ukraine.

It seems clear that the shift in the fighting toward eastern and southern Ukraine has encouraged some displaced individuals to return home to less affected areas. But there is considerable fluidity in displacement status: in total, those internally displaced on August 23 plus returnees from within Ukraine (13 million) must all have been internally displaced at some point since late February. Yet, at any one point in time, the number of internally displaced never exceeded 8 million. Hence, displacement due to the war must have affected far more people than the number (stock) of displaced individuals over time suggests.

These observations underline that it is difficult to predict how long Ukrainian refugees will remain abroad or when internally displaced individuals will return home. While there is strong anecdotal evidence (supported by the high number of returnees) that many displaced people are keen to return home at the earliest opportunity, the war has already destroyed many homes and livelihoods and will continue to do so. When able-bodied men are again allowed to leave Ukraine, many may want to join their families abroad—who may have stayed geographically close to Ukraine while separated from their family members but may now consider the whole range of settlement options across the EU that are open to

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[62] The main discrepancies between the number of "recorded" refugees and those registered under the TPD are for Germany, Bulgaria, and Romania (with the "recorded" number being higher): https://data.unhcr.org/en/situations/ukraine.

[63] IOM Ukraine Internal Displacement Report: General Population Survey - Round 8, 23 August 2022: https://reliefweb.int/report/ukraine/iom-ukraine-internal-displacement-report-general-population-survey-round-8-23-august-2022

them. On the other hand, a post-war reconstruction effort amid economic reforms combined with EU accession would create manifold economic opportunities in Ukraine, strengthen labor demand across many skill categories, and thus facilitate the return of many refugees.

Given these uncertainties, host countries are well advised to plan for a lengthy refugee situation with comprehensive opportunities for social and economic integration, while recognizing that under favorable circumstances return could become a realistic option for some refugees in the foreseeable future.

3.2 Poland: Challenges in reception and integration

Pre-war Ukrainian migration to Poland

The scale of pre-2022 migration from Ukraine to Poland helps to explain why Poland has become the most common destination for people leaving the war zone. Additionally, as shown below, the regional distribution of forced migration from Ukraine to Poland from February 24 onward reflects the pre-2022 period trends. The Ukrainian diaspora established in Poland before 2022 was estimated at 1.35 million (based on data from Statistics Poland and other available estimates; Duszczyk and Kaczmarczyk 2022). It was dominated by men arriving in Poland without families and migrating circularly.

In 2015, among Ukrainians who had arrived in the Warsaw area before 2013, the majority (81 percent) had originated from western Ukraine. After Russia's attack on Crimea and Donbas, arrivals from central and eastern Ukraine became the majority, with fewer than half (40 percent) coming from western Ukraine (Górny et al. 2019). Similar trends have been observed for other Polish cities. An initial survey of Ukrainians who fled to Poland after the Russian invasion indicates that the most common reasons for choosing it as a destination of forced migration are cultural proximity (reported by 36 percent of survey participants) and the presence of friends (27 percent) and family (24 percent) in the country (EWL Group 2022). These results are confirmed by another survey of post-February 24 Ukrainian refugees in Poland, in which 36 percent said they chose it because of resident family, friends, and other contacts (Pędziwiatr et al. 2022).

In the pre-war reality, Polish society was mainly positive toward Ukrainian migrants. Over 90 percent of surveyed Poles declared that they would accept a Ukrainian as a co-worker and a neighbor, and almost 90 percent would accept a Ukrainian as a family mem-

ber (Bulska 2022). Attitudes remained positive after the war of 2022 began. In March, 94 percent of interviewed Poles still thought Poland should be accepting refugees from Ukraine (CBOS 2022a).

Forced migration since February 2022

Socioeconomic characteristics of migrants and destination choice

As the Polish government has introduced a registration requirement (Ukrainian nationals are expected to register for a Polish ID number,[64] to access social benefits, additional support, the labor market, etc.), we possess data enabling us to assess the stock of Ukrainians residing in Poland and their structure. As of August 4, the number of registered people had soared to 1.23 million, of whom over 45 percent were children (ages 0–18, with most at ages 3–14, approximately 31 percent of the total), 43 percent women (of productive age) and 6.8 percent elderly (at retirement age defined as 60+ for women and 65+ for men).

A comparison of the above-presented data with the contextual information in the previous section shows that the structure of incoming refugees is drastically different from the Ukrainian diaspora residing in Poland before the war (which includes mainly working-age people with a clear majority of men). Also, as the newcomers are concentrated in specific age groups (notably ages 3–18), they are expected to add to pressures in the provision of public services and goods in Poland (Figure 3).

Moreover, as expected, the geographical distribution of refugees across Poland is distinctly uneven. In regional terms, the highest number of incomers from Ukraine in relation to the number of inhabitants is in the central region, Mazowieckie (with Warsaw), and

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[64] The PESEL number—Universal Electronic System for Registration of the Population—is an 11-digit number that enables an identification of a specific person.

Figure 3 Share of Ukrainian refugees among the Polish population, by age group, August 2022

(percent)
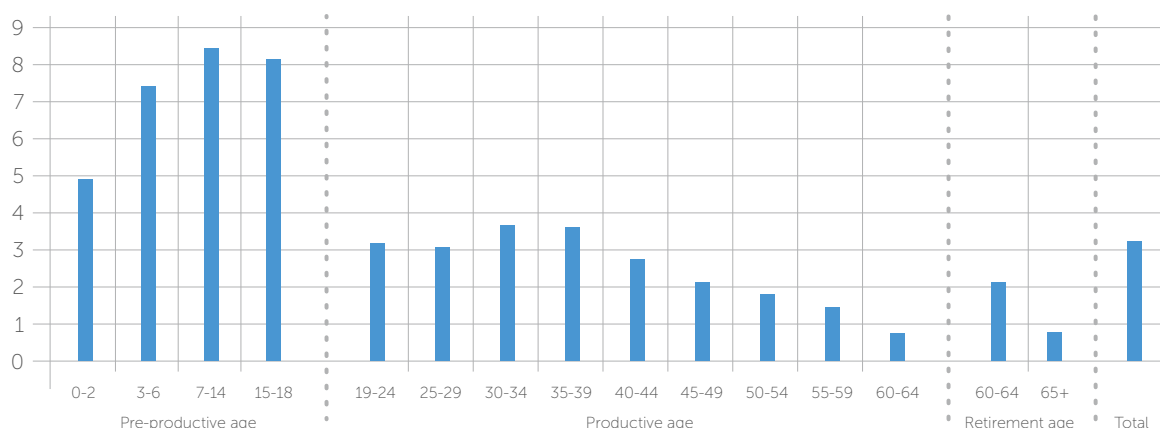
Source: Polish Development Fund based on the Polish ID registration system.
Note: Polish population as of December 31, 2021. Due to the Polish legislation the category 'productive age' includes males aged 60-64 and excludes females of the same age (these are presented as 'retirement age')

those Polish regions with the largest cities (see Map 1). The spatial distribution of refugees reflects (i) areas of residence of the pre-war Ukrainian diaspora (particularly Warsaw and other big cities) and (ii) areas with the best access to amenities and relatively well-developed labor markets. But it also shows (iii) that refugees still tend to concentrate in areas close to the Ukrainian-Polish border—as seen in Lublin, Rzeszów, and neighboring areas—as many wish to keep the return option open.

These observations are confirmed by data from additional studies, mostly focused on local/regional aspects. A study commissioned by the Union of Polish Metropolises (UPM 2022) shows that due to the war the number of inhabitants of the largest cities in the country has increased by 10 to 35 percent, with Rzeszów being the leader (as of April 1, 2022). The most recent (still unpublished) data point to a small decline in the stock but still a very substantial number of refugees residing in Polish cities. In absolute terms, the highest number of them have chosen to stay—at least temporarily—in Warsaw. According to the available data, the number of people who arrived in Warsaw between February 24 and May 31 was as high as 800,000.[65] Out of these, approximately 300,000 stayed in the city for more than three days, and around 110,000 registered to obtain their Polish ID number (170,000 in the greater Warsaw area). The scale of the challenge faced by local administration is visible through the number of children staying in Warsaw, estimated at 150,000, which massively increased the number of children of school age in the city.

Recently published results of a large-scale survey completed by the National Bank of Poland (2022) provide more insights into the structural characteristics and mobility paths of Ukrainian refugees in Poland.[66] The study confirms that they originate from all regions of Ukraine, but war areas are overrepresented (e.g., those from Kherson and Odesa) as well as people with already well-established links to Poland and the Ukrainian population in the country (e.g., those from the Kyiv area). Interestingly, not all Ukrainian refugees in Poland have arrived directly from Ukraine—approximately 13 percent of them have traveled through other countries (a phenomenon relatively common in the first phase of the war when people fleeing the war zones faced substantial difficulties in terms of mobility).

As noted above, most people fleeing from Ukraine are women, but the study shows that 60 percent of them came to Poland with children (mostly one or two). People who arrived alone (around 24 percent) were predominantly young (<29) and elderly women. Three key points are notable when looking at scenarios for the migrant population in the next subsection:

– Around 50 percent of people displaced from Ukraine had no previous migration experience (in Poland), nor contacts, or active migrant networks in the country. Almost half of them do not speak Polish. Furthermore, those with relatively weak links to Poland are overrepresented in regions that had limited migration flows in the pre-war period (Podlaskie, Świętokrzyskie, and Warmińsko-Mazurskie).

65 Biuro Strategii i Analiz Urzędu m.st. Warszawy, Warszawa w Kryzysie Uchodźczym. Raport za pierwsze trzy miesiące, czerwiec 2022 (2022) (accessed July 10, 2022), https://um.warszawa.pl/documents/39703/26880339/Warszawa+w+kryzysie+uchod%C5%BAczym+-+raport+za+pierwsze+trzy+miesi%C4%85ce.pdf/5f08dc64-1037-cc30-7835-6193c643b0ab?t=1655819297071.

66 The study was completed in April–May 2022 on a sample of over 300,000 people who arrived in Poland after February 24.

Map 1 Refugees registered for a Polish ID as a share of total inhabitants by *powiat*, August 2022

(percent)

Share of refugees in the
total population

0.50%   8.72%

Source: Polish Development Fund based on the Polish ID registration system.
Note: Powiats are local administration units in Poland, comparable to districts.
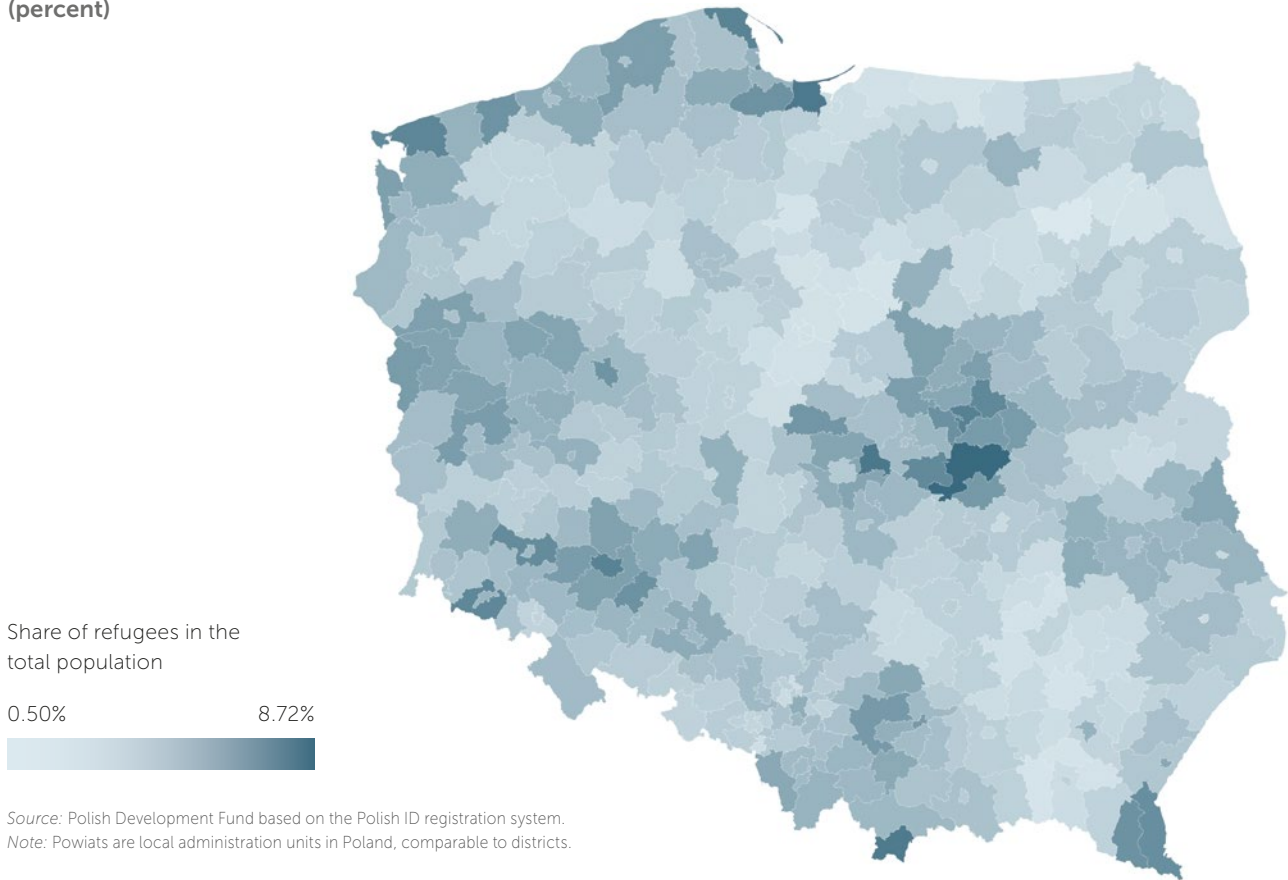
- The refugees are very active in the Polish labor market, with almost 30 percent already working and 50 percent actively seeking jobs. The problem, however, is with the quality of the job offer and skills match. From the study, it follows that approximately 50 percent have tertiary education—representing obvious potential but also a predicament considering the pool of jobs available. Only 5 percent of respondents declared that they have a good command of the Polish language and 50 percent have none at all.
- In terms of future plans, 70 percent of refugees planned only a temporary stay in Poland (up to 12 months), but with a strong indication that those plans can easily change depending on how the war develops. A clear demographic pattern was visible, with young people and men willing to stay for longer or settle and women wanting to go back as soon as possible. The latter preference is understandable if we consider that 80 percent of respondents left families behind (in the case of 54 percent, their parents). Finally, roughly 5 percent were willing to move to

another country, although this characteristic is apparently biased as the study captured only those who had already decided to stay in Poland.

Scenarios for the migrant population

Given the complex military and political situation, it is very difficult to predict developments in Ukraine and to an even larger extent the future stocks of people displaced from Ukraine to Poland. Nonetheless, to assess the needs and amount of expected costs associated with their support, initial attempts have been made to quantify future scenarios.

Duszczyk and Kaczmarczyk (2022) estimate the size of the Ukrainian presence in Poland at the starting point of 2.9 million people (as of April 2022). This number is important, as it comprises two subpopulations, i.e., newly arrived refugees (approximately 1.55 million) and those already staying in Poland before the war (around 1.35 million). Contrary to other approaches, the idea is to look not only at the newly

arrived people but also at those who were staying in Poland beforehand, as war has had an impact on both categories: the former were forced to leave the country, while for latter it has been necessary, in many cases, to modify original migration plans and strategies. That is crucial, given that the circular migration pattern was very common or even dominant in the case of Ukrainian migrants before the war. The very special demographic structure of the newly arrived Ukrainians (as shown above) at the starting point is drastically different from the typical labor migration observed before, including a large share of women at ages 18–65 (40 percent), children (26 percent), and the elderly (2 percent).

Treating these data as a starting point and considering a set of assumptions on war developments, three main hypothetical scenarios have been proposed.[67]

The first scenario assumes a long continuous war in Ukraine, though concentrated in several regions and with varying scale and intensity. This is expected to trigger additional forced migration flows and gradually labor migrants as well. As the war could be most intense in the eastern and south-eastern parts of Ukraine, numerous temporary and permanent returns to regions not affected by the war would be possible but the extent of both inbound and exit flows would depend strongly on the dynamics of the conflict. Additionally, a long and continuous war is expected to bring a substantial deterioration of social and economic conditions in Ukraine, leading to higher migration propensity.

In view of all these conditions, Duszczyk and Kaczmarczyk (2022) estimate the stock of Ukrainians in Poland after 12 to 18 months at around 3.1 million. Note that this number refers to the total population of Ukrainians staying in Poland, i.e., not just refugees. This scenario assumes relatively moderate 'new' inflows (compared with the starting point) but with some mobility between Ukraine and Poland leading to shifts in sociodemographic terms. Importantly, it would bring a substantial change in the demographic structure of the immigrant population in Poland, to 24 percent children, about 37 percent women, and 37 percent men (at productive age, as Ukraine's mobility ban for men could gradually be relaxed).

The second scenario assumes a relatively quick conclusion of a peace agreement by autumn 2022. That could stabilize the situation in the short run and hold the promise of substantial improvement in political, economic, and social terms in the medium and long run (e.g., as a consequence of EU candidate country status and expected recovery funds). Such developments could have a serious impact on the stock of women and children (returns) as well as on men

(including those residing in Poland in the pre-war period). It would mean that the stock of Ukrainians staying in Poland could stabilize at around 1.75 million, of which 1–1.25 million would be 'pre-war' immigrants (mainly men) and 0.5–0.7 million refugees would transform into 'post-war' immigrants (mainly women with children and the elderly, to a large extent family members of those staying in Poland before the war). The medium-term outcomes of this scenario (12–18 months) are substantially different from the previous one also in demographic terms, as one would expect a decline in the number of women and children. There would be a rather slow return to the structure of the population residing in Poland before the outbreak of the war (the economically active adult population would account for about 86 percent compared with over 95 percent in the pre-war period).

The third scenario assumes that a peace agreement will be signed earlier than thought in scenario one but also that the reconstruction process will be difficult, with additional political, economic, and social tensions. For these reasons, regardless of the positive developments in terms of the war, a further influx of women, children, and the elderly should be expected, as well as a possible outflow of men (for ongoing fighting or reconstruction of the country after the peace agreement is signed). This scenario results in the highest number of Ukrainians residing in Poland in the medium term—approximately 3.4 million by the end of 2023. Again, this population comprises both refugees and Ukrainians who were already staying in Poland before the war. It also entails substantial—and relatively durable—changes in the demographic structure of the Ukrainian diaspora (with a substantial share of women and children). This scenario would be a challenging one from social and economic perspectives, as the adult population of active age would account for about 65 percent of the total (i.e., even more than at the starting point).

All three scenarios would mean a large increase in the number of Ukrainian citizens residing in Poland compared with the pre-war situation. What is more, differences lie not only in the scale of migration but also in its structural features, with scenarios one and two being linked to a significantly higher presence of children (and the elderly). Scenarios two and three assume major investment to rebuild damaged infrastructure, financed by either international aid or reparations. If the funds for this purpose are substantial, it may cause an exodus of workers currently employed in the construction industry in Poland. Even so, it is difficult to imagine that Ukraine's GDP would quickly return to its pre-war level. Therefore, labor immigration to Poland and other EU countries would be higher

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[67] For more details, see Duszczyk and Kaczmarczyk (2022); in this report we summarize the most important findings of the approach.

than before the war (with higher shares of women). There would also be a reunification of families that are now separated, especially from areas where Ukrainian control is not restored or bordering them, as well as those most damaged by war.[68]

Gaps in policy-relevant knowledge

The many gaps in our knowledge pose serious limits in identifying appropriate policy measures, the most important of which are below.

- Reliable administrative data (with full coverage) is lacking on the stock of people who fled from Ukraine to Poland, as a result of at least three issues: First, the Polish ID registration system provides data on only a fraction of the population. As indicated in available studies, e.g., by the National Bank of Poland (2022), not all Ukrainians residing in Poland register, one reason being plans to leave Poland and a lack of clarity about the impact of registration on an individual's future situation. Second, the system does not enable the population to be tracked across time and space. Third, some important data are not being collected (e.g., characteristics of human capital).
- We still lack in-depth quantitative and qualitative studies to assess the main drivers of the decision to stay and register in Poland and the trajectories of people registered. At the time of writing, the first studies on the population of Ukrainian refugees in Poland are being published but they are often difficult to compare, among others due to methodological deficiencies.
- Systematic, administrative data and data collected from research are needed to identify regional differences across the country in the scale of forced migration from Ukraine. This point particularly applies to the internal and international mobility of people who have already registered in Poland (in certain places).
- Along with their mobility trajectories, we also lack data on the newcomers' strategies, motivations, and integration across various domains. An important task is to match existing Polish ID register data with other administrative data—e.g., on social benefits, labor market performance, and participation in the

school system—and scholarly surveys (with highly sought-after longitudinal data enabling Ukrainian refugees to be tracked across time and space).

Poland's response in a multilevel governance setting

In the first weeks of the crisis, volunteers, nongovernmental organizations (NGOs), the Ukrainian diaspora, and local governments played a key role in responding to the crisis, especially in the border towns of Przemyśl and large cities like Warsaw, Kraków, Lublin, Wrocław, and Gdańsk.[69] Many international organizations, such as the UNHCR, IOM, and EU became active in managing the reception of people displaced from Ukraine to Poland. They played both coordinating and supporting roles. Soon, the government established a legal and institutional framework for the national-level response, passing the Law on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country on March 12, 2022.[70]

The government's new legal protection framework

The new legislation established by the Polish government followed the European Commission's decision to introduce temporary protection for individuals fleeing the war in Ukraine.[71] However, it offers protection to a smaller group of people than the EU's TPD. It also grants fewer legal and social rights than the international protection system does in Poland (refugee status and subsidiary protection). At the same time, it operates more efficiently than the Polish asylum system. The latter, since election of the Law and Justice Party in 2015, has been systematically defunded by the government and access to the sole asylum application process has been reduced through pushbacks at the borders (Łukasiewicz 2017).

Under the new Polish legislation, Ukrainian citizens and their families arriving in Poland since February 24 have been granted 18 months of legal permission to stay in the country. They have the right to apply for temporary residence and legal access to the labor market (including facilitated access to specialized professions), as well as the health care, education, and wel-

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[68] The authors refer to another scenario (a fourth one), but this is presented as unlikely and thus not discussed in detail. In that scenario, Russia gains substantial military advantage and occupies much of Ukraine's territory. Such a development could cause a massive escape from Ukraine at much higher scale than now (over 10 million people), with Poland remaining the most important destination country.

[69] For more, see Jaroszewicz et al. (2022) and Łukasiewicz et al. (2022).

[70] Law of March 12, 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country (consolidated text, Journal of Laws 2022, item 583 with amendments).

[71] Council of the European Union, Implementing Decision establishing the Existence of a Mass Influx of Displaced Persons from Ukraine within the Meaning of Article 5 of Directive 2001/55/EC, and Having the Effect of Introducing Temporary Protection, Brussels (March 4, 2022) (accessed June 6, 2022), https://data.consilium.europa.eu/doc/document/ST-6846-2022-INIT/en/pdf.

fare systems (including a universal child benefit). The legislation also offers a one-time small cash transfer of some €62 (PLN 300) and a financial subsidy for individuals who host people displaced from Ukraine in their homes, up to some €8 (PLN 40) a day per person.

The first step to obtaining the protection is to apply for a Polish ID number (PESEL). It takes between days and weeks to receive the number, compared with months and years of application for refugee status in Poland (Law of March 12, 2022 on assistance; Association for Legal Intervention 2022). Also, unlike the EU TPD, the Polish framework offers the protection listed above only to Ukrainian nationals and their families who fled Ukraine on or after February 24. It excludes people with a recognized refugee status in Ukraine, stateless people, and nationals of non-EU countries other than Ukraine, who could prove that they were legally residing in Ukraine before February 24.

In Poland, during the asylum application process, asylum seekers gain the right to shelter in refugee reception centers (called 'centers for foreigners') or to receive financial support and access to the health care system. After six months, if the asylum procedure in their case is protracted through the fault of the national administration, they gain access to the labor market based on a special certificate issued by the Office for Foreigners. Unlike the case of temporary protection, they cannot travel to their countries of origin while the application process is ongoing. If granted international protection (a refugee status or subsidiary protection), they have a clear path to Polish citizenship and the right to participate in a year-long individual integration program provided by local family support centers. These programs include, among others, cash transfers, language courses, and social work.[72]

Because Poland, compared with other EU countries, has the third highest asylum rejection rate, only a handful of people fleeing the war in Donbas and then the Russian invasion of Ukraine applied for refugee status (Eurostat 2020). At the peak of arrivals from Ukraine in March 2022, when some 140,000 people were crossing the Polish-Ukrainian border daily, only 736 applied for refugee status in Poland (Office for Foreigners 2022; Duszczyk and Kaczmarczyk 2022). Between February 24 and June 15, a total of 1,155 applications were filed (Office for Foreigners 2022).

The temporary protection framework created by the government has received criticism from civil society organizations for offering weak support to individuals who left Ukraine prior to February 24, but who can no longer safely return to the country.[73] That group of individuals includes most of the Ukrainian migration to Poland before February 24. For them, the act provides only the possibility of extending their legal stay in Poland to the end of 2022, as well as the right to work and conduct business operations. They do not have access to other forms of support. The unequal treatment of those fleeing the war in Ukraine to Poland, and the creation of a system that categorizes refugees into those more and less deserving of help, goes beyond those who arrived before February 24. The most jarring differences, which have been called out by local third-sector organizations and increasingly by international public opinion, concern the treatment of citizens from Middle Eastern or African countries on the Polish-Belarusian border. In these latter cases, the Polish state has denied individuals fleeing war or persecution the right to even file an application for international asylum (Grupa Granica 2021). These systemic differences in access to legal protection, as well as in how protection is provided, cast a shadow on the civic mobilization to help refugees in Poland.

Overall, the temporary protection legislation has created a quick and easy-to-obtain alternative to the existing system of lengthy and difficult asylum procedures. Yet, this framework provides weaker legal and social protection, with no path to citizenship, insufficient financial and housing assistance, and no access to tailored integration programs. Given the predicted long-term, forced migration from Ukraine to Poland and its demographic structure (overrepresented by women and children), the protection gaps may widen over time.

In addition to creating the legal framework for the reception of people fleeing Ukraine, the Polish government has set up temporary reception centers, information hubs, and with the assistance of voivodes, an information website.[74] The government has also facilitated the process of granting Polish ID numbers to Ukrainians. Prime Minister Mateusz Morawiecki appointed a government plenipotentiary for war refugees from Ukraine, but the activities of the plenipotentiary have not been publicly disclosed (Kancelaria Prezesa Rady Ministrów 2022). The government began a pilot program to establish two migrant integration centers in the Greater Poland voivodeship. The centers are part of a project on "Building structures for the integration of foreigners in Poland," co-founded by the EU Asylum, Migration, and Integration Fund, which

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[72] See the Ministry of Family and Social Policy (2022), Association for Legal Intervention (2022), and Sobczak-Szelc et al. (2020; 2021).

[73] The EU TPD also does not provide for a right to stay for this category of people, but the European Commission has encouraged member states to be more generous in its implementation guidelines.

[74] See the PomagamUkraine website, pomagamukrainie.gov.pl.

began before the crisis (Ministry of Family, Labor, and Social Policy 2020). The centers are designed to be one-stop locations where migrants receive a complex range of support, including social services, legal assistance, help with accessing education and health care as well as language training (Regionalny Ośrodek Pomocy Społecznej 2022). Still, a medium- and long-term integration strategy is needed (Box 3).

Box 3 Measures for an integration framework

Given the predicted long-term nature of forced migration from Ukraine to Poland and the possible scenario in which some 1.75 million Ukrainians remain, overrepresented by highly skilled women and children, critical issues are yet to be addressed by Polish authorities at the central and local levels:

— Transforming the humanitarian response into a medium- and long-term migrant integration framework utilizing the high social and cultural capital of Ukrainians;
— Bridging the gaps in the weaker social and legal protection granted to the holders of the temporary protection status compared with refugee and subsidiary protection statuses;
— Funding the medium- and long-term response; and
— Creating a humanitarian response plan for the next possible influxes of forced migration.

To address these challenges, the following measures should be considered:

— Preparing medium- and long-term strategies for managing the crisis and migrant integration at the central and local levels. These should include specific tasks and responsibilities clearly divided among public actors for arranging refugees' access to housing, employment, education, and health care, and mainstreaming public services for their needs far more than at present;
— Adjusting public services to the needs of refugees, including offering Polish language courses (also at the advanced level) and drawing on expertise from the individualized integration programs available for recognized refugees and holders of subsidiary protection in Poland;
— Utilizing international financial support to develop the activities; and
— Offering strong, long-term legal and social protection to holders of temporary protection status, such as a path to Polish citizenship.

Role of civil society, local authorities, and international actors

Civil society. While it took the government a month to create the legal framework for protection and set up temporary reception centers, civil society and other organizations specializing in migrant and humanitarian aid led the response at the start of the crisis. This largely bottom-up and civil society-run response was essential during the early weeks. Over time, central and local administrations stepped in. The challenge remains to develop and implement sustainable, well-coordinated, institutionalized solutions for the medium and long term, as the decentralized grassroots response naturally diminishes over time.

In the first days of the crisis, grassroots support groups helped with transportation (including by using private cars), shelter in private apartments, and food.

Approximately 77 percent of adults in Poland were directly involved in support (particularly in the very first phase), and 7 percent offered their houses or apartments to refugees (PIE 2022). Networks established during the crisis at the Polish-Belarusian border, e.g., Families without Borders, joined the response.[75] In April 2022, 63 percent of people interviewed by the Center for Public Opinion Research revealed that they or people in their household had helped Ukrainian refugees (CBOS 2022b). Most had provided in-kind donations and contributed money. A few organized donations helped to deal with practical things: offering housing, preparing meals, and volunteering at reception or residential centers, and transporting people from the border.

Yet, as time went on, the support started to dwindle. By June, the share of people interviewed who said their households had helped migrants from Ukraine

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[75] See Families without Borders, rodzinybezgranic.pl/.

had dropped by 10 percentage points (CBOS 2022b). Some of this decrease can be attributed to the expanding engagement of local administration in addressing the basic needs of Ukrainians. Nevertheless, support gaps grew as volunteer-based help shrank, e.g., offering food for the newly arrived (*Wprost* 2022).

The much-needed volunteer-based response also generated risks for the responders and the refugees alike. Individuals providing direct support to refugees have struggled with ineffective coordination of aid activities, overwork, emotional strain, and consequently, a significant turnover (Łukasiewicz et al. 2022). Groups of volunteers have included untrained staff who are unsure of their duties as well as minors who lack the resources to professionally coordinate and verify aid offers and adjust them to existing needs. Poor institutional coordination and oversight of grassroots support created conditions for an increasing incidence of fraud, human trafficking, and sexual assault of those seeking safety from the war in Ukraine, as pointed out by the Commissioner for Human Rights.[76]

Local administration. Over time, local authority responses stepped in, though differing across the country depending on the scale of forced migration, their migration experience before February 24, and the political context. Most commonly, Polish municipalities around the country have launched fundraising campaigns for Ukrainian refugees. The municipalities that have experienced the largest forced migration have set up information centers and offered multilingual materials and web pages (in Polish, Ukrainian, Russian, and sometimes English). They have arranged for the transportation of refugees from the border, mass temporary housing, and legal and psychological support. These activities have been carried out in cooperation with Polish and international NGOs. Warsaw, which has experienced the largest number of arrivals in absolute terms, has offered a total of 3,200 beds in temporary housing since the beginning of the crisis and had some 14,000 volunteers engaged in the response, according to data from Warsaw City Hall.

Although bigger cities have faced greater challenges in terms of the number of refugee arrivals, they have also been better equipped to respond. All existing pre-war tools and platforms for cooperation between different local stakeholders, such as the Social Dialogue Committees in Warsaw or Open Kraków, have

played a crucial role (Łukasiewicz et al. 2022). Warsaw's Social Dialogue Committee for Foreigners has facilitated wider cooperation between local administration, third-sector organizations, academia, and international agencies (e.g., the UNHCR). Also, the expertise of formal and informal Ukrainian organizations operating in Polish cities prior to February 24 turned critically important in the response. Kraków's info packages for foreigners living in the city, developed before the crisis, have since served newly arriving Ukrainians well.[77]

International actors. Among the diverse intergovernmental and nongovernmental organizations involved in Poland's response, we highlight the UN agencies—the IOM and UNHCR—whose offices have been present in Poland for years, yet with rather insignificant roles in international migration management until recently. The IOM has substantially expanded its activities in Poland, providing support and services not only to Ukrainians but also to non-EU nationals fleeing Ukraine (by, e.g., contacting embassies and arranging return flights).[78] It has strengthened the capacities of local authorities, NGOs, and volunteers rendering emergency aid at border crossing points and reception centers. The IOM has also collected research on the forced migrant population to better identify their situations and needs.

The invaluable role of the UNHCR in Poland in helping to manage the initial crisis merits emphasis. It is the first time it has operated on such a scale in this part of Europe, with Poland being a priority in the UNHCR's comprehensive regional response. As February turned to March, the UNHCR presented its interagency Regional Refugee Response Plan (RRRP) to address the most urgent needs of the refugees and their host countries. Initially planned for March to August, the rapidly increasing scale of forced migration from Ukraine prompted an extension to the end of 2022. The RRRP for Poland involves 87 partners (mostly NGOs) with a total budget of over US$740 million.

A special Refugee Coordination Forum (RCF) and specific working groups have been established in Poland (including those devoted to basic needs, education, protection, health, logistics, etc.). The RCF brings together the government, UN agencies, and NGOs, among others.[79] To a large degree, the UNHCR-led

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[76] RRPO, Działania RPO ws. zwalczania ryzyka handlu ludźmi wśród uchodźców z Ukrainy. Marcin Wiącek pisze do Liudmyly Denisovej (Activities of the Commissioner for Human Rights on Combating the Risk of Human Trafficking among Refugees from Ukraine. Marcin Wiącek Writes to Liudmyla Denisova) (2022), https://bip.brpo.gov.pl/pl/content/rpo-uchodzcy-ukraina-omdudsman-ryzyko-handlu-ludzmi.

[77] See Witaj w Polsce—informator dla cudzoziemców (Welcome to Poland—Info Package for Foreigners Living in Kraków) (2022).

[78] See IOM, "IOM Expands Programmes in Poland to Address Growing Needs of People Fleeing Ukraine" (2022), https://poland.iom.int/pl/news/iom-expands-programmes-poland-address-growing-needs-people-fleeing-ukraine.

[79] See UN OCHA, "Inter-agency Operational Update Ukraine Situation—Regional Refugee Response Plan (Poland)" (May 20, 2022) https://reliefweb.int/report/poland/inter-agency-operational-update-ukraine-situation-regional-refugee-response-plan-poland-20-may-2022; UNHCR, "Ukraine Refugee Situation," Operational Data Portal, https://data.unhcr.org/en/situations/ukraine; UN OCHA, "Ukraine Situation Regional Refugee Response Plan" (March—December 2022), "https://reliefweb.int/report/poland/ukraine-situation-regional-refugee-response-plan-march-december-2022.

Figure 4 Architecture of the UNHCR Refugee Coordination Forum in Poland, 2022
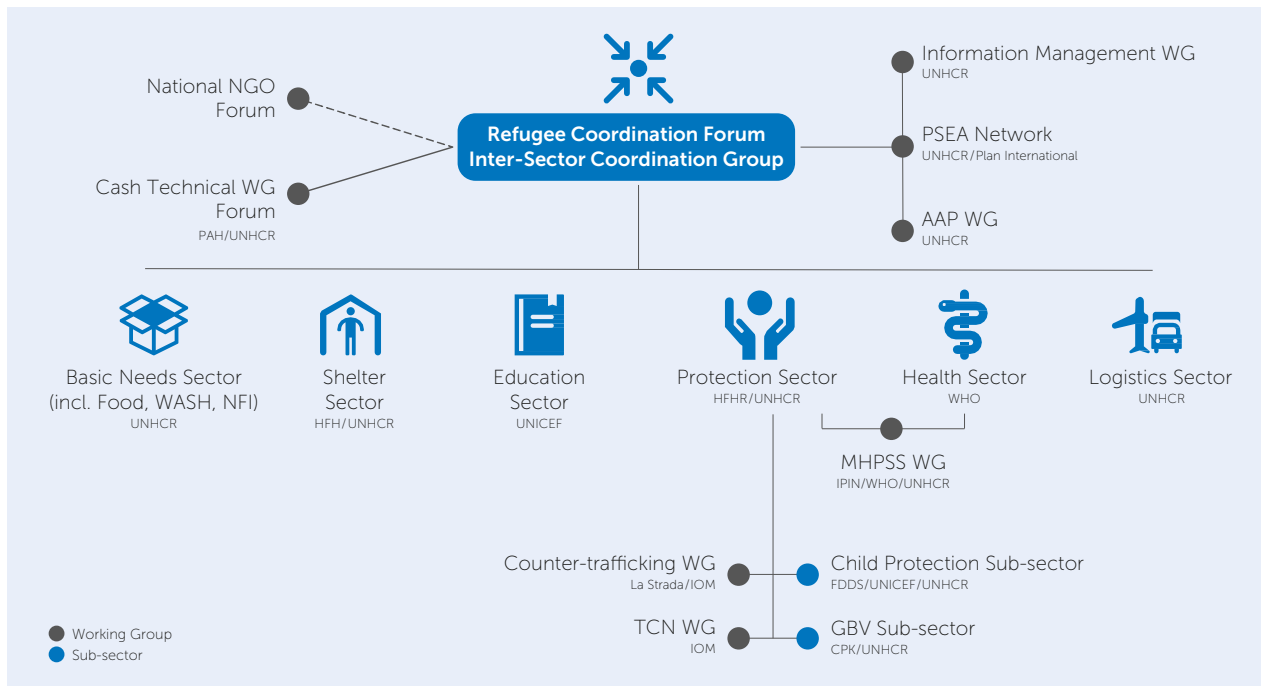
Source: UNHCR Operational Data Portal.
Notes: Note: AAP = Accountability to Affected People; CEO = Fundację Centrum Edukacji Obywatelskiej (Center for Citizenship Education); CPK = Fundacja Centrum Praw Kobiet (Women's Rights Center Foundation); FDDS = Fundacja Dajemy Dzieciom Siłę (Empowering Children Foundation); GBV = Gender Based Violence; MHPSS = Mental Health and Psychological Support; HFH = Habitat for Humanity; HFHR = Helsinki Foundation for Human Rights; NFI = Non-Food Items; PAH = Polska Akcja Humanitarna (Polish Humanitarian Action); PFM = Polskie Forum Migracyjne (Polish Migration Forum); PSEA = Protection from Sexual Exploitation and Abuse; TCN = Third-Country National; WASH = Water, Sanitation, and Hygiene; WG = Working Group.

RCF has initiated dialogue and cooperation in Poland between entities that, especially since 2015, have been reluctant to work with each other, including the government and Polish NGOs (Figure 4).

The extent of the UNHCR's involvement in Poland is evidenced by an enormous increase in its operational capabilities, including in staff (from 8 to 111, and growing) and new offices in selected Polish cities. In terms of financial support, the total registered for UNHCR activities in Poland as of July 5 was US$171.6 million.[80] Aside from its own resources, the UNHCR also works with six international and national implementing partners[81] in responding to refugees' most urgent needs in Poland.

All UNHCR activities in the country, especially under the RRRP, are documented and updated on a dedicated website.[82] UNHCR factsheets give detailed descriptions and figures for its activities in Poland, in cooperation with the government and other organizations. These range from the launch of a UNHCR HELP website, Blue Dot support centers, cash assistance, and

emergency supplies for bolstering government capacity, to training aimed at preventing abuse and trafficking.[83]

In all, this UN agency has made it possible to plan and implement a multi-actor and multi-sector framework for humanitarian and reception support. Its work, however, focuses on emergency situations and crisis management—not on creating foundations for an enduring integration system in the host country (as that is not its remit, especially in this situation). Here, the role of national actors at the central and local levels (including local authorities and communities) and financial support, e.g., from the EU, will be indispensable.

Reception challenges

From the initial weeks of the crisis, to months later, local administration and NGOs have struggled to organize housing, public services, and job opportunities for people fleeing from Ukraine (Samorządowy Okrągły

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[80] See UNHCR, "Poland: UNHCR Factsheet" (July 29, 2022), https://data.unhcr.org/en/documents/details/94722.
[81] These are the Polish Center for International Aid (PCPM), Premiere Urgence International, Halina Niec Legal Aid Center, Association for Legal Intervention, Lutheran World Federation and ACTED/REACH.
[82] See UNHCR, "Ukraine Refugee Situation," "Poland," https://data.unhcr.org/en/situations/ukraine/location/10781.
[83] See, for instance, UNHCR, "Poland: UNHCR Factsheet" (July 29, 2022).

Stół 2022). Given the magnitude of the migration, not only arranging but also funding all of these activities remains difficult, if not impossible using national resources alone. The first available estimates provide an overview of the enormous scale of financial help and assistance offered to Ukrainian refugees. A PIE study (2022) shows that Poland spent approximately €4.45 billion (PLN 25.4 billion) or 1 percent of its GDP on assistance and help in just the first few months of war. Out of this sum, public spending was as high as €3.37 billon (PLN 15.9 billion). This total chiefly comprised the cost of social benefits and public services, particularly education and health care.

Importantly, private spending has been massive as well. It is estimated that Poles spent approximately €2.13 billion (PLN 10 billion) in the first few months of 2022. In this case, the value of items purchased, housing, and other assistance are considered. That is a huge sum, as in 2021 total private spending on charitable causes amounted to almost €818 million (PLN 3.9 billion). According to the data gathered, the estimated value of the aid provided by the largest support institutions reached €70 million (PLN 30 million), with Caritas Polska as the main provider. It is also the outcome of an extraordinarily active approach by the Polish population.

In addition to the funding dilemma, local administrators and nonprofit organizations have struggled with identifying their organizational role and the division of tasks between them and the government. The heads of Polish cities are concerned about being given new, unclear tasks related to providing housing or education, without being offered sufficient funding from the government.

A major hurdle facing both the local communities and social organizations is transforming the emergency response into institutionalized support. Spontaneous support has turned out to be ineffective at a national level and difficult to maintain long term. Hosting migrants in private accommodation or orchestrating spontaneous collections of donated items has been hard to sustain. The former is especially tricky, as Poland struggled with the small size of housing prior to the crisis. While in 2020 there were on average 1.6 rooms per person in the EU, in Poland the number was among the lowest (1.2 rooms per person) (Eurostat 2020). Housing constraints will worsen when the government's subsidies for people hosting Ukrainian refugees for over 120 days expire. [84]

The current crisis has exacerbated pre-existing challenges, generating a pressing need to develop policies that have been discussed for years without moving forward, like coordinating immigrant activities conducted across different administrative departments or local authorities providing multilingual websites. Comprehensive migrant support requires the involvement of all administration departments, including transportation, administrative matters, and social services. While some were experienced and welcoming to refugee clients, others have had to rapidly adjust to the new reality. Around the country, local administrative departments dealing with migrant integration have suddenly become key players. Some city administrations have launched dedicated databases with job opportunities for refugees. Others have started to expand previously planned workshops to counter discrimination toward migrants among staff directly interacting with newcomers. Before the crisis, this knowledge was often marginalized, but given the current situation, it may prove essential.

Some local administrators have also highlighted the need to safeguard the mental health of individuals intensely engaged in providing direct aid to refugees. Many of them have been working under significant time pressure and stress, which may result in burnout.

Another challenge is to absorb a large number of new, highly skilled workers into the Polish labor market. Some of them may be pushed into underemployment or work at minimum wage. That includes mothers, for whom childcare provision through nurseries, preschools, or schools will be a prerequisite for employment, as well as individuals past working age with little or no financial means. Even if the latter individuals receive retirement funds and pensions from Ukraine, these may be too low to cover living costs in Poland.

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[84] Rozporządzenie Rady Ministrów z dnia 24 czerwca 2022 r (Regulation of the Council of Ministers of June 24, 2022), https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/zmiana-rozporzadzenia-w-sprawie-maksymalnej-wysokosci-swiadczenia-19252951?_ga=2.94420511.2057277740.1656676780-227657041.1656676780#xd_co_f=MThmMjczYmQtMzEzYS00NzBjLWEyMmYtNWU4OGNlMmFjNmMy~.

3.3 Lessons learned

- In the wake of February 24, Poland has become a laboratory for migration governance on an unprecedented scale. The country's response has drawn upon a diverse range of actors to deal with the complexities of a massive inflow of refugees among whom highly skilled women and children were overrepresented. Children more than others need legal and social protection.

- The support system was implemented largely by third-sector organizations, with little involvement from public institutions. This raises concerns about its long-term sustainability. The role of local government, communities, NGOs, and international organizations was critically important in developing the initial response to the crisis. Yet a decentralized response, without government funding and coordination, generates risks: poor coordination, under- and unstable funding, uneven service quality, difficulties in navigating services for providers and migrants alike, and consequently, unequal opportunities.

- Although the Polish government established a legal framework in the initial phase, the government remains reluctant to transform its emergency approach into an institutionalized, long-term framework for migrant integration. Lack of clearly defined, central-level plans for migration and integration was highlighted as a problem in Poland by academics and civil society long before the current crisis. Without such a framework, uncoordinated integration activities are subject to duplication and funding constraints under a project-based system.

- Consequently, the government needs to become more active in developing a medium- and long-term integration strategy with a transparent division of roles between public actors and well-defined funding streams. Better social and legal protection is needed for the holders of temporary protection status who remain in Poland. Building such a strategy bottom-up, based on the experience of local authorities, is a model to consider.

- Local administration is already stepping in across all domains of refugee reception: providing information and organizing housing, as well as ensuring access to the labor market, health care, education, and social services. Local authorities in different Polish regions and cities are also working on developing long-term, local-level plans for migrant integration. But without a significant funding increase and a clear division of tasks between central and local administration, the challenges will remain.

- EU support should go directly to local authorities and civil society. That way, at least the financial burden of offering support could be lifted.

- All the issues raised above are especially acute given the specificity of the recent situation in Poland. For the very first time in its history, it is not labor market integration that is critical but rather measures and actions for those who are not among the working-age population (childcare, education, health care, and housing).

4 How can policies target people's migration decisions effectively?

Lead author: Tobias Heidland

To support the design of government policies that target migration decisions effectively, this chapter provides a fresh perspective, based on new research findings (our own and others'), on three core ingredients of individual decision-making and policy design: First, why do people decide to migrate or stay? The often-complex processes of decision-making need to be well understood to design effective policies. A new conceptual framework developed in recent years can be very helpful in this respect. Second, based on the former, we introduce a new way of thinking about the mechanisms through which government policies can affect migration decisions. And third, we seek to provide an accessible overview of recent empirical research findings that should be taken into account in the design of future policies to manage migration.

We focus on migration movements where migrants have substantial agency, including mixed migration—as opposed to narrow displacement contexts such as wars or people fleeing persecution.

4.1 New thinking on why people migrate and how they decide

In the history of thought on this topic, migration has often been perceived as a force of nature. Since the first scientific models of migration in the late 19th century (Ravenstein 1885), a macro view of migration has dominated the imagination of researchers, policy makers, and also the public. According to this view, flows of migrants are a force that equalizes differences in economic parameters between rural and urban areas or between countries. However, this traditional perspective comes with three particular risks for policy design.

One is that the traditional view can create unrealistic expectations of policy effectiveness by glossing over individual differences. Rather, well-informed policy making and effective targeting of policies require an understanding of who is considering migrating. Many people never even think about migration—even though the measurable benefits of it, such as increases in material living standards, appear to be larger than the costs. Government policies that seek to influence migration may not have an impact on these individuals at all.

Next, many migration researchers and policy makers have an unconscious "mobility bias" (Schewel 2020) in that they implicitly perceive migration as the norm.

Researchers and policy makers thus tend to overemphasize drivers of migration. Hence, the reasons for not migrating are underrepresented in existing research and policies, although the vast majority of the world's population does not migrate despite enormous relative differences in living standards. Although there is less research on vital components of the migration decision other than 'drivers of migration,' those other components are just as important.

Finally, as a result, migration costs play an outsized role in existing research. In the traditional view, potential migrants strive for higher wages or living standards and if they do not migrate, it must be because of frictions, especially migration costs. The concept of migration costs has over time been extended to comprise not only financial but also psychological costs, such as caring about proximity to family and friends or non-economic preferences for living in specific locations. Migration cost has become a catch-all phrase to cover all factors that may explain why people fail to migrate despite large differences in living standards. In such a model of migration, decreasing migration costs may easily induce hundreds of millions, if not billions, of people worldwide to migrate. Policy makers who rely on this traditional line of research

to affect migration will, in turn, be driven to focus on migration costs—often thinking about erecting barriers to migration, rather than looking closely at who is considering migrating in the first place.

New concepts

The most important conceptual innovation to better understand who actually wants to migrate and who is capable of doing so is the aspirations-capabilities framework (Carling 2002; Carling and Schewel 2018; de Haas 2021). Under this framework, individuals compare their life aspirations with local circumstances and prospects. If aspirations exceed local opportunities, individuals develop a desire for change. Only if the local environment is not conducive to such change will individuals develop an aspiration to migrate. This approach contrasts starkly with the traditional model of migration decision-making where anyone with better prospects elsewhere will migrate unless the potential gains are outweighed by migration costs.

The more recent concepts lead to more nuanced predictions. In the aspirations-capabilities framework, the impact of policies as well as the migration consequences of a negative shock in the origin country, such as a drought or job loss, depend systematically on individual and contextual characteristics that constrain whether life aspirations can be fulfilled locally. Life aspirations may involve different dimensions, including non-economic aspects. Policy makers who take into account how migration aspirations are formed when they design policies will place more emphasis on these factors and their interplay, rather than migration cost alone.

Building on Amartya Sen's (1985) capability approach, an individual's capabilities to pursue their migration aspirations constitute the second component of the aspiration-capabilities framework. Policy makers can often target aspirations or capabilities separately.

In Figure 5, the blue arrow originating in 'migration aspirations' indicates that aspirations are a necessary precondition for people to end up migrating. In the next step, capabilities determine whether aspirations can be fulfilled. A person with aspirations to migrate but insufficient capabilities will not migrate, just like someone who never had such aspirations in the first place. Accordingly, depending on their migration aspirations, people can differ markedly in how they react to an improvement in their capabilities: while one person may now be able to pursue a previously unfulfilled migration aspiration, another who has not aspired to migrate may still not want to do so. This complexity is important when designing and assessing policies and their effectiveness.

Figure 5 Policies affecting migration outcomes through different channels
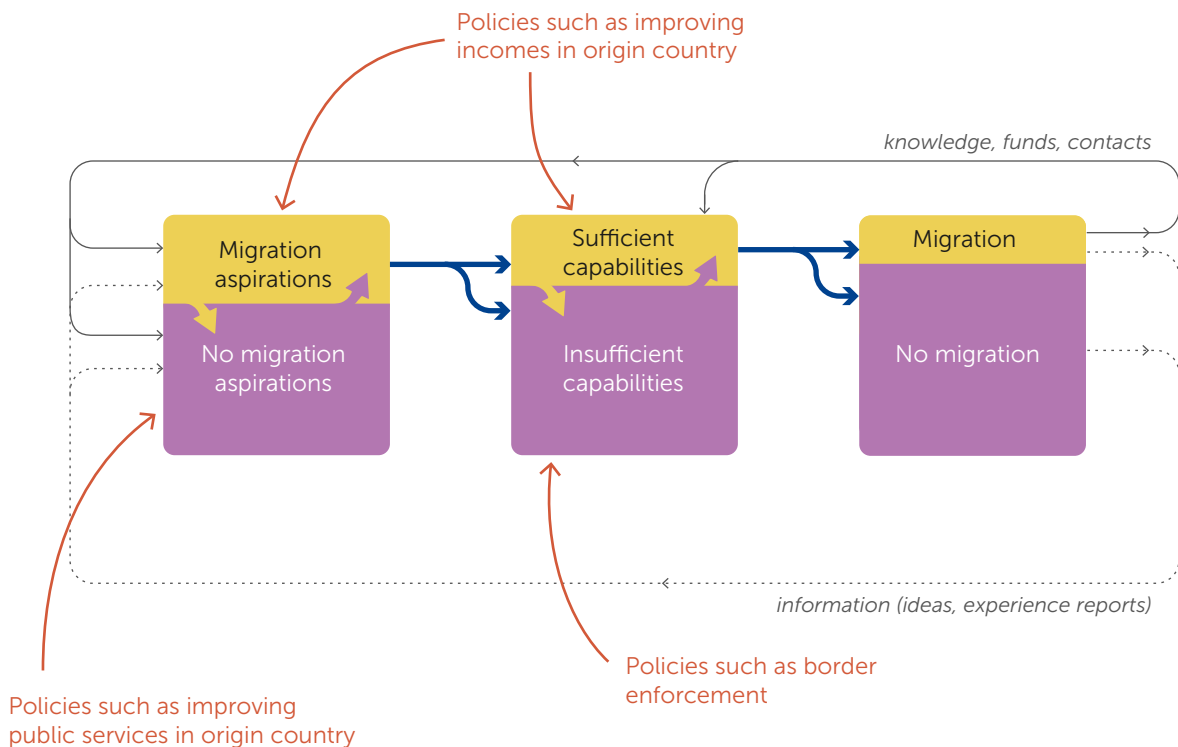
Source: This figure builds on Figure 2 in de Haas (2021).

4.2 Mechanisms that policies can target

Separately addressing aspirations and capabilities allows for a more precise design, targeting, communication, and monitoring of policies to manage migration. This notion is represented by the red arrows in Figure 5. Even so, not all policies target just one aspect of the decision. Some policies affect both aspirations and capabilities, while enhanced capabilities may also lead individuals to consider migration for the first time and subsequently aspire to migrate.

Table 1 establishes a taxonomy of selected policies and their likely impact channels to provide a more systematic overview. For each policy, the table indicates the main[85] targeted aspect (aspirations or capabilities), a plausible mechanism, and the time required for the effects on migration outcomes to materialize. Several insights emerge:

— Many policies target either aspirations or capabilities. Policies that only affect aspirations are those that leave capabilities unchanged (at least in the short term), such as improvements in public services like children's education. Such policies enhance opportunities for families to live fulfilling lives without migrating; parents who were previously unsatisfied with their children's education opportunities can be expected to have lower migration aspirations. But such policies have no immediate effect on migration capabilities.

— Policies that aim to address the root causes of migration should primarily target aspirations. The root causes are all factors that determine whether people have migration aspirations, e.g., economic, social, or political conditions at home.

— Policies that restrict migration work by changing people's capabilities to migrate. Examples include tighter border controls or legal pathways for certain skill groups. Such policies could be misunderstood as reducing migration aspirations—in the sense that people become less interested in migrating, given the new circumstances. In terms of the aspirations-capabilities framework, however, what these policies really do, if effective, is reduce the capabilities of individuals to migrate (by making migration more costly or risky) while leaving preexisting migration aspirations intact. Therefore, tighter border controls in one country often deflect, rather than stop migration overall (e.g., as demonstrated for the US-Mexico border walls by Allen et al. (2018)).

— Policy makers should be realistic about the small short-term impact of many policies that are nevertheless effective in the long run. While some policies generate immediate effects, others take longer but may target outcomes that are more sustainable, rendering them more effective overall. One example (Table 1) is cash transfers versus policies that improve job opportunities or entrepreneurship in the origin country: while cash transfers affect payout immediately and are easy to implement, creating jobs or entrepreneurship will typically take much longer but reduce migration aspirations in a sustained way.

— The role of information needs to be considered. What information is available to potential migrants, and does it affect aspirations or capabilities? In principle, well-enforced restrictions could immediately sway the decision-making of potential migrants. Yet, the impact of restrictions depends crucially on when information about them reaches the target population, whether it is perceived as credible, and whether it induces a relevant change in migration aspirations or capabilities. The impact on aspirations is often missing since the root causes of migration intentions are not changed by hearing about others' negative experiences in transit or in destination countries. That can explain why so many information-based interventions enhance knowledge among beneficiaries but do not induce behavioral change (see Tjaden et al. 2018).

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[85] The column heading 'main target' indicates the channel through which the initial effect flows. There can be additional indirect effects. In the top row, improved education can make the children who benefit more capable of migrating in the long run when they are adults because they get access to legal pathways that are only available to the more educated. Yet, these mechanisms are merely a long-term outcome.

Table 1 Selected policies and their pathways to impact

	Policy intervention	Main Target	Likely mechanism	Time to first impact
Addressing the root causes of migration in origin countries	Improving opportunities, e.g., access to education	Aspirations	Greater satisfaction with opportunities for family members at home	Short
	Improving governance	Aspirations	Greater satisfaction with living conditions at home	Typically medium to long
	Improving economic prospects at home	Aspirations	Signs of a brighter future without an immediate effect on capabilities	Short
	Providing cash transfers	Aspirations and capabilities	Funds that could be used for migration or to improve living conditions	Short
	Improving opportunities for jobs or entrepreneur- ship	Aspirations and capabilities	Less reason to migrate; more funds available for migration	Typically medium to long
Policies in destination countries or en route	Enhancing border controls	Capabilities	Irregular migration becomes more difficult	Short
	Creating legal pathways	Capabilities	Legal migration becomes possible for some	Short
	Improving integration in destination countries for legal migrants	Aspirations	Migration can become more attractive without necessarily changing	Short

Source: Own compilation.

4.3 Lessons for better policy design

The empirical evidence base of much of what we discussed above has until recently been slim. There was only anecdotal evidence for many mechanisms, but they were not backed up by rigorous empirical analyses. The increased interest in migration from developing countries has led to many new empirical insights (see Box 4) in the last decade. In this section, we highlight five key lessons for better policy design that follow from this research. MEDAM researchers have provided some of the most relevant work in this vein.

Even effective policies will not dissuade some

Almost everyone in low-income countries faces a gap between their current income and living con-

ditions and their much higher potential income in a rich country. Nevertheless, many people choose not to migrate from poor to rich countries—even when the income gap or the cost of migration changes. Two groups in particular are unresponsive to changes in conditions and, by implication, migration policies. At one end, many people are so content with their personal or family situations that they have no migration aspirations and may not even consider migrating. For them, the vast differences in living conditions between places are irrelevant, and as a consequence, so are changes in their capabilities (see Box 5). Second, some people are so firmly set in their aspiration to migrate that even large changes in decision parameters (even larger than what we can realistically expect due to policy changes) do not sway their decision. Hence, they are unresponsive to most policies. That also matters for

the interpretation of research because the two groups' unresponsiveness will cause estimates of the average treatment effects of policies to be lower than the treatment effect on those who can actually be affected in their decisions. Defining the target population well is key. Figure 6 presents this argument graphically. People who consider migration—remember that many never consider it—compare the benefits of migrating and staying. For those on the right of the vertical blue line, the subjective benefits of migrating outweigh the subjective benefits of staying. They will aspire to migrate. By contrast, those on the left of the graph will prefer not to migrate under the given circumstances.

People likely to be affected by a policy are in the shaded area (panel a) close to the vertical line that marks indifference. Those who are out of reach of most policies are outside the shaded area, i.e., people for whom the subjective benefits of migrating or staying are far apart.

Policies aiming to affect migration aspirations target the subjective relative benefits of migrating and staying. Any policy will only influence part of the population. For example, in Detlefsen et al. (2022), we document with experiments that substantial parts[86] of the population of young adults in Senegal and Uganda are unresponsive in their migration aspirations despite being provided with different scenarios that induce large differences in origin, transit, and destination conditions. Panel b of the graph shows this by the yellow lines for a policy that makes staying more attractive. The subjective benefits of staying shift up while the subjective benefits of migrating remain the same. The new intersection lies to the right of the previous one. Fewer people will thus form migration aspirations.

As the bottom panel of the figure shows, countries can differ with respect to the share of the population in the relevant region of the graph. In country A, people are mostly to the left of the graph (shown in purple), i.e., they do not have migration aspirations. By comparison, in country B many people (in red) are close to the indifference line. In the example given in the figure, while in country A only the purple-shaded share of the population stops having migration aspirations, in country B the same policy induces the purple plus the red shares to prefer staying. The identical policy will thus affect many more people and be far more effective on average in country B.

Figure 6 Whose migration aspirations can be affected by policies?

a. Policy responsiveness of people considering migration

b: Effects of changes in policy
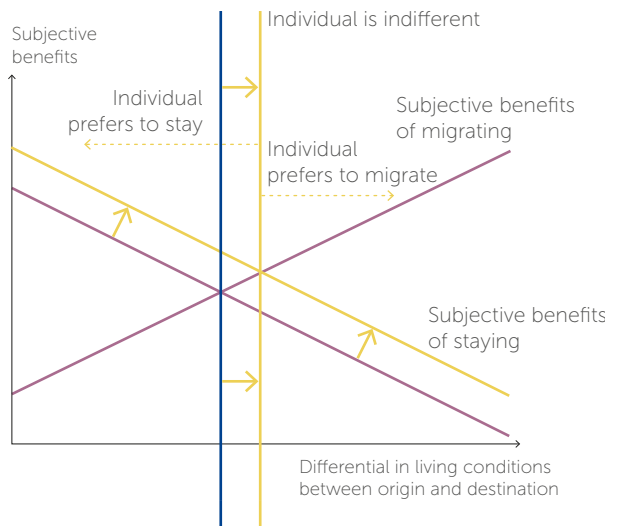
c: Policy effectiveness can differ by country

Note to panel a: The vertical line indicates that an individual is indifferent. Darker shade of background color indicates that policies more likely to be effective

Note to panel b: A policy that makes staying more attractive (yellow line) shifts up the subjective benefits of staying while the subjective benefits of migrating remain the same. Thus, fewer people aspire to migrate.

Note to panel c: How many people change their mind due to a policy change depends on how many are close to being indifferent. In country A, as indicated by the area under the purple curve only a few people are affected (purple area). In country B, more people are in the relevant part of the distribution, so more people change their mind (red plus purple areas).

[86] In the concrete experimental setting, 12 percent of respondents do not change their migration decisions under any scenario they are presented.

This leads to two implications:

1) Real-world policy effectiveness in reducing migration aspirations may be lowered by the unresponsiveness of certain individuals to migration determinants, which should be considered when designing policies and setting expectations. If a share of the population does not react to an otherwise relevant determinant of migration, the measured average effect of that determinant will move toward zero. That is not a bias for the average effect, as some individuals indeed do not react to this determinant. But the measured average effect can be misleading because it might be understood as a factor of little importance to the rest of the population (and, in fact, the segment of the population that policy makers might want to affect). Policy makers (and researchers) should always be aware of this when discussing migration decision-making and policy effectiveness.

2) The difference in real-world policy effectiveness partly stems from context and individual differences. A policy may yield success in one context but not in another. In the future, researchers need to better understand the heterogeneity in effectiveness and transparently provide the necessary information about context, subgroups, and the like to policy makers. Then it will be possible to better understand which policies can be expected to work well across individuals and contexts. Researchers can act as translators in this.

Foreign aid can reduce aspirations but its effectiveness in reducing actual migration is limited

The EU and its member states have for years funded programs to tackle "the root causes of migration" that use development aid to reduce irregular migration

Box 4 How are migration decisions studied in empirical research?

Fundamentally different empirical approaches have been used to study migration decisions. The most obvious is between qualitative and quantitative methods. Qualitative methods are typically based on detailed engagement with individuals, for example through in-depth interviews or focus group discussions. Researchers ask directly about migration experiences and the conditions in which decisions were taken, or more indirectly infer this information from what respondents tell them. Thus, qualitative research can help recognition of causal relationships, but it cannot formally test them. While qualitative methods are unmatched in the level of detail and the ability to react to what is brought up by respondents, they cannot quantify factors and are difficult to apply consistently across space and time, given the efforts spent on understanding each respondent in detail.

Quantitative methods, by contrast, rely on larger samples of respondents and concentrate on putting numbers on the studied relationship. Quantitative methods use micro and macro data, ranging from individual surveys or experimental data to country-level studies relying on published migration statistics. Traditionally, quantitative research relied mainly on correlations, even though they often involved regression models.

As part of the recent "credibility revolution" in economics (Angrist and Pischke 2010) and similar developments in other social sciences, the focus has shifted toward identifying causal relationships. The causal effect of a determinant of migration can typically be identified by exploiting a source of difference in this determinant that is external ('exogenous') to the studied individual, i.e., cannot be influenced by them and thus only affects their migration decision. For example, a policy change may cause changes in one specific determinant of migration for some individuals but not for other comparable individuals, thus enabling a causal analysis of how migration decisions change in response to that particular determinant.

The concept of *identification* is most evident in the case of experiments, where researchers can vary certain factors without any control by the respondent. The focus on identification has led even the high-quality studies at the macro level, where researchers typically cannot experiment for practical, ethical, or other reasons, to be of much greater empirical quality than they used to be a mere one or two decades ago, providing more reliability and credibility to the research. As a result, studies using state-of-the-art quantitative methods are much better at distinguishing spurious relationships from causal effects that can, for example, be relied on in policy making.

What is sometimes lacking is the willingness of quantitative researchers to learn from qualitative researchers and vice versa. This means that concepts arising from qualitative evidence are often only slowly or not at all adopted by other research. At the same time, some policy design questions cannot be based on qualitative research alone because they involve tradeoffs and call for a cost-benefit analysis that is underpinned by quantification.

Box 5 Identifying the determinants of migration (aspirations)

The past two decades have seen a large number of studies on the determinants of migration. These differ substantially in their approaches. Aslany et al. (2021) recently provided a systematic review of migration aspirations. Surveying 49 different quantitative studies and contrasting these with qualitative evidence, they conclude that the most consistent dimensions across existing studies are violence/insecurity and the level of satisfaction with public services. Age, migration networks, own migration experience, and subjective well-being also show up consistently in many different studies. By contrast, the role of other factors such as income or parenthood is much less clear across surveys.

Note that these studies focus on migration aspirations, largely excluding capabilities. Part of the reason for this is that studies have not established the causal links between these factors (see Box 4), for example, income is endogenous, i.e., correlated with other factors in the empirical model that bias the estimated correlation between income and migration aspirations.

flows to Europe.[87] However, the evidence base for this specific set of policies is extremely limited. But there is more general evidence on the effectiveness of aid and the mechanisms to target that can guide policy makers.

Decades of research on foreign aid have provided a nuanced understanding of the effectiveness of development aid in improving livelihoods. The main macroeconomic aim of aid has been to accelerate economic growth and increase overall investment. In the long run, these are the most important indicators because of their strongly positive correlation with living conditions and political freedoms that people cherish. The scientific literature on aid has therefore dealt in depth with whether aid can achieve sustained growth. While earlier research yielded a mixed picture, more recent work has shown that when accounting properly for endogeneity,[88] realistic time frames for effects, and sectoral differences, aid on average leads to improvements in growth and investment at the country level (cf. Clemens et al. 2012; Galiani et al. 2017). That being stated, the effectiveness of any specific intervention largely depends on design, the quality of implementation, and context, so one-size-fits-all approaches will not work.

Building on this literature, MEDAM and other researchers have provided detailed analyses of the link between aid and migration flows and, more recently, migration aspirations. In the first influential paper, Lanati and Thiele (2018a) examined migration flows as the main outcomes of interest. They found strong evidence of a negative relationship between total aid and emigration rates, i.e., of aid reducing migration. Assessing potential mechanisms in this paper and follow-up work (Lanati and Thiele 2018a; 2018b; 2020a; 2020b; 2021), they observed that aid for the social sector is particularly relevant for country-level reductions in migration. Aid for economic or production sectors has close to zero effect (see also Gamso and Yuldashev 2018a). That could signify that the latter is less effective in reducing migration in general due to the mechanism this type of aid targets (economic instead of social effects on living standards). Or it could have to do with the well-documented lower success rates of economic aid projects in achieving their primary goals (Thiele 2021). Aid that improves amenities such as public service provision, by contrast, can successfully reduce migration. Gamso and Yuldashev (2018b) furthermore document that a mechanism capturing satisfaction with the political environment may exist: aid that effectively improves governance is associated with lower migration rates.

Based on the empirical evidence, it is possible to make several recommendations:

— Aid projects targeting migration are likely to be more effective[89] when aimed at social sectors and improving amenities. Policy makers interested in reducing irregular migration may take the evidence as a guide that improving living conditions can be an effective way of reducing irregular migration.
— However, one should be aware of realistic policy time frames and not expect immediate results. Policies will take time to be implemented, tested, and optimized. Longer-term effects are thus far more likely than short-term successes. This fits the best-practice timeline of development projects, which should not be based on (often extremely short) funding cycles but on having sufficient time to test and improve interventions and their implementation to maximize effectiveness.

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[87] For example, the EU Trust Fund for Africa under the Neighbourhood, Development and International Cooperation Instrument.

[88] A factor that is endogenous (Greek: produced from within) does not merely exert a causal effect on the outcome of interest, e.g., the migration decision. The endogenous factor is itself affected by other factors that influence the outcome, hence making it impossible to draw conclusions about its causal effects from assessing the correlation between the factor and the outcome.

[89] This could include being implemented better and therefore more successful.

- Policy makers should target interventions at relevant areas and individuals who receive little other forms of outside support. Aid-financed interventions may be particularly effective where they make a perceivable difference, i.e., where little other forms of support exist (cf. Figure 7). Gamso and Yuldashev (2018b) find evidence that aid aimed at rural areas is more likely to succeed in reducing migration than that aimed at urban areas. Still, not all individuals will be affected (see the subsection above).

- At the same time, it is crucial to consider the absorption capacity of national and local markets to avoid macroeconomic risks, such as severe distortions of human capital allocation by drawing people away from productive sectors or causing Dutch Disease. Another aspect to consider are the political economy effects of development assistance. Aid dependency can harm governance quality, as accountability is lower, but donors have become better at avoiding these issues (Dijkstra 2018).

Overall, this implies that development cooperation can affect migration decisions, particularly so if it targets aspirations, but in most circumstances, the effects of aid on migration will be small. This does not mean that development aid should not be pursued for other reasons, such as helping countries achieve the Sustainable Development Goals faster. Aid can also help shape future migration, e.g., by improving education standards and thus fostering future migration for education or high-skilled jobs. If policy makers nonetheless want to use aid to reduce migration as well (and especially irregular migration), improving local amenities and enhancing the local trajectory for people who do not migrate (see the subsection above) will be particularly effective. Meanwhile, policy makers should not worry about potentially increasing actual migration through the capability channel (see the next subsection). Yet, realism is needed: many projects that actually affect migration and which have more than a signaling value will take a long time to have an impact. While effective if well done, foreign aid is no short-term fix for migration.

The migration hump is not a relevant mechanism for policy makers

Perhaps the most politically relevant scientific debate of the last few years regarding migration decisions in developing countries has revolved around the 'migration hump.' This stylized relationship (de Haas 2010; Clemens 2014a; Lucas 2019; Benček and Schneiderheinze 2020) in the data shows that middle-income countries have higher emigration rates than low- and high-income countries. That has sparked research on the role income plays in determining migration decisions and the potential role of policies that improve livelihoods.

The main, underlying theoretical argument linking the hump to individual-level behavior consists of two components that can be expressed in a simplified form of the aspirations-capability framework. On the one hand, as people become richer, their aspirations to emigrate to other countries decrease. On the other hand, as people become richer, their capability to finance migration increases. On the upward-sloping part of the migration hump, the latter effect dominates (hence, migration increases with income), whereas on the downward-sloping part, the former effect is said to dominate.

This simple yet powerful theoretical framework to explain the country-level pattern is easy to describe and plausible, giving rise to the idea that this micro-level theory can be used to inform policy making. However, experience with many different micro-theories[90] introduced to explain macro relationships in development research suggests being cautious in basing policies on them as long as there is no firm underlying evidence. And the emerging empirical evidence base regarding the migration hump further cautions against drawing the conclusion that development policies could be detrimental to reductions of irregular migration.

The central issue researchers have faced when trying to understand the true relationship between income and migration is that both are likely co-determined and potentially heavily influence each other in complex ways ('endogeneity'). At the country level, the resulting 'hump' in the relationship between income and migration is driven not only by the causal effect of income on migration but also by differences in the characteristics of richer and poorer countries that have nothing to do with that causal effect, such as countries' geographical location, visa access, and migration networks. That makes investigations of the true relationship very difficult. As Benček and Schneiderheinze (2020) show, when accounting properly for time-invariant country-level differences and focusing only on short- or medium-run changes for a given country over time, the hump vanishes, and a robust negative relationship between income and emigration rates emerges.

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[90] A particularly prominent example is the 'Big Push,' a theory that suggests individuals, firms, and whole countries are trapped in situations they cannot themselves leave. The resulting recommendation was that pushing a whole community or sector would create positive spillovers that would lead to sustained growth and improved living conditions (Murphy et al. 1989; Sachs 2005). But implementations of the ideas were underwhelming, partly because basic assumed mechanisms did not hold (Wanjala and Muradian 2013) and more generally because centrally planned interventions overlooked local information, context, and behaviors (Easterly 2006). This example underlines that designing policies top-down and based on assumptions without assessing the causal empirical evidence in detail often leads to wasteful, inefficient policies at best and unintended negative consequences at worst.

This new evidence, calling into question the existence of a short- and medium-run hump, could have a twofold explanation. First, on average and across countries, the hump could be a long-run relationship that only emerges when focusing on prolonged aspects such as culture or the integration of countries into the global economy. Or second, the hump could be driven by alternative factors and not primarily by the causal effect of income on migration.

The evidence base for the hump is mixed not only at the macro level, but also at the individual level, where there is no consistent pattern. As Aslany et al. (2021) noted in their systematic review (see Box 5), there is not even a clear pattern between income and migration aspirations. Langella and Manning (2021) do not find evidence for the upward-sloping part of the hump. As Schneiderheinze and Tohoff (2021) show, the hump visible in the data across countries when looking at who is preparing for migration seems mainly driven by individuals who have negative expectations of the economic trajectory. A better grasp of individual differences in assessing the future (see the next subsection) seems key to understanding why the hump is not a robust relationship. In the meantime, policies would best not be designed based on the descriptive data pattern of the hump.

To summarize, the state of the art of the empirical literature on the migration hump is as follows:

— There is no dispute about the descriptive relationship in the raw data. The hump exists across countries in the data. But the size of the hump is relatively small, and the correlation should not be interpreted as a causal mechanism that policy makers can rely on.
— Policy makers typically aim for short- to medium-run effects of their policies. Given that the hump does not seem to be a robust pattern in the short to medium term, policy makers who want to affect migration decisions should not base their policies on it. Instead, the causal mechanisms that can be relied upon for rather immediate effects matter more for policy making.
— Policy makers should not expect migration to increase just because individuals become richer. Hence, avoiding policies that improve people's income because of the fear that it will lead to more migration is particularly ill-advised.
— But nor should rising incomes be expected to lead to large reductions in migration because for many, migration aspirations will not vanish due to incremental increases in income. Income growth will generally be slow;[91] to reduce migration it will be more effective if it is supported by improvements in other aspects of life.

Expectations matter for migration aspirations and can be targeted by policies

Following influential studies such as Dustmann and Okatenko (2014), it has become common knowledge among migration researchers that being satisfied or content with local conditions, on average, is a more important determinant of migration than household income or wealth. Among these conditions, amenities seem particularly important. That term covers, among others, the quality of schools or health care. This mechanism is important when considering the design of policies (see the subsections on effective policies and foreign aid above) and the likely effects of development (see the subsection on the migration hump).

Individuals who expect the local economy to improve are less likely to have migration aspirations and to actively prepare for migration (Schneiderheinze and Tohoff 2021; Heidland et al. 2021). Countries with a larger percentage of the population with positive economic expectations thus have systematically lower shares preparing to migrate, even after accounting for differences in income (see Figure 7). This suggests that in line with the aspirations-capabilities framework discussed in section 0, the expectation of experiencing improvements in one's living conditions without migrating is a key determinant of whether many people want to migrate.

Beyond the income mechanism, policies are also likely to be effective—and perhaps especially so—if they can enhance people's optimism that their livelihoods will improve over time without migration. This finding directly relates to the abovementioned key aspect of the aspirations-capabilities framework: if people feel they will be able to fulfill their aims and desires locally, there is no need to migrate.

MEDAM research currently underway delves further into testing these mechanisms.

In recent experiments in Sub-Saharan Africa, discussed in more detail below, Detlefsen et al. (2022) find that individuals consider local prospects for economic development when making migration decisions. In line with other research, such as Heidland et al. (2021), which is based on totally different data sources and a broader sample, the experiments show no systematic difference between negative and stable economic prospects. Migration aspirations in low-income origins thus decrease if there are positive economic trajectories. This finding starkly contrasts with the more traditional thinking that especially push factors matter, i.e., that negative trajectories should have the strongest influence. However, our results from these different studies suggest that expecting stagnation is another driver of migration among poor individuals. Merely avoiding crises that lead to expected negative trajectories will not necessarily have the greatest effect.

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[91] Affecting incomes is hard and it takes a long time for countries to improve their income distribution. For example, taking the average growth rates between 1995 and 2010 as a trend, it would take developing countries such as Senegal and Gambia between 40 and 100 years to reach middle-income status (Johnson and Papageorgiou 2020).

Policies that improve expectations might, by contrast, be particularly effective. In Fuchs et al. (2022), we study this channel with a different approach and sample. We use detailed aid project data that come with the exact locations and specific dates of their announcements. Comparing people in the same locations before and after aid projects are announced shows that migration aspirations fall right after aid projects are announced. This fits the above mechanism that expectations matter for aspiration formation.

The expectation channel is also important for the likely effects of climate change on migration. Schneiderheinze (2022) shows how perceived economic opportunities govern the extent to which droughts in 60 developing countries impact migration plans. Comparing locations with different economic trajectories, he finds that the same weather- and climate-related shock only increased migration plans in locations where economic opportunities were perceived negatively. By contrast, in locations with local economic opportunities that were perceived positively international migration plans did not increase in response to a climate shock. The migration response to shocks stemming from climate change is thus driven in part by whether people feel they can achieve their life goals locally despite the shocks. Hence, to understand who will react to climate change and how, it seems important to assess whether people look at the future positively and are content with local economic opportunities or not.

Figure 7 Relationship between the share of people in a country preparing for international migration and the positivity of economic expectations in the respective population
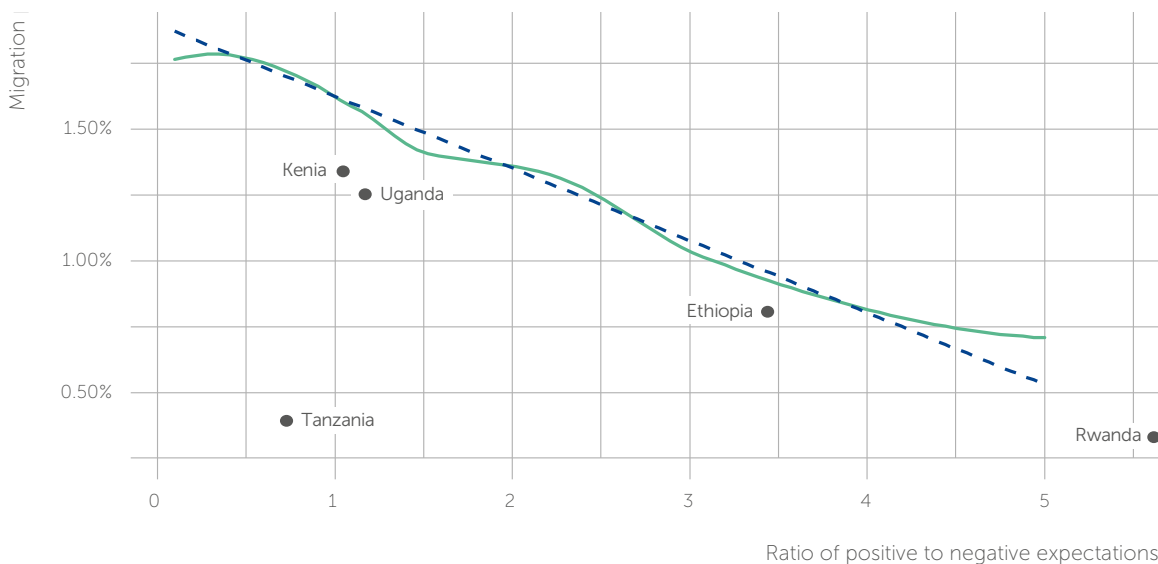
Source: Gallup World Poll country-level data (2010–15), 54 countries.
Notes: Plotted lines are weighted averages (solid) and linear fit (dashed) of the proportion of people who prepared for migration.
Only low-income and lower-middle-income countries are included (World Bank definition).
Due to consistently high economic growth rates and despite low income levels, Rwanda's actual expectations ratio does not fit the scale of this plot. With significantly less than 10 percent of the population stating negative economic expectations in most years, the average ratio is 13.9.

Legality is an important determinant of migration decisions—but not for everyone

The roles of legality and travel conditions for irregular migrants have received relatively little attention in quantitative research so far, despite their importance for policy making. The main reason is that the options (a legal vs. irregular journey) open to potential migrants are typically not observed. Researchers can assess the role of legality in decision-making only indirectly and ex post, based on the status of migrants in destination countries. This approach is further complicated by the choice of destination country being intertwined with access to legal pathways. For example, the Gulf countries attract many labor migrants despite extremely harsh working conditions and often low pay. That attractiveness is likely not due to migrants' preferences for these countries but rather to the absence of legal migration pathways to other destination countries. Numerous studies on the role of risk preferences in the migration decision find that less risk-averse individuals are more willing to migrate (e.g., Bah and Batista 2020 and the sources cited therein).

In one of MEDAM's studies, by Detlefsen et al. (2022), legality in the destination country is among of the features of migration scenarios that individuals can choose from—alongside risk, incomes abroad, and prospects at home. As shown in Figure 8, legal status

Figure 8 Estimated average effects of marginal components on migration intentions from Detlefsen et al. (2022)
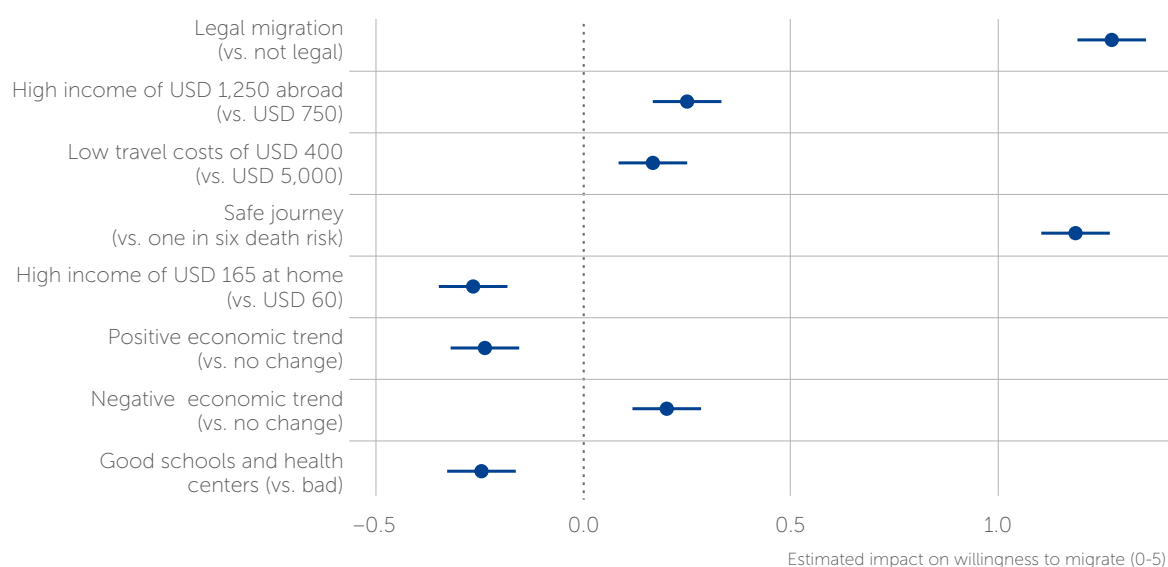
Source: Own compilation based on Detlefsen et al. 2022.
Note: The graph indicates whether a factor makes migrating in a particular migration scenario more (right of the vertical line) or less (left of the vertical line) attractive. The dependent variable is the willingness to migrate, where five is the highest willingness to migrate. Baseline features for each dimension are given in parentheses. Dots show the point estimate and the whiskers the 95% confidence interval.

has a far larger effect than any other income or living conditions-related dimension in the experiment.[92] The effect size is only comparable in magnitude to the risk dimension, which is implemented as a choice between a safe journey and a one-sixth probability of dying on the way (very high but lower than what many respondents think realistic). Thus, access to legal pathways is a far more important determinant of migration movements than (realistic) income differences between origin and destination countries.

More legal pathways would attract a heterogeneous population of migrants,[93] consisting mainly of three subgroups:

i) Some people may be so strongly motivated to migrate to the destination country in question that they would even do so irregularly but could access the new legal pathway.

ii) Such pathways could affect destination choice and divert migrants from their 'second-best' destination countries where they have always had legal migration opportunities. For example, someone who previously went to a Gulf country legally might instead use a new legal pathway to Europe.

iii) The new pathways may permit some involuntary non-migrants (i.e., people with aspirations but no capabilities (cf. Carling 2002)) to migrate instead of staying put. These individuals would gain capabilities to pursue their aspirations.

The relative size of the three subgroups among those using legal pathways would depend on how the criteria for legal pathways are defined, for example, concerning required skills.

Another relevant aspect found in Detlefsen et al. (2022) is that individuals who are subjectively doing better put more emphasis on legal status. This implies that worse-off individuals are less likely to care about legal status when making migration decisions. Potential migrants with grievances are also less likely to adjust their destination choices based on legal pathways they might have elsewhere. For example, an individual with lower subjective well-being in Senegal might be less willing to migrate legally within the Economic Community of West African States and choose an irregular route to the EU. By contrast, an otherwise identical person with higher subjective well-being would be more willing to consider the legal pathway.

These findings imply that legal pathways are one of the most important aspects of migration choice. Yet, even if legal pathways were offered, they would not end irregular migration. The illegality of migration is less effective in repelling those who see few options for improving their lives at home—another clear case where the reasons behind migration aspirations have implications for the effectiveness of policies. Legality is rather a lever to control how many of the better-off migrate than a tool to reduce the migration of the desperate.

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[92] The specific effect sizes are driven by the alternatives in the given experiment. The main point of the graph is the effect size of legality compared with other important factors, such as a two-thirds' increase in the income abroad.
[93] In Figure 6, this heterogeneity would mean that the attractiveness of migration shifts more strongly for those who care a lot about legal status.

5 Taking stock of Africa-Europe cooperation on migration: Enduring tensions and policy challenges

Lead authors: Mehari Taddele Maru and Martin Ruhs

This chapter discusses the progress in developing cooperative migration policies between European and African countries over the past 20 years. Rather than providing a comprehensive review and assessment, the specific aim of the chapter is to reflect critically and 'take stock' of major policy achievements and failures in this cooperation. In doing so, it identifies fundamental unresolved issues. Unless they are identified clearly and discussed openly, there is little hope of overcoming persistent obstacles in Africa-Europe partnerships on migration and of making substantial progress toward more effective and sustainable joint policies in the future.

The chapter shows that there is a wide gap between the frequency of new policy announcements and the rather limited progress made in practice. After more than 20 years of agreements and initiatives aimed at strengthening cooperative policy making on migration, tensions remain unaddressed and major objectives unachieved. For example, a key priority for African countries has been to enhance legal pathways for migration to Europe, e.g., through expanded labor migration channels, including for lower-skilled workers whose opportunities for migration to Europe are currently quite restricted. Despite repeated EU promises and a range of initiatives, such as small-scale pilot programs on Africa-EU labor mobility supported by the EU, little opening of legal pathways has been achieved in practice. At the same time, an important objective of EU countries—to achieve higher rates of return and readmission of irregular migrants through cooperation with African countries of transit and origin—has also remained largely unmet. Effective return rates have stayed low—between 30 and 40 percent overall in the most recent years before COVID-19, and significantly lower for migrants from some of the major transit and origin countries in Africa such as Morocco, Niger, Nigeria, and Tunisia.[94]

We argue that the modest achievements of the cooperation on migration, and the enduring challenges in fulfilling its stated core objectives, can be explained by whether a particular dimension/goal of it is actually a mutually shared priority based on political support by national governments (and not only the broader regional institutions, i.e., the EU and African Union (AU)) and the provision of (the often considerable) resources necessary to implement the agreed policy measures. This is because the efforts of national governments to undertake certain agreed initiatives and activities depend critically on their national development priorities, and political and financial incentives; on how migration, its consequences, and the need for regulation are understood and perceived by both policy makers and the public; and on their actual capabilities to implement certain policies.

Projects that were identified as commonly shared priorities of the Africa-Europe partnership and were politically supported by both sides clearly did better than others—particularly diaspora initiatives, counter-trafficking measures, the facilitation of remittances, and the promotion of free movement regimes. Some cooperation areas that were true priorities only for one side (such as return and readmission for the EU) faced stiff resistance from Africa, despite considerable resource allocations and diplomatic pressure by the EU. Other cooperation areas that garnered very limited political will and resources from European governments (such as expanding legal pathways) did not materialize despite Africa's demands.

In many African countries cross-border migration has remained a relatively low-priority issue that is typically discussed in terms of its consequences for human and national development rather than the need for border controls. Where and when joint action on migration and associated policy are higher-profile issues in African countries, they are typically focused on intra-Africa migration and mobility as well as labor migration to the Gulf states, where large numbers of African workers are employed in a range of low- and high-skilled occupations, often with severely restricted rights (e.g., Galabuzi 2022).

In contrast, in the EU migration has become a

[94] Eurostat, "Returns of Irregular Migrants—Quarterly Statistics" (June 2022) (accessed August 2022), https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Returns_of_irregular_migrants_-_quarterly_statistics#Returns_of_non-EU_citizens.

highly salient and polarizing issue that is discussed primarily in terms of the need for greater 'controls,' including more effective coordination with non-EU countries of migrants' origin and transit. Recent public and policy debates about migration policy cooperation with non-EU countries have largely focused on the EU-Turkey Statement on migration (which was the subject of MEDAM's Assessment Report in 2021) and, more recently, on the EU's common approach to people fleeing the Russian invasion of Ukraine (discussed in chapter 3 of this report). Another rationale for this chapter is to help bring the Europe-Africa cooperation on migration back into focus and more to the center of European policy debates about how to govern migration jointly with non-EU countries.

Our analysis and discussion draw on the relevant research and policy literature, including MEDAM's previous analysis of EU-Africa cooperation on migration (e.g., the MEDAM Assessment Report of 2020). It combines that with what we know from existing research about the factors influencing African countries' policy positions on migration to Europe and toward cooperation on it with the EU and its member states (e.g., Maru 2021). In addition, we have conducted 26 in-depth interviews with senior migration policy makers and experts in selected countries in Europe (Germany, Italy, and Spain) and Africa (Morocco, Niger, Nigeria, and Tunisia) as well as officials at the

European Commission and AU. The interviews were conducted remotely (i.e., online) in late 2021 and early 2022. The purpose of the interviews was to gain impressionistic evidence of policy actors' assessments of Europe-Africa cooperation on migration and mobility, and their perceptions of the chief constraints and opportunities for policy changes leading to greater mutual benefit and viable partnership in the future.

The chapter is structured as follows. We begin (5.1) with a brief overview of the governance and stated objectives of the major agreements relating to Europe-Africa cooperation on migration since the early 2000s and up to the recent EU-AU summit in February 2022. Our focus will be on the stated aims of declarations and agreements made at the transnational level, i.e., between the EU and AU, rather than those involving individual countries. The core of the chapter (5.2) then discusses the progress toward these key objectives of the EU-AU cooperation on migration. Where limited progress has been made, we briefly discuss what we know about the main reasons and obstacles. We then review briefly (in section 5.3) the important question of how the AU-EU cooperation is financed. The concluding discussion (5.4) identifies a number of long-standing issues and policy challenges that, we argue, policy makers need to consider and address to achieve more effective and sustainable cooperative policies in the future.

5.1 Governance and core objectives of key AU-EU agreements

European (and other) high-income countries have a long history of engaging with African and other lower-income countries on migration and refugee protection (e.g., FitzGerald 2019; Adamson and Tsourapas 2019). For example, for many years, European countries have negotiated, and in a few cases agreed, 'return and readmission agreements' with non-EU countries [95] (e.g., Billet 2010). Germany and Vietnam concluded a bilateral readmission agreement already in 1995, and Italy struck a readmission agreement with Algeria in 2000 (Cassarino 2010). European states have also spent many years providing financial and logistic support to North African countries to help 'strengthen borders' and reduce irregular migration to

Europe. Italy's first informal agreements with Libya in the early 2000s, for instance, provided Italian financial support for Libya to strengthen 'border management' including the Libyan coast guard's efforts to intercept migrants attempting to cross the Mediterranean to reach Europe (Paoletti 2011).

Governing cooperation: The growing roles of the EU and AU

While individual European and African countries have remained central actors in the negotiations and governance of migration policy cooperation, since the mid-2000s the EU and the AU (which was estab-

[95] European Court of Auditors, "EU Migrant Return Policy—Cooperation with Third Countries on Readmission" (2020), https://www.eca.europa.eu/Lists/ECADocuments/AP20_07/AP_Migrant_return_policy_EN.pdf.

lished in 2002) have sought to play more active roles in shaping the joint policies and agreements. Several experts and policy actors we interviewed talked about 'mixed governance arrangements' in this area, meaning that the EU and AU play roles alongside individual countries.

European Union

The EU refers to cooperation (or "partnerships") with non-EU countries as the "external dimension" of the EU's common migration policies. It began to be developed formally in the early 2000s, when the European Council first defined the EU's Global Approach to Migration (GAM).[96] GAM sought to cover both irregular and regular migration, and it was meant to be guided by the fundamental principles of partnership, solidarity, and shared responsibility. After a review in 2011, the European Commission aimed to strengthen its external migration policy through the new Global Approach to Migration and Mobility, which focused on four key dimensions and pillars:[97] (i) organizing and facilitating legal migration and mobility; (ii) preventing and reducing irregular migration and human trafficking; (iii) promoting international protection and enhancing the external dimension of asylum policy; and (iv) maximizing the development impact of migration and mobility.

Following the large inflows of asylum seekers and other migrants in 2015–16, the European Commission launched the European Agenda on Migration, which was soon extended to include a "migration partnership framework" with the aim of establishing formal agreements with non-EU countries of migrants' transit and origin.[98] Most recently, the EU's New Pact on Asylum and Migration, introduced in late 2020, reiterated the importance of strengthening further the external dimension of the EU's common migration and asylum policies through "mutually beneficial partnerships with key third countries of origin and transit."[99]

The EU's competences in the area of migration and mobility are well defined, limited, and variable across different types of migration. For example, the EU has greater competences in the regulation of asylum and refugee protection than in the regulation of labor immigration, which has remained primarily within the remit of member states. As we show later in the report, the limited competences in some areas have had important implications for the cooperation with Africa.

African Union

With the adoption of the Migration Policy Framework for Africa (MPFA) in 2006, migration governance issues began to receive increasing attention in the AU. Since then, the AU and its member states have grappled with creating continent-wide policy and effective governance frameworks for implementation at the AU, Regional Economic Community (REC), and national levels. Based on the MPFA in 2006, the AU issued the African Common Position on Migration and Development[100] as a guideline for negotiations with Europe at the Africa/Europe Ministerial Conference held in Tripoli in the same year. As discussed later in this chapter, the Tripoli conference culminated in the launch of the Africa-EU ministerial declaration in 2006[101] and then the strategic partnership in 2007.[102] The African Common Position prioritizes migration and development, diaspora and remittances, human resources and brain drain, free movement and labor migration, and gender and human rights issues.

In 2018, the revised MPFA was adopted with nine thematic areas, which cover topics including migration and development, labor migration, border management, irregular migration, forced displacement, human rights of migrants, internal migration, migration data management, and inter-state cooperation and partnerships.[103] Similar to the previous framework adopted in 2006, the revised framework aims to provide policy guidance to the member states of the AU and RECs. The revised framework follows a review in 2016 and a decision to update the framework and guidance in light of changing migration dynamics and patterns.

[96] Council of the European Union, "Global Approach to Migration: Priority Actions Focusing on Africa and the Mediterranean," Note from the Presidency to the European Council, 15744/05, Brussels (December 13, 2005) (accessed August 2022), https://data.consilium.europa.eu/doc/document/ST-15744-2005-INIT/en/pdf.

[97] European Commission, Communication on the Global Approach to Migration and Mobility, COM(2011) 743 final, Brussels (November 18, 2011) (accessed August 2022), https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0743&from=EN.

[98] European Commission, "Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration," Strasbourg (June 7, 2016) (accessed August 2022), https://eur-lex.europa.eu/resource.html?uri=cellar:763f0d11-2d86-11e6-b497-01aa75ed71a1.0001.02/DOC_1&format=PDF.

[99] European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions on a New Pact on Migration and Asylum, COM(202) 609 final, Brussels (September 23, 2020), https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf.

[100] African Union, "African Common Position on Migration and Development," Addis Ababa (June 2006) (accessed August 2022), https://www.unhcr.org/en-us/protection/migration/4d5257e09/african-common-position-migration-development.html.

[101] African Union, "Joint Africa-EU Declaration on Migration and Development," Addis Ababa (November 22–23, 2006) (accessed August 2022), https://au.int/sites/default/files/pages/32899-file-4._the_joint_africa_eu_declaration_on_migration_and_development_2006.pdf.

[102] European Commission, "The Africa-EU Strategic Partnership: Context, Shared Vision and Principles" (2007) (accessed August 2022), https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/97496.pdf.

[103] African Union Commission, "Migration Policy Framework for Africa and Plan of Action (2018—2030)," Addis Ababa (May 2018) (accessed August 2022), https://au.int/sites/default/files/documents/35956-doc-2018_mpfa_english_version.pdf.

Although the AU's role and capacities in regulating migration and mobility in Africa have increased over the years, its formal remit has remained limited. At the same time, compared with the EU, the AU's institutional structures and capacities as well as its financial resources are much less developed and more constrained. Again, as we will see later in this chapter, this has important implications for cooperation with the EU.

Setting the core objectives of AU-EU cooperation agreements on migration

We focus our discussion of the stated objectives of migration policy cooperation on official AU-EU agreements rather than on bilateral ones between individual countries. As briefly touched on above, the EU and AU are increasingly influential in setting the broad goals and parameters of joint policy making on migration. In addition, as transnational organizations the EU and AU ultimately aim at representing the collective interests of their individual member states. This means that the agreements they sign are meant to reflect, at least in broad terms, the common interests of their member states (although of course there can be and there are heterogeneous national interests and policy preferences within the EU and AU in some areas).

Table 2 provides a brief timeline and overview of key policy declarations and initiatives relevant to AU-EU cooperation on migration (including refugee protection) since the early 2000s. With few exceptions, most of these declarations and initiatives were announced at AU-EU summits every three to four years.

Table 2 Timeline of key Africa-EU summits and agreements relevant to cooperation on migration and mobility

Event	Agreements
Cairo 2000 First Africa-EU summit on comprehensive cooperation	Focus on peace and security Under the aegis of the Organization of African Unity and the EU, the first summit identified key joint priorities for comprehensive cooperation
Tripoli 2006 Tripoli EU-Africa conference	Tripoli declaration of the EU-Africa Ministerial Conference on Migration and Development
Lisbon 2007 Second Africa-EU summit	Launch of the "Africa-EU Strategic Partnership: A Joint Africa-EU Strategy;" first Action Plan (2008–10) for implementation of the strategy, with "migration, mobility and employment" as one of eight priority areas
Tripoli 2010 Third Africa-EU summit	Second Action Plan (2011–13) for implementation of the Joint Africa-EU Strategy, including migration, mobility, and employment
Brussels 2014 Fourth Africa-EU summit	Roadmap 2014–17; migration, mobility, and employment subsumed under priority area 3 on human development
Valletta 2015 Extraordinary EU-Africa summit	Focus on the 'migration crisis;' political declaration and joint Valetta action plan
Abidjan 2017 Fifth Africa-EU summit	Joint declaration, with "migration and mobility" reinstated as one of five key focus areas
Brussels 2022 Sixth Africa-EU summit	A Joint Vision for 2030 including "[a]n enhanced and reciprocal partnership for migration and mobility"

Source: Own compilation.

When comprehensive cooperation began at the EU-Africa summit in Cairo in 2000, migration and mobility between Africa and Europe were mentioned as issues but they were not among the priority areas of the partnership. By 2007, the year of the second Africa-EU summit in Lisbon, migration had become a priority for combined effort. The Lisbon summit launched the new Joint Africa-EU Strategy, which has remained the basis for intercontinental coordination over the past 15 years. The first action plan (2009–10) for the Africa-EU Strategic Partnership identified eight priority areas for cooperation, including "migration, mobility and employment."[104] Table 3 shows the objectives articulated for this priority area.

In subsequent revisions of the action plans for the Africa-EU Strategic Partnership (each EU-AU summit published a revised version), these core objectives for cooperation on migration have been reworded, restructured, and at times presented in different ways. However, the substance of their fundamental content has changed relatively little over the past decade, although some areas have gained more prominence and resources than others. For instance, at the Valletta summit in 2015—an extraordinary meeting between European and African countries called by the EU to help respond to the large inflows in 2015–16 of asylum seekers and other migrants—reducing irregular migration and promoting return, readmission, and reintegration became more central. The Valetta action plan included the following priority areas:[105]

- Development benefits of migration and addressing root causes of irregular migration and forced displacement;
- Legal migration and mobility;
- Protection and asylum;
- Prevention and the fight against irregular migration, migrant smuggling, and trafficking of human beings;
- Return, readmission, and reintegration.

Table 3 Lisbon summit objectives for migration, mobility, and employment, 2007

Category	Objectives
Migration and development based on aims agreed at the 2006 Tripoli Ministerial Conference on Migration and Development	1) To facilitate mobility and free movement of people in Africa and the EU and to better manage legal migration between the two continents
	2) To address the root causes of migration and refugee flows
	3) To find concrete solutions to problems posed by illegal or irregular migratory flows
	4) To address the problems of migrants residing in EU and African countries
Trafficking of human beings based on the EU-Africa action plan on trafficking in human beings, also endorsed in Tripoli in 2006	5) To effectively combat trafficking in human beings through a victim-centered approach, in particular of women and children
	6) To address the root causes of trafficking in human beings in countries of origin, as well as in countries of destination
	7) To contribute to the empowerment of women and children
Employment and poverty alleviation based on the 2004 Ouagadougou Declaration and Plan of Action on Employment and Poverty Alleviation	8) To create more productive and better jobs in Africa, in particular for youth and women in line with the UN "decent work for all" agenda

Source: Own compilation, based on the "First Action Plan (2008–2010) for the Implementation of the Africa-EU Strategic Partnership" n.d.

[104] See the "First Action Plan (2008–2010) for the Implementation of the Africa-EU Strategic Partnership" (n.d.) (accessed August 2022), https://www.europarl.europa.eu/cmsdata/122474/FIRST%20ACTION%20PLAN%20(2008-2010).pdf.
[105] European Council, "Valletta Summit: Action Plan" (November 2015) (accessed August 2022), https://www.consilium.europa.eu/media/21839/action_plan_en.pdf.

In the political declaration of the Valetta summit, Africa and Europe further declared that

[[our] joint actions shall be seen as a whole and hence implemented in parallel, allowing for the necessary degree of differentiation through region and country specific approaches. We commit to allocate appropriate resources to the implementation of such concrete actions using all existing instruments, along with the newly set up EU Emergency Trust Fund (EUTF) for stability and addressing root causes of irregular migration and displaced persons in Africa.[106]

The sixth and most recent AU-EU summit in Brussels in early 2022 resulted in "A Joint Vision for 2030," which maintains migration as a priority area for the partnership.[107] The stated aims of this enhanced cooperation are again very similar to those set out in the Lisbon action plan in 2007, with some modifications in emphasis but, we argue, not in substance.

Our brief review of the stated aims of the AU-EU cooperation on migration over the past 20 years thus suggests a relatively high level of stability. While the degrees of emphasis that different actors put on each core objective have varied over time, depending on particular contexts and events (such as the large inflows of asylum seekers and other migrants in 2015–16), the main aims and dimensions of the cooperation have remained little changed. Our discussion (in the next section) of its achievements and failures over the past decade or so is based on these objectives, which we summarize as follows:

— Promoting the development benefits of migration and addressing the root causes of irregular migration and displacement;
— Enhancing legal pathways for migration and promoting free movement regimes;
— Protecting refugees and the human rights of migrants;
— Countering irregular migration, people smuggling and human trafficking;
— Increasing return, readmission, and sustainable reintegration.

5.2 Progress toward core objectives

This section discusses the progress toward achieving the central objectives of EU-AU cooperation on migration since the mid-2000s. We do not aim at providing a comprehensive assessment, which is beyond the scope of this chapter. Instead, we highlight selected key achievements, failures, and political tensions over the past decade or so, with a view to identifying long-standing issues that, unless addressed, will likely continue to limit progress in the future.

Promoting the development benefits of migration and addressing the root causes of irregular migration and forced displacement

Many of the African policy makers and experts we interviewed made clear that migration and development are viewed as two sides of the same coin. According to our respondents—and a considerable body of existing research (e.g., MEDAM 2020)—in many African countries migration is perceived as "a way of changing one's life" and a "life project," so "people will do anything to make it happen" (also see chapter 4 in this report). Many African countries have therefore long been champions of "promoting the developmental benefits of migration."

At the same time, fighting extreme poverty and unemployment—both of which present threats to the political stability of regimes and countries—are widely considered to help reduce migration pressures. This is also evident, for example, in the joint Africa-EU action plan for 2011–13 on migration, mobility, and employment, where creating more and better jobs for Africa was considered a means to deal with the root causes of migration and ensure that both migration and mobility work for development. In particular, it is a broadly held view among African governments that to address irregular migration, young people need to be employed and their human conditions in Africa improved. A lack of opportunities is deemed the leading cause of migration of African youth along dangerous and sometimes even deadly routes that involve irregular crossings of borders. With high levels of youth

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106 European Council, "Valletta Summit: Political Declaration" (November 2015) (accessed August 2022), https://www.consilium.europa.eu/media/21841/political_decl_en.pdf.
107 See the "6th European Union-African Union Summit: A Joint Vision for 2030," from the summit held in Brussels on February 17–18, 2022 (accessed August 2022), https://www.consilium.europa.eu/media/54412/final_declaration-en.pdf.

unemployment even among the educated, migration is regarded as an important way for young people to improve their socioeconomic situation and human development.

In Europe, addressing the root causes of irregular migration has long been a central priority in its cooperation with Africa, as reflected in its many mentions in the various partnership agreements and pacts. In the EU's policy approach in the past 20 years or so, promoting the development of lower-income countries—an important independent goal—has increasingly been seen and framed in an instrumental way, to help reduce irregular migration to European countries. There is a common view among many policy makers that increased development, supported partly via foreign aid, will reduce migration.

Yet, as discussed in chapter 4 of this report, research suggests that the relationship between economic development, foreign aid, and out-migration is more complex. In low-income countries, those who are better off are more likely to migrate abroad. The poorest people are typically too constrained to be internationally mobile, and countries with higher levels of development are often more closely linked to others, including through migration. But the research evidence on the effects of increasing countries' levels of development on emigration has remained partly unclear. While certain types of foreign aid (Lanati and Thiele 2018) and rising incomes (Benček and Schneiderheinze 2020) may reduce out-migration in the short and medium run, the long-run relationship between development gains and emigration may be positive up to a certain level of income (e.g., Clemens 2014b) (for more discussion, see the analysis in section 4.3 of this report).

These differences in approach and degrees of emphasis—that migration is beneficial for human development (emphasized more by the AU) and that development is beneficial for reducing migration (emphasized more by the EU)—have, unsurprisingly, affected the Europe-Africa cooperation on migration. Since the launch of the strategic Africa-EU partnership in 2007, joint efforts have been marked by opposing priorities—Europe's focus on containing migration and Africa's insistence on tackling under-development as one of the major root causes of migration. In its preparations for the Valletta summit in 2015, the Pan-African Forum on Migration in Accra subtly criticized the fo-

cus of the EUTF on return and readmission. The AU expressed reservations on the EUTF's heavy weight on containing migration from Africa to Europe through border controls and return and readmission processes, failing to link migration with development as the main agenda of the summit. It further criticized the Valletta summit as deflecting the attention of political leadership from the resources needed effectively to implement the existing aims of the AU-EU partnership and its varied projects.[108]

The actions taken under the priority area of "promoting the development benefits of migration and addressing the root causes of irregular migration and forced displacement" have included efforts to resolve conflicts by strengthening stability and security and by supporting counter-terrorism measures, as in the case of Somalia, Chad, and the Sahel region.[109] A range of income-generating schemes has been launched, along with employment programs (especially for young people) and measures to enhance food security (resilience programs) as alternatives to irregular migration.[110] The EUTF and other funds have enabled many African governments to make efforts to reduce unemployment by, for example, establishing technical and vocational education and training, small-scale urban enterprises, and rural job-creation programs.

The establishment of the African Institute for Remittances in Kenya could be considered among the successful policy and institutional initiatives under a priority area of the cooperation.[111] Moreover, most African diaspora initiatives undertaken by African migrants' organizations based in Europe have been successfully carried out (Rabat Process 2020).[112] Nonetheless, the diaspora outreach on the African side still faces significant challenges in reaching, including, and organizing diaspora networks and training (Tittel-Mosser 2021).

To prevent secondary migration, the EU has also been supporting the local integration of refugees in countries of transit in Africa (Maru and Geddes 2020). Such support includes introducing legislation that simplifies the procedures for accessing residence, education, and health services, for meeting specific livelihood needs. While many reasons have been identified for the relative inadequacy of these policies promoting local integration, research suggests that a misguided focus on low value-added industries has been one of the major drawbacks of the approach (Engida et al. 2017).

[108] African Union, First Annual Forum for Intra-Regional Consultations in Migration and Labour Mobility within Africa: Towards Facilitating Free Movement of Persons in Africa, held in Accra on September 16–18, 2015.
[109] European Commission, "EUTF 2020 Annual Report," Luxembourg: Publications Office of the EU (2021) (accessed August 2022), https://ec.europa.eu/trust-fundforafrica/sites/default/files/eutf-report_2020_eng_final.pdf.
[110] IDRISSI is an example of a resilience program supported by the German Agency for International Development (GIZ). See GIZ, "Working with the Intergovernmental Authority on Development (IGAD) to Increase Drought Resistances in the Horn of Africa," https://www.giz.de/en/worldwide/34480.html.
[111] European Commission, "3rd Africa-EU Summit 29/30 November, Tripoli," Press Release, Brussels (November 2010) (accessed August 2022), https://ec.europa.eu/commission/presscorner/detail/en/MEMO_10_604.
[112] See "Diaspora Engagement: Africa," Regional Series, European Union Global Diaspora Facility, by F. Tittel-Mosser (2021) (accessed August 2022), https://diasporafordevelopment.eu/wp-content/uploads/2021/04/EUDiF_Regional-Overview_Africa-v.3.pdf.

Livelihood support to address irregular and secondary migration has ranged from providing loans to establish small businesses like hair salons and small shops to providing land sites for bakeries and small industrial processers. Still, these schemes are not adequate to persuade potential migrants from taking dangerous irregular migration routes (World Bank 2017).

Enhancing legal pathways for migration and promoting free movement regimes

In the Africa-EU cooperation on migration, the expansion of pathways for legal migration to Europe—through visa facilitation, faster family reunification, and increased opportunities for labor migration—has been a long-held priority for many African countries. In practice, progress toward this objective has been very limited. In particular, when it comes to opening or expanding legal labor immigration for lower-skilled workers from African countries, very little has been achieved. Some European countries, such as Spain and Italy, have expanded seasonal labor migration programs for African workers at certain times[113] but this has typically been done based on particular historical relationships with specific countries and the overall numbers involved have remained relatively low. The EU has supported a number of pilot programs for labor mobility and 'skills partnerships' for African workers, such as the PALIM program,[114] which aimed to offer young Moroccans opportunities to gain work experience in Belgium's ICT sector while at the same time developing the professional skills of young graduates in Morocco.[115] In practice, however, the existing pilot programs have remained small-scale with no clear prospect of expansion to a larger scale, new labor-immigration program. The recent EU press release on "how to attract skills and talent to the EU"[116] included the future expansion of "talent partnerships" with African and other non-EU countries. Its implementation is yet to be seen.

The dominant view from the African side, which also came through in our interviews with African policy makers, is that the EU's migration agenda is focused on containment of migration and much less on expanding legal channels of migration for Africans to Europe. The interviews that we conducted with European policy makers suggest a high degree of awareness that the failure to make meaningful progress toward the objective of expanding legal pathways paints a picture of highly asymmetric power relations. For some interviewees, this also signals to Africa that Europe is not serious about its commitments in this priority area.

Efforts by the EU member states to establish job information centers on migration routes to the EU do not appear to have significantly impacted the migrants who intend to move irregularly to Europe (Arhin-Sam and Zanker 2019). Limited numbers of people with skills required in European labor markets benefit from the current legal migration avenues because skills development and skills matching have remained low in both priority and funding (Dempster and Clemens 2022; Morsy and Mukasa 2019). Building the capacity to train the African skilled labor needed by EU countries requires training centers, in turn requiring significant resources. In the absence of such facilities and priorities, some African policy makers tend to assume that countries of destination are paying only lip service to legal routes (Terre Des Hommes Schweiz 2014; Collett and Ahad 2017, 30). As a result, they rarely mention legal migration to European or other destinations as a priority in the AU's blueprint policy documents, such as Agenda 2063 or the MPFA, or in member state national policies such as those of Ghana and Nigeria. As one of our African interviewees put it, the real challenge is this: "How can we have a real honest conversation on possible regular pathways?"

A major and well-known reason for the limited progress toward the objective of expanding legal pathways, especially for the labor migration of lower-skilled workers from Africa, relates to the lack of competence of the EU in this policy area. The regulation of labor immigration is mostly a national competence, with a very limited role of the EU. Most European and other high-income countries decide labor immigration policy based on the (real or perceived) costs and benefits of particular measures for their citizens and national economies, without significant consideration of the interests of new migrants or their countries of origin. In practice, one of the core challenges of labor immigration policy making is how to link the admission of migrant workers to the "labour shortages" and "skills needs" of the national labor market (e.g., Ruhs 2020; Ruhs and Anderson 2010). How to assess and respond to shortages is typically a highly contested question,

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[113] European Parliament, "EU Funds for Migration, Asylum and Integration Policies," Study, Policy Department for Budgetary Affairs, Brussels (April 2018) (accessed August 2022), https://www.europarl.europa.eu/cmsdata/147324/20180516-migration-funding-study-updated.pdf.

[114] See Migration Partnership Facility, "Completed Action: Pilot Project Addressing Labour Shortages through Innovative Migration Models, PALIM," March 2019–April 2021 https://www.migrationpartnershipfacility.eu/mpf-projects/17-completed-action-pilot-project-addressing-labour-shortages-through-innovative-labour-migration-models-palim.

[115] For more examples, see European Commission and OECD, "Skills Mobility Partnerships: Exploring Innovative Approaches to Labour Migration," Brussels and Paris (March 2022, 36) (accessed August 2022), https://www.oecd.org/migration/mig/2022-March-Joint-EMN-OECD-Inform-Skills-Mobility-Partnerships.pdf.

[116] European Commission, "Legal Migration: Attracting Skills and Talent to the EU," Press Release, Brussels (April 27, 2022), https://ec.europa.eu/commission/presscorner/detail/en/IP_22_2654.

partly because there is no universally accepted definition of a labor or skills shortage, and no single optimal policy response.

This 'shortage model' and the larger cost-benefit approach do not always (or even mostly) achieve their desired objectives. But they are clearly well-established ways of thinking about the regulation of labor immigration in European (and other high-income) countries, especially of low- and medium-skilled migrant workers. Therefore, it is not surprising that we have seen much greater openness to highly skilled migrants (including from Africa) than lower-skilled migrants, who are often associated, sometimes wrongly, with fewer economic benefits, greater fiscal costs, and worse impacts on the lowest income earners among existing residents of host countries. This also explains why we have seen little cooperation with countries of origin and relatively little harmonization of labor immigration policies across EU member states, as labor shortages and the broader economic and fiscal effects of immigration can vary considerably across EU countries (Ruhs 2020). All this means that the EU as a whole is not in a position to make credible commitments on the expansion of legal pathways for African migrants to come to Europe.

In light of the lack of progress on the European side, the cooperation on 'access to legal pathways' has practically turned into promoting legal migration within Africa. Indeed, most of the work on expanding options for legal migration and mobility has focused on creating new and improving existing pathways in Africa, particularly within the RECs. Free movement regimes are highly relevant to the EU in easing the pressure of migration to Europe as Africans move within the continent. The development and adoption of AU policies and protocols aimed at facilitating mobility and those of the Intergovernmental Authority on Development (IGAD) were significantly supported by the Africa-Europe partnership. For instance, IGAD's protocols on the Free Movement of Persons and Transhumance in the region were entirely funded by the EUTF and the 11th European Development Fund. The EU has provided IGAD with financial support for the negotiation, conclusion, and implementation of regional protocols on the free movement of people and on livestock corridors to enhance opportunities for better labor mobility and economic development within the region.

These IGAD free movement protocols (one can say the same for the AU protocol on free movement) were delayed for more than two decades due to lack of budget allocations by the governments and institutions concerned (Castillejo 2019; Byiers 2016). With European funding, there is a new sense of urgency on Africa's arrangements for free movement, and the AU and IGAD protocols are back on track and moving toward ratification.

Protecting refugees and the human rights of migrants

Refugees and other migrants, especially but not only those moving across borders irregularly, can face high risks en route to, and upon arrival in, transit and destination countries. Many African migrants and asylum seekers on the way to Europe belong to especially vulnerable groups, including separated and unaccompanied children, victims of trafficking, expectant mothers and mothers with young children, and the elderly who require special protection and assistance due to their physical limitations (Galos et al. 2017; Médecins Sans Frontières 2022). Also, African (and other) migrants are often targets of xenophobic attacks, in Europe as well as in African transit and destination countries (Knoll and Teevan 2020).

Protecting refugees and the human rights of migrants would require assisting people traveling along entire migration routes and making sure their rights are respected at all stages. It would involve, for example, rescuing them from drowning, preventing death from starvation and dehydration, and safeguarding them from physical attacks (including torture, rape, and assault by criminals). Under the EUTF and Better Migration Management program, in some countries within the Horn of Africa, notably Djibouti, Somalia, Kenya, and Ethiopia, safe houses for victims and especially for women victims of abuses by smugglers and traffickers have been established and enhanced.[117] The protection of asylum seekers and refugees would also require, among other things, protection from pushbacks and the effective application of asylum systems based on international and relevant regional standards, such as the Geneva Convention and European asylum and human rights laws.

As part of the EUTF, with regard to protection and asylum, the Africa-EU cooperation is invested in repatriating irregular migrants within Africa and supporting the local integration of refugees in a variety of schemes. These schemes include income-generating programs, education, and health services for refugees and host communities to foster social cohesion. The Regional Development and Protection Programmes and the Joint Initiative for Migrant Protection and Reintegration of the EU and the International Organization for Migration (EU-IOM Joint Initiative) are examples of EUTF-funded programs for the return or lo-

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[117] European Commission and German Agency for International Cooperation (GIZ), „Better Migration Management Programme: Annual Report," Brussels and Bonn (May 2017) (accessed August 2022), asktheeu.org/en/request/4491/response/14191/attach/9/20170712%20BMM%20Annual%20Progress%20Report%20 publication.pdf.?cookie_passthrough=1.

cal integration of refugees. According to the European Commission,[118] the EUTF has provided protection assistance to over 632,000 men, women, and children in Africa. Projects under the EU-IOM Joint Initiative in Sudan, Kenya, and Uganda, focusing on refugees from Somalia, South Sudan, and Eritrea, are good examples for this priority area. In Ethiopia, EUTF support has reached a target of 245,000 beneficiaries (Migration Joint Initiative 2022).

The EUTF has also been utilized by projects assisting victims of trafficking and vulnerable smuggled migrants to access appropriate services, including justice. The support offered to victims of trafficking constitutes a critical aspect of the protection of migrants. Moreover, the Africa-EU cooperation has invested in the judicial and prosecution bodies of certain African states. At a regional level, it has supported approaches and cross-border actions aimed at eliminating networks of smugglers and traffickers. Programs such as the EUTF for Africa and the IOM Initiative for Protection and Reintegration of Returnees along the Central Mediterranean Migration Routes (€20 million) included a Protection Fund, which bolstered efforts to combat xenophobia and provided access to health services and alternatives to detention accommodation.[119] These services were run in Libya by local authorities and a consortium of nongovernmental organizations (NGOs), led by the Danish Refugee Council. In the first half of 2020, 5,500 local institutions and non-state actors in Libya were beneficiaries of capacity building or operational support for the delivery of services and for protection and migration management.[120]

Resources from the EUTF have also bolstered the harmonization of normative, legislative, and enforcement mechanisms for protection as part of capacity building. The development of national legislation and international standards for accession to the UN Palermo Protocols has been successfully completed in many African partner countries. Several countries have also introduced standard operating procedures for the referral of victims of trafficking at the national and cross-border levels. In addition, funds have been allocated for the provision of predictable consular assistance to stranded migrants, including the issuance of travel documentation and the facilitation of transit and re-entry into the country of origin.

The Abidjan 2017 AU-EU summit introduced 'emergency protection' of migrants and refugees along the Mediterranean route. Under the trilateral AU-EU-UN agreement, the EUTF supports the Evacuation Transit Mechanism. This arrangement assists vulnerable and stranded migrants in northern Africa, particularly Libya, to return to their countries of origin or other willing host countries (Altai Consulting 2021). Protection entails, among others, AU-EU-UN collaboration on emergency protection, life-saving assistance, and the evacuation of refugees and migrants in Libya, Niger, Burkina Faso, Cameroon, and Chad. According to the European Commission, in 2021, more than 15,500 people (12,000 voluntary returns, and 3,500 migrants in transit, refugees, asylum seekers, and victims of human trafficking) in Libya, Tunisia, Morocco, and Egypt were assisted by the EU-IOM Joint Initiative funded by the EUTF.[121]

Despite all these efforts, according to the IOM, 7,401 African migrants died on the various African migration routes during 2014–19, with 4,400 of the deaths occurring on the North Africa route to Europe (IOM 2019). Over the period between 2014 and 2020, according to the IOM, 20,014 African migrants went missing or died along migration routes to Europe mainly in the Mediterranean Sea and Sahara Desert (IOM 2020a; 2020b; Missing Migrants Projects 2022). Many of those who escape death and are rescued at sea and returned to African countries are subjected to abuse, exploitation, and trafficking (ECRE 2022d).

Furthermore, the ubiquitous and dominant strategy of migration containment, exercised by EU countries of destination in collaboration with African partner countries, has had adverse effects on the fundamental rights of migrants and in some cases contributed to endangering their lives (Bonnici Bennett 2018). Destination and transit countries have privatized detention arrangements for migrants, leading to severe violations of fundamental human rights without effective remedies (UNHCR and Mixed Migration Centre 2019). Given the absence of a central state government capable of exercising effective control over its jurisdiction, Libya, for example, is a legal-blackhole country where state and non-state entities act with impunity (Maru 2018; Saudi and Orsini 2022). In this environment, human rights discourse has been relegated to the sidelines. The EUTF support for Libyan and other non-state actors has created conditions that undermine the stated precepts of EU partnerships with Africa.

Countering irregular migration, smuggling, and trafficking of persons

Efforts and policies to reduce irregular migration, smuggling, and trafficking of persons have taken a

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[118] European Commission, "2021 Annual Report, EU Emergency Trust Fund for Africa," Luxembourg: Publications Office of the EU (2022, 36) (accessed August 2022), https://ec.europa.eu/trustfundforafrica/sites/default/files/eutf-report-2021-eng-for-digital.pdf.

[119] European Commission, "Establishing a New Partnership Framework" (2016).

[120] European Commission, "2021 Annual Report, EU Emergency Trust Fund for Africa," Luxembourg: Publications Office of the EU (2022, 25) (accessed August 2022), https://ec.europa.eu/trustfundforafrica/sites/default/files/eutf-report-2021-eng-for-digital.pdf.

[121] European Commission, "2021 Annual Report, EU Emergency Trust Fund for Africa" (2022, 32).

central place in the AU-EU partnership on migration and, therefore, also in the allocation of funding. Some projects, such as Better Migration Management, have a regional reach to support policy development and institutional capacity building for integrated border management in African countries. These actions include training and technical assistance, as well as the provision of appropriate equipment for border and immigration management bodies to establish secure vital statistics and biometric data on potential migrants and for law enforcement and judicial bodies to prosecute and adjudicate migration-related crimes, especially trafficking and smuggling cases. Most projects concentrate on hotspots of irregular migration routes to Europe, including border towns of countries of origin and transit (such as those in Niger, Mali, Libya, Tunisia, Morocco, and Algeria, and in cross-border areas of Ethiopia, Kenya, Somalia, and Sudan). Most awareness-raising programs aim at informing potential migrants about the dangers of irregular migration and the benefits of alternative options.

The African Union Commission Initiative against Trafficking (AU.COMMIT), at the core of these efforts, was set up under AU auspices to work toward the eradication of human trafficking. It engaged a broad range of partners—incorporating governments, RECs, civil society organizations, development partners, the media, and academic institutions. It helped operationalize the Ouagadougou Plan of Action to Combat Trafficking in Human Beings. This initiative established normative-based principles with a coherent and comprehensive programmatic design. It produced essential documentation as well as working and evaluation tools, with a pan-African reach. Through AU.COMMIT, the African Union Commission and EU, in partnership with the RECs, assisted member states in developing and implementing regional action plans to strengthen the protection, prevention, and prosecution of human trafficking, in line with Ouagadougou plan.[122] Many African countries have developed policies, laws, and action plans on migration with an emphasis on countering irregular migration as well as human trafficking and people smuggling. Some countries, such as Nigeria, Niger, Ethiopia, Senegal, Gambia, Egypt, Sudan, Djibouti, Kenya, Uganda, and Morocco have ramped up their prosecution and sentencing of traffickers and smugglers.[123]

At the same time, it is clear that Africa-EU cooperation and the EUTF have resulted in more restrictive migration management in Africa. This has had a number of adverse effects on mobility within Africa and on the protection of rights. For example, there has been a hardening of soft borders for traditional and informal crossings. Pastoralists and informal cross-border traders who have long freely crossed borders without checks are now increasingly under pressure. More essentially, with a low capacity to implement controls, European-like border management formalities create more barriers to traditional cross-border movements, including those for informal trading in the omnipresent African informal economy and for pastoralist livelihoods. Strict requirements restricting informal and traditional cross-border movements undermine efforts to build resilience and adversely affect food security in border areas by denying the mobility of communities in deficit areas to access food and agricultural items in markets with a surplus. It also limits pastoralist movement to access water wells and grazing land, and to seek traditional support from kin communities across the border in the face of climatic or man-made shocks.

Another outcome of the cooperation, the presence of immigration officials from European destination countries, has challenged African policy sovereignty. In addition, the deployment of private immigration agencies, hired by countries of destination in Africa and stationed at major air transport hubs such as Addis Ababa and Nairobi, has raised questions about private sector accountability in cases of human rights violations (Geddes and Maru 2020).

The introduction of stricter border management, similar to that in the EU and centering on 'control,' is incompatible with the major objectives of Africa's border-governance strategy, which is anchored on community engagement and a soft border with limited control by the state.[124] The AU and RECs are pushing for free movement of people and integrative borders, yet national legislation-led initiatives to control borders could undermine both traditional cross-border movements that have thrived for centuries and new pan-African efforts toward free movement regimes (Parkes and McQuay 2020).

Increasing return, readmission, and sustainable reintegration

The return, readmission, and reintegration of African migrants with irregular status in Europe are some of the most contested areas of Africa-EU cooperation on migration where there has been very little, if any,

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[122] African Union, Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children as adopted by the Ministerial Conference on Migration and Development, Tripoli (November 22–23, 2006), https://au.int/sites/default/files/pages/32899-file-3._ouagadougou_action_plan_to_combat_trafficking_en_1.pdf.

[123] European Commission and GIZ, „Better Migration Management Programme: Annual Report" (2017).

[124] African Union, "African Union Border Governance Strategy," Addis Ababa (November 2017) (accessed August 2022), https://www.peaceau.org/uploads/2018-06-14-aubgs-e.pdf.

Figure 9 Return rates among third-country nationals ordered to leave the EU, for all citizenships and selected African countries
(percent)
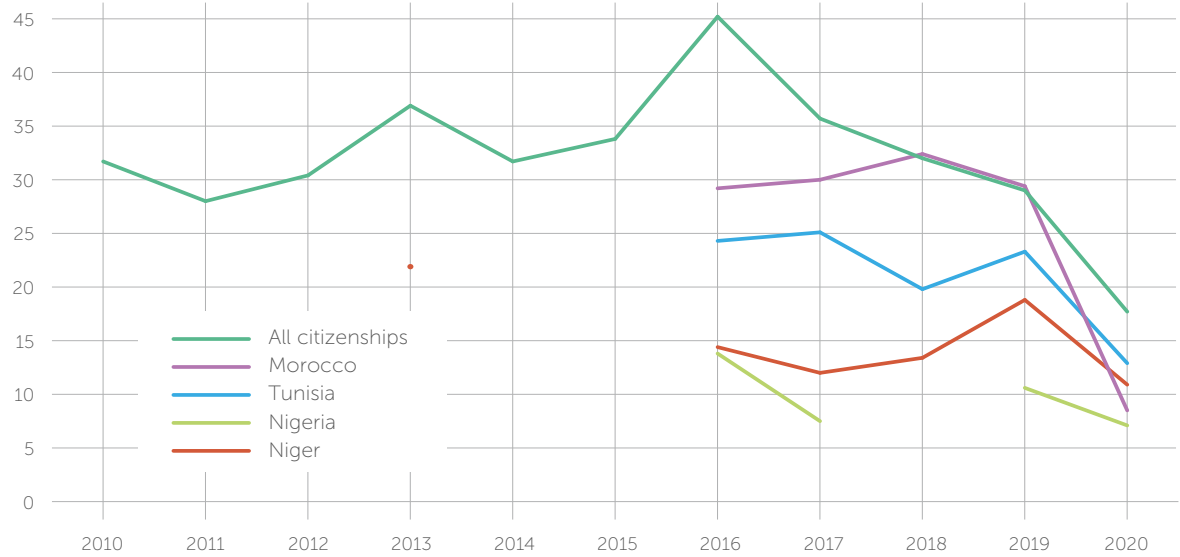
Source: Eurostat, own compilation.
Note: Return rate = migrants returned after receiving return orders divided by migrants issued with return orders.

progress toward the agreed objectives. As shown in Figure 9, the effective return rate of irregular migrants in Europe—defined as the number of (non-EU) migrants returned after receiving return orders divided by the number of migrants issued with return orders—was relatively stable during 2010–19, hovering between 30 and 40 percent in most years in that period. In 2020, when COVID-19 broke out, the return rate dropped to about 18 percent and in 2021 it was 24 percent.[125] These are average figures for all migrants ("third-country nationals") with return orders in the EU. As also shown Figure 9, return rates have been much lower for some of the major African countries of migrants' transit and origin.

One important reason for the lack of progress toward boosting returns, readmission, and reintegration is that the asymmetry of African and European interests is particularly stark in this area of cooperation. Increasing the relatively low rates of return of irregular migrants in Europe to their origin or transit countries has become a highly salient political issue in many European countries. While there can be many reasons for low return rates, including international legal obligations not to send migrants back to places where they could face serious harm (the principle of non-refoulement), the lack of cooperation from some countries of origin or transit is clearly among these factors (MEDAM 2020). This is why return and readmission has been a key European priority in Africa-EU collaborative efforts on migration.

In contrast, from the perspective of African countries of migrants' origin and transit, the readmission of citizens who are migrants with irregular status in Europe is a lower priority issue that nevertheless raises difficult economic and political considerations. For many African countries, there are considerable risks associated with cooperation with the EU and its member states on return and readmission. These risks relate to a political loss of constituency, negative media coverage, and political backlash from the diaspora. They can also include economic and social risks, such as reduced remittances and related effects on families' livelihoods and access to foreign currency sources (Maru 2021).

Return and readmission of significant numbers of migrants may be seen as a betrayal of the interests of both African migrants and citizens who have remained in their home countries (Stutz and Trauner 2021). Inadequate funding and resources for reintegration support can contribute to resistance to return by migrants and governments alike. Given that migrants and their families have invested in the migration and their families' livelihoods depend on remittances, African governments face intense opposition from the families affected. If the returnees are large in number and the resources available to integrate them are inadequate, the resistance to return and readmission is not limited to the public but also extends to branches of government in charge of employment and welfare. With these asymmetries in interests, it is not suppris-

125 Eurostat, "Returns of Irregular Migrants—Quarterly Statistics" (June 2022).

ing that European efforts to conclude readmission agreements with African countries have had very little success, and that where readmission agreements have been signed they have not always led to an increase in return rates (for a broader discussion of this issue, see Stutz and Trauner 2021).

The EU has also supported efforts by the IOM and UN High Commissioner for Refugees to facilitate the return, readmission, and reintegration of over 50,000 irregular African migrants from Libya.[126] More than 16,561 were returned under the AU-EU-UN Taskforce established in 2017.[127] The AU's endorsement and involvement in this return project have provided legitimacy to the return and have helped to resolve readmission-related challenges. Another initiative is the Emergency Transit Mechanism (ETM) implemented by Rwanda, under which, between 2019 and 2021, more than 515 refugees and asylum seekers were evacuated from Libya to Rwanda (UNHCR 2021). This mechanism provides access to essential humanitarian assistance services at the Gashora Transit Centre while durable solutions are being sought. The ETM has, however, received criticism for not providing sufficient support to people who have been evacuated and, more generally, for not providing meaningful alternative countries for the resettlement of refugees. There have been significant delays in the implementation of resettlement of the evacuated refugees in Europe (Carta et al. 2021b).

While the EU and its member states have treated more effective return and readmission rates as paramount with high-level EU political and financial commitments, the related objective of sustainable *reintegration* (particularly important to African origin countries) has been given much less attention and relatively fewer resources. Furthermore, the treatment of returnees or evacuees and the protection of their rights vary significantly, depending on the receiving countries' human rights records and accountability mechanisms. With informal agreements regarding return, there is little transparency and accountability on the treatment of migrants and their rights to remedies (Slagter 2019). The limited capacity of the receiving countries for coordination, implementation, counseling, training programs, and skills development constrains the implementation of tailor-made reintegration packages for returnees. This, in turn, affects sustainability.

5.3 Financing the cooperation on migration and mobility

The financing of the Africa-EU partnership on migration and mobility has relied on resources made available by the EU and its member states, either through EU financial instruments or bilaterally. Perhaps unsurprisingly, as shown by the data and brief discussion below, the financing and implementation of projects under the Africa-EU cooperation on migration has been heavily skewed toward European interests, thus distorting the priorities agreed formally in the various AU-EU declarations (Raty et al. 2020).

Between 2014 and 2016, the EU allocated €17 billion (US$20 billion) to curb migration to Europe from all over the world (Hargrave et al. n.d.; Vermeulen et al. 2019). This time frame overlaps with the first stage of the partnership based on the Joint Africa-EU Strategy (launched in 2007) and the Valetta summit in 2015, which allocated close to €5 billion. During the partnership period, a significant part of the monies from the European Development Fund and the Internal Security Fund focused on borders and visas; the Return Fund and the External Borders Fund were allocated to migration projects.[128]

Between 2015 and 2020, the biggest single funding instrument for migration and mobility was the EUTF. Amounting to €5 billion, the EUTF was signed by 25 EU member states (plus Norway and Switzerland) and launched by the European and African partners at the Valletta summit in November 2015. It has supported 254 actions/projects in 26 African countries.[129] In the same period (2015–20), these projects were anchored in more than 754 contracts.[130]

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[126] Council of the European Union, General Secretariat, "Migration flows in the Central Mediterranean Route," Brussels (2022) (accessed August 2022), https://www.consilium.europa.eu/en/policies/eu-migration-policy/central-mediterranean-route/.

[127] European External Action Service, "Meeting of the Joint AU-EU-UN Taskforce to Address the Migrant Situation in Libya," Joint Press Release (2017) (accessed September 2022), https://www.eeas.europa.eu/node/37401_en.

[128] See also European Parliament, "EU Funds for Migration, Asylum and Integration Policies," Study, Policy Department for Budgetary Affairs, Brussels (April 2018, 11–12) (accessed August 2022), https://www.europarl.europa.eu/cmsdata/147324/20180516-migration-funding-study-updated.pdf; European Commission, "EUTF, State of Play and Financial Resources" (2022), https://ec.europa.eu/trustfundforafrica/content/trust-fund-financials_en.

[129] European Court of Auditors, "Special Report: European Union Emergency Trust Fund for Africa: Flexible but Lacking Focus," Luxembourg (2018) (accessed August 2022), https://www.eca.europa.eu/Lists/ECADocuments/SR18_32/SR_EUTF_AFRICA_EN.pdf/.

[130] European Commission, "EUTF 2020 Annual Report" (2021, 14).

From the start of the EUTF in 2015, 54 percent of the funds allocated focused on "improved migration management" and "improved governance," constituting projects aimed at preventing irregular migration through border control, establishing information systems including biometric identification, disrupting smuggling and trafficking networks, and prosecuting migration-related crimes.[131] Significant resources (17 percent) were also earmarked for expanding opportunities for potential African migrants in their localities, and to improving community conditions to support local integration of refugees with a view to preventing secondary migration.[132] These projects sought to improve livelihoods so as to encourage migrants to remain in their region of origin.

In the EUTF 2016, the beneficiary African countries received no direct allocation of funding. To carry out its objectives, more than 93 percent of the grants went to institutions, development agencies, and NGOs of the EU and its member states, while 7 percent went to international organizations.[133] Over time, funding allocations to European institutions and international organizations to carry out aspects of the EUTF have increased, while funds allocated for implementation by the beneficiary African states are rare.[134] Such unequal deployment of European and other non-African implementation agencies undermines the effort by African countries and institutions to build their own capacities.

One of the long-standing challenges in the allocation and utilization of EU funds is that they are typically tied up with specific projects that sometimes do not reflect the priorities of the AU, its member states, or the RECs. Africa and the EU hold divergent views on the mechanism, size, and allocation of funds for migration and mobility. The EU tends to believe that adequate funding has been provided for Africa-EU migration and mobility cooperation, but the AU often takes a contrary position. This particular tension has been present since the cooperation was launched in 2007.

Ahead of the Lisbon summit in 2007, the Africa-EU experts and senior officials meeting in Malta in 2006 discussed the need to establish a permanent funding mechanism for work on the migration and mobility priority area.[135] The AU considers the funding mechanisms for migration-related activities too ad hoc and fragmented to effectively and holistically address its migration and development projects. Thus, in 2007 the African side proposed the creation of an African migration fund,[136] a request that was renewed in 2009.[137] Despite the joint Africa-EU decision to carry out a feasibility study on its establishment, the fund never materialized. The EU rejected the proposal on the basis that it had already provided enough funding. It has argued that the focus should be on ensuring the transparent, effective, and feasible means of using the existing funding.

According to the AU, source-tied constraints could be removed by establishing a "pool fund," regardless of the trail of the funding source, which would be utilized for any project on migration and development.[138] In the AU's view, an African migration fund would have achieved this. To justify this position, the AU has referred to funds established for other projects of the continental body, like the African Peace Facility, African Education Fund, Democracy and Electoral Fund, African Fund for Aids Control, Digital Solidarity Fund, and the Trust Fund for African Women, to which the EU contributes.

5.4 Conclusion

There is clearly a need and great potential for Africa-Europe cooperation on migration and mobility as demonstrated by some of the outcomes obtained thus far. The initiatives undertaken over the past 20 years have received substantial political and financial support, if unevenly, from both sides.

The AU-EU partnership has shown positive results in policy areas where there has been actual political support, overlapping priorities, and political and financial commitments. For example, joint action on the facilitation of remittances, diaspora engagement, and regional free movement within Africa have been

[131] Deutsche Welle, "How the EU Spent Billions to Halt Migration from Africa" (April 12, 2022), https://www.dw.com/en/how-the-eu-spent-billions-to-halt-migration-from-africa/a-61362906.

[132] Deutsche Welle, "How the EU Spent Billions to Halt Migration from Africa" (2022).

[133] European Commission, "Establishing a New Partnership Framework" (2016).

[134] See European Commission, "EUTF 2020 Annual Report" (2021).

[135] African Union, "Draft Report of the Senior Officials/Experts Meeting of the Africa-EU Ministerial Conference on Migration and Development," MIGR/EXP/DRAFT/RPT, Addis Ababa (November 2006, 5–6).

[136] African Union Assembly, "Report of Joint Africa-EU Declaration on Migration and Development," EX.CL/315 (X)/Assembly/AU/JAB 200, Addis Ababa (January 2007, 11), https://au.int/sites/default/files/pages/32899-file-4._the_joint_africa_eu_declaration_on_migration_and_development_2006.pdf.

[137] African Union Commission, "Draft Note on the Need for African Migration Fund," Addis Ababa (September 2009).

[138] African Union Commission, "Draft Note on the Need for African Migration Fund" (2009).

considered mutually beneficial for both Africa and the EU. These areas of Africa-Europe effort have therefore enjoyed the political support of both sides.

In contrast, in policy areas where there are asymmetric interests between European and African countries—and where reciprocity requires compromise within the collaboration—relatively little progress has been made. In particular, cooperation on return and readmission and on legal pathways has suffered from uneven commitments and very limited (and slow) implementation of the strategies and objectives formally stated in the various Africa-EU agreements on migration and mobility since 2007. As discussed in this chapter, African governments face severe political risks associated with migrants' return and readmission, resulting in a low level of cooperation on return. On the European side, a significant expansion of legal migration avenues to Europe in the form of visa facilitation, faster family reunification, and increased labor migration has yet to materialize, despite repeated pledges from the EU. The limited progress on return and readmission (on the African side) and on opening legal pathways for African migrants' mobility (on the European side) has undermined the overall commitments expressed in the cooperation agreements over the years.

Furthermore, the need for more effective protections of the fundamental rights of migrants clearly emerges as a crucial issue from our stock-taking exercise. In practice, the Africa-EU partnership has not paid enough attention to this goal; some actions and policies stemming from the cooperation have had an adverse effect on the human rights protections of migrants and hardening border governance in Africa. Although both sides of the partnership have repeatedly committed to protecting the human rights of migrants in the various Africa-EU cooperation agreements, it is clear from our discussion (and considerable existing research and evidence) that this important aspect has not been given adequate priority in reality.

A key challenge has been that the existing Africa-EU partnership structure does not reflect priorities and realities on the ground and, as a consequence, there has been a wide gap between policy declarations and practice. While the pledges in the agreements from both sides have been comprehensive, the implementation of projects has been mainly based on the national priorities of European and African states. Though the AU and EU have played a growing role in the cooperation, their competences are limited and the actual mandate holders in policy formulation and application on migration issues are the member states on both sides. The limited implementation, financial and human resource capacities of AU and African countries have obviously constrained what the coordination could have achieved.

The experiences and effects of joint AU-EU action on migration over the past 20 years raise essential questions about the roles of the AU and EU vis-à-vis their respective member states as actors negotiating the agreements. Credible agreements require credible actors that can deliver on the pledges made. The Africa-EU partnership needs to evolve with more focus on supporting and obtaining practical delivery of agreed-upon, prioritized outcomes. The roles of the AU and EU on migration and mobility cooperation need to be revisited, and agreements should be concluded to the extent that it is credible that member states are prepared and able to implement them.

6 Reflections on guiding principles for the design of EU asylum and migration policies

Author: Matthias Lücke

This Assessment Report concludes six years of research, policy analysis, and interaction with stakeholders by the Mercator Dialogue on Asylum and Migration in Europe (MEDAM). Our overarching objective has been to help design asylum and migration policies that effectively protect refugees and other migrants and allow all stakeholders to reap the economic benefits of expanded labor migration. In particular, we have sought to better understand the incentives and restrictions under which relevant stakeholders act, from how potential migrants decide whether to migrate (concentrating on the Africa-to-Europe migration corridor) to EU voter preferences regarding alternative options for asylum and migration policies.

While the repercussions of geopolitical conflicts—the focus of this Assessment Report—have claimed the attention of policy makers over the past couple of years, the underlying ethical dilemmas and gaps in existing policy regimes have remained similar. Building resilience means, above all, having a set of mutually consistent and effective policies in place that are widely supported by stakeholders and voters. To contribute adequately to refugee protection in an ever more interdependent world with ever more refugees, the EU and its member states must be willing and able to host a substantial number of refugees themselves and provide financial support for refugees elsewhere. Furthermore, there must be credible mechanisms (formal or informal) to share responsibility for refugee protection with host countries outside the EU and ensure that no country (outside or within the EU) is overstretched. In this section, the author (who has co-ordinated MEDAM for the last six years) reflects on persistent challenges in policy design and suggests four guiding principles for the (re-)design of EU asylum and migration policies. As it is the case through-out this report, not all MEDAM team members support all policy conclusions that are discussed in this chapter.

For effective global responsibility sharing, regional actors must play a key role in refugee protection.
Worldwide, 72 percent of refugees under the mandate of the UN High Commissioner for Refugees (UNHCR) (plus Venezuelans displaced abroad) lived in countries neighboring their countries of origin in 2021.[139] Even more refugees lived in their wider regions of origin, such as Venezuelans in South America and (most recently) Ukrainians in Western Europe.

There are several related reasons for this regional bias. First, refugees often travel to their countries of asylum irregularly and have limited financial resources. Hence, long-distance journeys are beyond the means of many, especially the most vulnerable refugees. While some refugees migrate onward from their initial country of asylum, these journeys are also often irregular. Worldwide, potential final destination countries including the EU are tightening border security and combating people smuggling, further driving up the cost of irregular travel across borders and limiting onward migration by refugees. While some legal channels exist for onward migration of especially vulnerable refugees, including non-EU country resettlement under the auspices of the UNHCR, the number of places on these programs is limited.

Second, it is easier for migrants to adjust to life in another country when there are shared languages, ethnicities, or religions. This is often the case among countries within the same region. Socioeconomic conditions may also be similar across countries within a region, including educational, skill, and certification requirements for particular occupations. Thus, shared cultural characteristics and a similar

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level of economic development facilitate the social and economic integration of refugees in the country of asylum and strengthen the regional bias in the hosting of refugees.

Third, until refugees become economically self-sufficient, the cost of hosting them and facilitating their social and economic integration is determined largely by the living standard of the country of asylum. Many goods and services that make up a person's basic livelihood (housing, food, utilities, and public services) involve non-tradeable goods and services and are therefore cheaper in real terms in poorer countries. More than four out of five refugees live in low- and middle-income countries.[140] Although international financial support through the UNHCR and other international and national donors does not fully meet identified needs, it does go a long way toward covering the costs of hosting refugees in low- and middle-income countries (UN OCHA 2022). At the same time, even the cost of meeting identified needs would constitute a manageable financial burden to the mostly high-income donor countries (Lücke and Schneiderheinze 2017).

When the cost of hosting refugees is mostly borne by the international community, host-country residents will likely experience few economic disadvantages due to the presence of refugees (Lücke and Schneiderheinze 2019). With existing humanitarian support, many refugees' livelihoods are now sustained at a standard of living that does not differ fundamentally from their former lives in their countries of origin.

Fourth, while international and European laws call upon states to provide for the needs of asylum seekers, there is a growing emphasis in public debate on addressing the root causes of forced displacement within countries and across international borders. Clearly, a preventive approach to avoid forced displacement is often preferable to trying to protect individuals after persecution or violent conflict occur. Regional actors individually or through security arrangements such as the Economic Community of West African States or NATO in Europe can often influence the outcome of conflicts in their regions, the extent of displacements, and whether refugees can safely return. For example, NATO military actions were key to ending the wars in the Western Balkans and allowing many refugees to return home. At present, the extent of Western military and economic support for Ukraine will largely determine whether Ukraine survives as an independent and democratic country where Ukrainians can safely return and live freely (see the next section). When regional actors are responsible for both maintaining regional security and hosting refugees from the region, they are more likely to adopt a comprehensive approach to preventing displacement and protecting refugees.

The crucial role that regional actors play in protecting refugees worldwide raises the question of how responsibility *should* be shared among states in each region and beyond for hosting refugees as well as for funding their livelihoods and subsequent social and economic integration in the country of asylum. Since most refugees live in the vicinity of their countries of origin, there is a risk that some countries of asylum could be overwhelmed logistically as well as financially and would no longer be able to protect refugees effectively; for example, the situation of Syrian refugees in Lebanon and Turkey comes to mind. Conversely, if refugees could, in practice, choose their country of asylum freely (rather than often having to undertake risky and expensive irregular journeys), countries that offered relatively favorable reception conditions could become overstretched and respond by making themselves less attractive for refugees (e.g., by closing their border to irregular immigrants like Sweden did in late 2015). Ultimately, there could be a race to the bottom among potential host countries in terms of reception conditions as countries seek to divert refugees elsewhere.

Unfortunately, the global governance system for refugee protection offers no guidance on how states should share responsibility for protecting refugees. This regulatory gap dates back all the way to the 1951 Refugee Convention, whose Preamble acknowledges that "the grant of asylum may place unduly heavy burdens on certain countries" and that "international co-operation" may be required. However, the Convention makes no provisions for how responsibility should be shared between countries with different numbers of asylum applications, income levels, etc. In fairness to the authors of the Convention, it is difficult to design a scheme for the allocation of refugees and financial transfers that would be considered fair by enough countries to be politically feasible, under which refugees would also abide by the rules. Never-

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[140] See the UNHCR Refugee Data Finder: https://www.unhcr.org/refugee-statistics/insights/explainers/refugee-host-countries-income-level.html

theless, if all refugees are to be protected, rather than mainly those with the financial means to travel irregularly to a desirable destination country, firm rules for responsibility sharing are required.

The protection of refugees constitutes a global public good; without coordination, every state will be happy to see refugees protected—preferably, in another country that bears the corresponding cost. Hence, it is important to limit free riding by the states that ultimately need to protect refugees. This is challenging because there are myriad ways for states to make themselves less attractive for asylum seekers. Also, although many states help to fund international organizations that support refugees and internally displaced individuals (UN OCHA 2022), there are no rules to determine financial contributions. Therefore, more transparent rules on both the hosting of refugees and support for countries of asylum are crucial elements of a more cohesive global framework for sharing responsibility for protecting refugees.

In the meantime, what follows from these observations for the role of the EU and its member states for refugee protection in Europe and its neighborhood? For a start, although the recent refugee movement from Ukraine is the first major displacement to occur in Europe in more than two decades (the last was the Kosovo war in 1998), EU member states need to build and maintain the capacity to receive a large number of refugees in a short time. This is undisputed in the case of refugees from Ukraine who have nowhere else to go except to EU member states. Yet, even when a refugee situation does not start in Europe but in a neighboring region like the Middle East, countries in that region may not be able to host all refugees. In addition to financial assistance, the EU may have to host some refugees as part of any fair and lasting sharing of responsibility. If the EU and its member states can quickly mobilize substantial reception capacity for asylum seekers in a coordinated manner, rogue states may also be less tempted to instrumentalize irregular migrants by directing them to the EU.

Next, the EU should stand ready to provide financial support through humanitarian and development assistance to countries that may be overburdened by hosting many refugees. In this sense, adequate international support is a necessary complement to the indispensable role of regional actors in hosting refugees.

One example of (broadly) successful responsibility sharing between the EU and a regional actor in the European neighborhood was the 2016 EU-Turkey Statement on the hosting Syrian refugees in Turkey. In our 2021 Assessment Report (MEDAM 2021), we discuss in detail how institutional reforms in Turkey as a result of long-standing migration cooperation with the EU created a conducive environment for the effective sharing of responsibilities, including through the creation of temporary protected status for Syrian citizens and the hosting of nearly 4 million Syrians in Turkey. EU assistance involved direct income support for vulnerable refugees; support for the social and economic integration of refugees through local and international nongovernmental organizations; and payments to the Turkish state budget for the cost of health care services rendered to refugees. Turkey committed to preventing irregular migration to the EU, while the EU agreed to resettle vulnerable refugees from Turkey to the EU.

From the EU's point of view, Turkey's commitment to prevent onward migration to the EU through enhanced border security was an important element of EU-Turkey cooperation because it contributed to sharply reducing irregular migration to the EU from early 2016. Improving living conditions for Syrian refugees in Turkey, including through EU support, also meant that incentives for onward migration were reduced. While the EU-Turkey Statement failed to address some crucial challenges, particularly labor market integration and the protection of non-Syrian refugees, it remains a working example of comprehensive responsibility sharing for refugee protection.

While reducing irregular migration to Europe is frequently an objective in the EU's international migration cooperation, the EU has adopted an explicitly global perspective for its migration policy at least since launching the Global Approach to Migration and Mobility in 2011. Therefore, the EU should not limit its support for refugee protection to those regions and host countries from where onward migration to the EU might arise; rather, humanitarian needs and the local capacity to meet them should drive EU involvement.

The situation of Ukrainian refugees in the EU is unique and their long-term status should be determined in line with Ukraine's EU accession.

The Ukrainian refugee situation is unique in recent European history not only because of the large number of displaced individuals in Ukraine and in the EU,

but also because Ukrainian citizens enjoyed visa-free entry in the EU when their displacement started, and the EU has since activated its Temporary Protection Directive (TPD) for the first time ever. For the next three years (see below for a more detailed discussion), Ukrainian citizens will largely enjoy freedom of residence within the EU, combined with the right to work and access to public services and social support in the member state of their choice.

The Ukrainian refugee situation is closely entangled with preexisting labor migration from Ukraine to the EU and with the European integration and EU accession of Ukraine. Many refugees from Ukraine went to those EU member states that already hosted labor migrants from Ukraine. Very likely, reliance on existing migrant networks has helped to alleviate constraints in state reception capacity, given that many refugees are staying in member states (particularly Poland) that have hosted few refugees in the past.

The number of Ukrainian labor migrants in the EU increased sharply after Russia annexed Crimea and de facto occupied the eastern Donbas region in 2014. Until then, Russia had been a main destination for Ukrainian labor migrants and an important partner country for Ukraine's international trade and investment. The Association Agreement signed with the EU in June 2014 and visa-free travel for Ukrainian citizens in the EU since 2017 made trade and mobility between Ukraine and the EU more attractive. Meanwhile, the military confrontation between Ukraine and Russia on the Donbas frontline since 2014 and the continuing annexation of Crimea hurt not only migration from Ukraine to Russia, but also trade and investment links (Lücke and Saha 2019).

Although the TPD clarifies the legal status of Ukrainian refugees for now, it is designed for a time frame of no more than three years, counting in possible extensions following the initial activation of the TPD in March 2022. But the forced displacement of Ukrainian citizens due to the Russian invasion will likely last longer. As of September 2022, one plausible scenario is for the war to evolve into a military stalemate, with up to one fifth of Ukrainian territory under Russian control, corresponding to a similar proportion of the pre-war population. Additional territory would remain under threat of military action as it would be close to the ceasefire line. According to this scenario, Ukrainian territory where up to one third of the pre-

war population used to live might see little post-war reconstruction in the short or medium term.

In this situation, many Ukrainian refugees in the EU may not want to return home for many years to come because they see little prospect of a decent life in the absence of security and a major reconstruction effort. In fact, more Ukrainians may want to leave the country: in a recent survey, only just above half the respondents said that they plan the future of their children or grandchildren in Ukraine if the war ends by a ceasefire that will likely be followed by a new war (rather than a clear-cut Ukrainian victory or robust security guarantees such as NATO membership; Boyarchuk 2022). Clearly, Western military support will determine the number of Ukrainian war refugees in the EU in the coming years, provided that it affects the outcome of the war. If there is an uncertain stalemate, the number of Ukrainian refugees in the EU could double or treble in the medium term.

Ukraine's accession to the EU is meant to constitute an institutional anchor for the social and economic transformation of Ukraine in the context of post-war reconstruction. The success of this process will be crucial for the political and economic stability of Ukraine and Europe, but also subject to recent (post-war reconstruction) and not-so-recent challenges (corruption, rule of law, etc.). It would be logical to define the future status of Ukrainian citizens in the EU in line with the process of EU accession and grant Ukrainian citizens, on a permanent basis and in anticipation of EU membership, freedom of residence, and freedom of movement in the EU. The option of working in the EU would be an economic lifeline for millions of Ukrainians affected by the war; for the process of EU accession, achieving the milestone of free movement early on would demonstrate the tangible benefits of pushing ahead with the necessary reforms.[141] In practical terms, there would be few changes from the present situation with visa-free travel and the TPD in place; there may be a need to clarify access to social support for refugees while they are not yet integrated into the labor market.

Humane border management requires cooperation with countries along irregular migration routes.
In recent years, EU member states have resisted attempts by neighboring countries (including Belarus and Turkey) to instrumentalize migration movements by closing their external border to irregular migrants.

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[141] Trauner (2022) made a similar proposal even before Ukraine became a candidate for EU membership.

These border closures and the associated violence have come on top of the long-running trend toward tighter border security that has led to more surveillance and border fences along the entire external EU border from the Spanish exclaves of Ceuta and Melilla to the Finnish-Russian border.[142] As we discuss in our 2019 MEDAM Assessment Report (MEDAM 2019), tighter border security alone cannot completely eliminate illegal border crossings, short of building a new Iron Curtain. There are persistent reports from several sections of the external EU border that some migrants who do manage to enter EU territory are mistreated and pushed back across the border, which raises legal and humanitarian concerns. Such pushbacks have reportedly happened not just during the Turkey-Greece and Belarus-Poland border conflicts but occur along several sections of the EU's external border.

The apparently systematic nature of human rights violations calls for a systematic explanation and approach to addressing the situation. The public communication of many stakeholders in the EU suggests that they are concerned that irregular immigration could spiral beyond their control like during the autumn of 2015, unless it is closely managed. This perception is grounded in the observation that living conditions for asylum seekers and refugees in many EU member states, especially those with developed welfare states and adequate minimum incomes, are much better than for many individuals outside Europe—including, but not limited to, those who would be entitled to some form of international protection in the EU. It is therefore plausible for governments to assume that relatively free access to EU territory for irregular migrants, like in the autumn of 2015, could lead to large migration movements that could exceed the capacity of asylum and immigration systems. Ultimately, such movements could call into question the ability of European societies to manage immigration in line with their own preferences.

So how can the EU and its member states limit irregular immigration to avoid excessively straining their asylum and migration systems while respecting humanitarian principles and international and European law regarding access to asylum? First, the EU needs to be able to quickly mobilize substantial reception capacity for asylum seekers (cf. the section on responsibility sharing above)—both to address protection situations within the European neighborhood and to contribute to resolving crises elsewhere. Sufficient reception capacity is crucial because, as the experience of the last few years has shown, there will inevitably be varying numbers of migrants arriving at the external EU border who are entitled to apply for asylum.

Second, the EU is working with countries of transit and origin along irregular migration routes to fight people smuggling and discourage irregular border crossings. Examples include the Western Balkan route from Greece to Croatia and the route from West Africa through Niger to Libya and on to Europe. As countries differ in their outlooks and economic interests, not all countries along an irregular migration route may always cooperate with the EU in discouraging irregular migration. Still, recent experience shows that cooperation with even a limited number of countries along a migration route may reduce irregular immigration. During the 2021 border crisis when Belarus actively facilitated irregular border crossings into Lithuania and Poland, migration movements through Belarus ended when the EU managed to shut down flights to Belarus from migrants' countries of origin by putting pressure on airlines and countries of departure. Turkey was a hub for irregular migration from the Middle East to the EU until the 2016 EU-Turkey Statement, which led to better living conditions for Syrian refugees in Turkey and strengthened border security (as discussed in the section on responsibility sharing above).

Third, the European Commission has made it a priority in its proposed New Pact on Migration and Asylum to rapidly return rejected asylum seekers to their countries of origin. For some countries of origin, the share of asylum seekers recognized as refugees is consistently low. Nevertheless, few rejected asylum seekers ever return to their countries of origin. One important reason for the low return rate is the unwillingness of many countries of origin to cooperate with the mandatory return of their citizens; such deportations are unpopular because families have invested substantial sums in the irregular migration of their relatives and deportations deprive them of the return on those investments through remittances (MEDAM 2021; 2020).

As part of the external dimension of EU asylum policies, the Commission aims to strengthen incentives for countries of origin to cooperate with returns and smoothly readmit their citizens who are not permitted to remain in the EU. The Commission expects that if rejected asylum seekers return home quickly, this

142 See "Finland Passes Law to Bolster Border Fence with Russia" (July 7, 2022), https://www.theguardian.com/world/2022/jul/07/finland-passes-law-to-bolster-border-fence-with-russia.

will reduce incentives for irregular migration by those with little prospect of being recognized as refugees.[143]

In our 2020 MEDAM Assessment Report (MEDAM 2020), we discuss in some detail the nature and likely effectiveness of the incentives proposed by the Commission for better cooperation on return and readmission. In short, the incentives on offer are probably insufficient. One group of countries where returns are already working fairly well are those with visa-free travel to the EU; country-of-origin governments and populations apparently value visa-free travel highly enough to put up with the challenges of returns and readmissions. This observation suggests that if the EU wants faster progress on return and readmission, it needs to offer countries of origin substantial benefits to compensate for the damaging political effects of deportations; enhanced access to legal migration channels would be a logical option.

Overall, then, to ensure humane border management and access to asylum procedures at its external border, the EU needs to cooperate closely with countries of origin and transit and pursue a comprehensive approach to border security and return and readmission, backed up by sufficient reception capacity for asylum seekers to cope with unexpected surges in applications. At the same time, the proliferation of border fences on the EU's external border suggests that some EU member states are tempted to go it alone and emphasize self-sufficiency in border security over international cooperation. This approach not only risks perpetuating the violence currently seen at the external EU border; it may also remain ineffective because turning away irregular migrants without offering them viable options for asylum or return is unlikely to reduce irregular immigration in a sustainable manner.

Responsibility for the EU asylum system, including financing, should be centralized at the Union level.

The EU's ability to quickly mobilize substantial reception capacity for asylum seekers will be a key determinant of the resilience of its asylum system to sudden immigration movements. Under most circumstances, responsibility for an asylum seeker lies with the EU member state where they first entered EU territory. Sudden increases in the number of asylum applications usually affect only a few member states at a time. Therefore, it would be useful to have a mechanism in place that allows the reception capacity of all EU member states to be drawn upon to address urgent reception needs. Such a mechanism would serve a twofold purpose: first, it would provide insurance against the risk of individual member states being overburdened by sudden migrant movements; second, there would be an element of responsibility sharing ('solidarity' in EU parlance) because some member states are more likely to be overburdened than others.

Responsibility sharing among EU member states has become more urgent due to the present quest for a more resilient asylum system. Yet, it has been on the agenda at least since the late 1980s when a growing number of EU member states joined the Schengen Agreement and abolished border controls at their internal borders. This raised the possibility that asylum seekers would be able to travel freely within the Schengen area and apply for asylum in a member state with especially favorable reception conditions ('asylum shopping') or that no member state would accept responsibility for a particular application ('asylum orbiting;' Fratzke 2015). Against this background, successive 'Dublin' regulations over several decades have sought to preserve the pre-Schengen status quo by allocating responsibility for asylum seekers, as a general rule, to the member state where they first entered EU territory—resulting in a highly arbitrary distribution of asylum seekers among member states.

Over the years, many proposals have been made for better responsibility sharing, up to and including the European Commission's proposed New Pact on Migration and Asylum in 2020. Typically, these proposals involve (i) a formula for a 'fair' allocation of EU-wide asylum seekers to member states and (ii) a mechanism whereby asylum seekers or recognized refugees are redistributed from a member state that substantially exceeds its quota to member states below quota. No permanent distribution mechanism has yet been agreed by member states and the European Parliament; those temporary schemes that did become operational were too limited in their coverage to have much impact.[144]

To understand better why there is no agreement among member states and other stakeholders on how responsibility for refugee protection in Europe should be shared, it is helpful to recall that refugee protection in Europe may be thought of as a European public good. This is in parallel with analyzing refugee protection at the global level as a global public good, with implications for how responsibility should be shared

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[143] European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM(2020) 609 final, Brussels (September 23, 2020), https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC_3&format=PDF.

[144] The 2015 plan to relocate a fixed number of asylum seekers from Italy and Greece only covered citizens of countries with a recognition rate higher than 75 percent, which limited the number of individuals relocated to less than one third of what had been planned (Šabić 2017). The June 2022 voluntary assistance scheme for Mediterranean member states initially focuses on disembarkations following search and rescue operations (a small number compared with the movement of refugees from Ukraine to the EU during the same period). See French Presidency of the Council of the European Union, "First Step in the Gradual Implementation of the European Pact on Migration and Asylum: Modus Operandi of a Voluntary Solidarity Mechanism," (June 22, 2022), https://presidence-francaise.consilium.europa.eu/en/news/first-step-in-the-gradual-implementation-of-the-european-pact-on-migration-and-asylum-modus-operandi-of-a-voluntary-solidarity-mechanism-1/.

between the EU as a whole and other global actors (see the section on responsibility sharing above). Somewhat optimistically, we may assume that all European actors approve of refugees being protected—especially when refugees are hosted in 'another' member state that bears the considerable fiscal and possibly political cost. At present, individual member states have many opportunities to free ride—for example, by not doing their 'fair share' in supporting overburdened member states or downgrading reception conditions to discourage asylum seekers. With free riding, the provision of the public good (i.e., the extent and quality of refugee protection) will fall short of the aspirations of European societies.

Importantly, not all differences in reception conditions across EU member states are due to member states seeking to free ride. Everywhere in the EU, recognized refugees who are unemployed and without other means of subsistence are entitled to the same guaranteed minimum income from the state as other residents, including citizens. Even so, minimum incomes in individual member states reflect national living standards and welfare systems. In some member states, e.g., Greece, there is no guaranteed minimum income at all, whereas many northern member states provide minimum income at a level that keeps recipients out of absolute poverty. Any mandatory relocation scheme that sought to allocate refugees to member states with such divergent living conditions would, in practice, be impossible to enforce.[145] The proposed Council Recommendation on common standards for minimum income protection in the EU would, if implemented by member states, go some way toward ensuring a minimum living standard for recognized refugees in all member states (Konle-Seidl 2021); however, as a Council Recommendation, it would not be binding on member states and its impact might be limited.

In the language of multilevel governance systems, the existing EU asylum system is characterized by centralized (Union-level) rule-setting combined with mostly decentralized (member state) implementation and financial responsibility. The existing rules lead to a largely arbitrary pattern of responsibility sharing among member states; there is limited Union-level control over the implementation of rules by member states, leaving ample opportunities for free-riding; and most of the cost of protecting refugees is born by the host member state, creating substantial incentives to use the existing leeway to free-ride. In short, experience with the EU asylum system strongly suggests that responsibility cannot be shared effectively among member states through a mandatory allocation of asylum seekers, in the face of widely different reception conditions, living standards, and welfare systems, combined with weak enforcement of Union-level rules.

The standard solution for providing a public good (refugee protection) under these circumstances is to fully centralize responsibility for its provision. In the case of the European asylum system, this means that the Union not only lays down rules, but also operates the system and funds it from its own revenues. Even if member states administer parts of the system under a Union mandate, it would be the Union which sets (and pays for) common standards for reception conditions, asylum procedures, and refugee integration. EU member states would no longer have an incentive to make themselves unattractive to asylum seekers; rather, they could operate the asylum system in line with prevailing rules, knowing that their costs will be refunded from the Union budget.

Apart from the major institutional change required, the fiscal cost of a centralized EU asylum system could be considerable, especially if access to asylum at the external EU border is ensured in the future. As an example, the full cost of hosting refugees in Sweden has been estimated at approximately 1 percent of annual GDP (Ruist 2015). Even if the cost in the EU is lower (Sweden has taken in more refugees relative to its population than most EU member states), the cost of a centralized asylum system would still be high—not least relative to the long-term EU budget with its total expenditures only a little above 1 percent of EU GDP.

Clearly, the EU would need additional revenue to pay for and operate its own asylum system. At the same time, those member states that are now bearing their fair share of responsibility for refugee protection, using their own resources, would experience relief in their national budgets. Furthermore, the approval of substantial additional EU spending under NextGenerationEU (credit-financed expenditures in the amount of two thirds of the long-term budget) demonstrates that the cap on EU expenditures is not cast in stone when special needs arise such as those stemming from COVID-19. Because of the sheer size of the task, a more centralized EU asylum system

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[145] On recognized refugees moving from Greece to Germany (and being allowed to stay because of poor living conditions in Greece and receive the German minimum income), see Pro Asyl (April 12, 2022), https://www.proasyl.de/news/anerkannt-in-griechenland-abgelehnt-in-deutschland-die-odyssee-der-anerkannten/; and *Welt am Sonntag* (July 31, 2022), Fast 50.000 Flüchtlinge aus Griechenland.

would in any case need to be implemented gradually. One possible starting point might be for the EU to manage asylum procedures at its external border along with the placement and integration of recognized refugees in member states and any returns to countries of origin. This approach would be in line with the enhanced EU role at the external border foreseen by the New Pact.

While a centralized asylum system would bring its own challenges, there are plausible reasons why the shortcomings of the present approach can best be overcome by taking on board key lessons from public finance theory about the provision of public goods and the functioning of multilevel governance systems. Attempts to reform EU asylum policy have moved in circles for several decades. The shortcomings of the present system will become more problematic while the number of international refugees keeps increasing. The most promising way forward is for decision-makers in the EU and member states to design—and gradually implement—a centrally funded and managed EU asylum system.

Abbreviations

AMIF	Asylum, Migration, and Integration Fund
AU	African Union
AU.COMMIT	African Union Commission Initiative against Trafficking
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
ESF+	European Social Fund Plus
ETM	Emergency Transit Mechanism
EUAA	EU Asylum Agency
EUTF	Emergency Trust Fund for Africa
GAM	Global Approach to Migration
IGAD	Intergovernmental Authority on Development
IOM	International Organization for Migration
MPFA	Migration Policy Framework for Africa
NGO	Nongovernmental organization
RCF	Refugee Coordination Forum
REC	Regional Economic Community
RRRP	Regional Refugee Response Plan
SBC	Schengen Borders Code
TPD	Temporary Protection Directive
UNHCR	UN High Commissioner for Refugees

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About MEDAM

The Mercator Dialogue on Migration and Asylum (MEDAM) is a research and policy advisory project funded by Stiftung Mercator. It aims to identify and close the gaps in existing research and to develop specific recommendations for policy makers from an independent European perspective.

Research partners are the Kiel Institute for the World Economy (IfW), the Migration Policy Centre (MPC) at the European University Institute (EUI) in Florence and the European Policy Centre (EPC), a think tank in Brussels.

Further information: www.medam-migration.eu