Executive summary

The new European Commission will inherit an impasse in efforts to reform the European asylum system as well as concerns about practices in the management of the EU's external border that contradict humanitarian standards and may even be illegal. While the number of asylum seekers who manage to reach EU territory is now lower than in previous years, it may be low precisely because of those problematic practices, including abuse of irregular migrants along the Western Balkan route, limited search and rescue capacity in the Central Mediterranean, and EU cooperation with the Libyan coast guard even though migrants returned by it to Libya have been abused.

In this 2019 MEDAM Assessment Report, we present insights from MEDAM research and policy dialogue since 2016 to explain how closer cooperation among EU member states and with countries of origin and transit can improve outcomes for all stakeholders. Crucially, short of establishing a new Iron Curtain on the EU's external border or continuing to tolerate abuses, there is no way that either individual member states or the EU as a whole can insulate themselves from irregular migrants and asylum seekers. Yet, if crossing the EU border enabled all irregular migrants to remain in the EU for good, the integrity of EU visa and asylum policies would be undermined.

Thus, close cooperation with countries of origin for the return and readmission of their citizens who have no right to remain in the EU is crucial. Still, it is typically not in the interest of countries of origin to limit the mobility of their citizens. Cooperation between the EU and countries of origin must therefore cover a wide enough range of policies to ensure that all parties consistently benefit from the policy package and have a strong incentive to meet their commitments. We emphasize more EU support for refugees hosted by low- and middle-income countries and more legal employment opportunities for non-EU citizens in the EU.

Rethinking EU asylum and migration policies along these lines requires extensive consultations and negotiations among stakeholders in Europe and in countries of origin and transit. Our 'insights' are meant to inform and stimulate such conversations. However, sustainable reforms will come only as the result of stakeholders working out the details and developing a sense of ownership of the necessary reforms.

Our first set of insights relates to popular attitudes toward immigration and the structure of public preferences for asylum and refugee protection policies (section 2 of this report). Next, we explain how the EU and countries of origin and transit can all benefit from cooperating on border management, refugee protection, and expanding legal labor migration to the EU (section 3). Finally, we consider the implications for cooperation among EU member states and the long-standing plans for reform of the European asylum system (section 4).

What do the people want? Attitudes and policy preferences (section 2)

- **Insight #1:** Attitudes to immigration have remained fairly stable across most European countries, but the perceived importance of migration as a public policy issue has increased.

- **Insight #2:** Attitudes to immigration tend to be more positive in local areas with greater shares of migrants. However, this relationship is influenced by the socioeconomic context: as the socioeconomic conditions of local areas worsen (e.g., with higher unemployment rates and lower incomes per capita), the positive effects of the share of migrants on attitudes become smaller and they eventually disappear in the most deprived areas.

- **Insight #3:** Europeans are generally committed to policies that provide protection for asylum seekers and refugees, but they express support for more policy controls, such as limits and conditions, in asylum and refugee policies. There is no evidence of widespread public support for highly restrictive policies that eliminate protection and assistance.

A key implication of these insights is that, contrary to the impression created in public debates in many European countries, it *is* possible to garner public support for asylum and refugee policies that provide protection and assistance. To achieve this, policy makers need to think carefully about *policy design* (e.g., when and how to use policy limits and conditions, and how to distribute refugees across geographical areas) and about how to *communicate* their policy ideas and objectives to the public. The design of policy needs to take into account what we know about the likely responses from the resident population to various different policy options. The communication of public policies needs to relate to the reasons behind the increasing salience of immigration as a policy issue, including concerns about a perceived lack of state control over immigration.

Cooperation with countries of origin and transit on border and migration management, as well as legal labor migration (section 3)

- **Insight #4:** Limiting irregular immigration into the EU while safeguarding refugees' access to protection (either in Europe or in regions of origin) requires close cooperation not only among EU member states, but also with countries of origin and transit. Yet, countries of origin, transit, and destination may have diverging interests with respect to border and migration management. Therefore, cooperation needs to cover a sufficiently wide range of policy areas so that all parties can be sure to benefit, and the underlying agreements become politically sustainable and self-enforcing.

- **Insight #5:** If the EU wants to enforce its visa policy and control the inflow of non-EU nationals into the EU, it needs to work with neighboring countries toward limiting access to EU territory to those non-EU citizens who have valid travel documents. Otherwise, particularly if there are no restrictions on irregular travel along the informal Mediterranean migration routes and on subsequent entry into the EU, large numbers of asylum seekers might overwhelm reception capacity in EU member states. Still, given the ongoing abuses at the EU's external border, it must be emphasized that border and migration management must be in line with humanitarian standards and migrants' rights.

- **Insight #6:** Low- and middle-income countries host most of the world's refugees. As a matter of humanitarian principle and to discourage secondary migration to the EU, the EU should share actively in the responsibility for protecting these refugees through adequate long-term financial and technical support and by working with host countries to facilitate the refugees' economic and social integration.

- **Insight #7:** Whatever the level of external financial support, small host countries may simply be overburdened by a large number of refugees. In such cases, the EU should participate actively in resettlement schemes for vulnerable refugees.

- **Insight #8:** The integrity of the EU asylum system depends on effective procedures for the return and readmission by their countries of origin of non-EU citizens who have no right to remain in the EU. Yet, many countries of origin find it politically difficult to support the involuntary return of their citizens. Despite many agreements on the books, cooperation on return and readmission is often less than smooth in practice. The EU should explore with countries of origin how additional legal migration opportunities, skill partnerships, study visas, etc., can make support for involuntary returns politically sustainable in countries of origin and provide a viable alternative to individuals who might otherwise contemplate irregular migration.

- **Insight #9:** Contrary to earlier studies, our empirical research indicates that income growth in low- and middle-income countries of origin tends to reduce emigration, as does development assistance for better public services and social infrastructure. Nevertheless, the reductions in emigration due to higher income or development assistance are too small to render development cooperation an effective tool to manage emigration.

Thus, the new European Commission faces the key challenge of making a fresh start in its cooperation with countries of origin and transit, with a focus on listening to stakeholders and taking their interests on board. This is the first step towards negotiating self-enforcing agreements with partner country governments that lead to effective return and readmission of non-EU citizens, which remains a precondition for effective and humane management of the EU's external border.

EU and member state policies and cooperation (section 4)

- **Insight #10:** The start of the new European Commission's mandate provides an opportunity to reconsider the approach taken towards the reform of the Common European Asylum System. The current package approach—whereby agreement is sought on all legislative files simultaneously—means that the contentious proposal for reforming the Dublin Regulation is blocking any further progress. Pursuing a file-by-file approach and moving forward on those individual legislative proposals where there is broad agreement among member states can break the present deadlock.

- **Insight #11:** Only a few small EU member states are currently overburdened by a disproportionately high number of asylum applications (mainly Cyprus, Malta, and Greece). Given continuing disagreement over the feasibility and extent of a mandatory relocation scheme for asylum seekers, it should now be a priority to establish working procedures for a coalition of willing countries to relocate asylum seekers rescued in the Central Mediterranean. Such procedures would go a long way to relieve the few countries that are truly overburdened.

- **Insight #12:** Negotiations on the EU's 2021-2027 Multiannual Financial Framework (MFF) offer an important window for strengthening financial sol-

idarity among member states with respect to asylum and immigration. A dedicated budget line that compensates member states for each asylum seeker received (possibly above a threshold) would be one effective tool to ensure more solidarity. The same mechanism could be used to support the voluntary relocation of refugees among member states.

Insight #13: The next MFF should also increase support for other important elements of European migration and asylum policies. The EU Asylum and Border and Coast Guard Agencies should be put in a position to provide additional assistance to member states as needed. Likewise, the EU budget should support programs aiding resettlement from third countries (insight #7), humanitarian visas (when warranted), and labor migration schemes (insight #8). Additional funding for refugees hosted by non-EU countries is also warranted on humanitarian grounds and to discourage secondary migration to Europe (insight #6).

Insight #14: To move the EU's asylum and migration policy forward towards more solidarity among EU member states and with non-EU countries that host refugees, we recommend that the new Commission establish a monitoring mechanism (or scoreboard) to collect information on each member state's exposure and contribution to all elements of asylum and migration policy (irrespective of area of competence). The scoreboard would support annual discussions on voluntary relocation and other instruments of solidarity.

In sum, efforts to reform the EU asylum system have been deadlocked since 2016. The new Commission can start afresh by adopting a new approach to asylum and migration policy that emphasizes the common interest of EU member states in managing the EU's external border effectively and humanely and helping to protect refugees world-wide as signatory states of the 1951 Refugee Convention. At the same time, this approach would allow member states to contribute to the common tasks in line with their capacities: Financial contributions would go through the EU budget and member state shares would be the same as for the overall budget. More flexibility would be allowed particularly in the hosting of asylum seekers, recognized refugees, or refugees resettled by UNHCR.

The proposed monitoring mechanism would encourage transparency and constructive debate among member states on how responsibility for implementing EU asylum and migration policies should be shared fairly; how member states should contribute to closer cooperation with countries of origin and transit, including by expanding opportunities for legal labor migration; and how member states should contribute to refugee protection worldwide through humanitarian and development cooperation and by hosting refugees resettled by UNHCR. Well-designed and carefully coordinated actions are required in these diverse policy fields to overcome the current deficiencies in the management of the EU's external border and build the capacity of the EU asylum system, both at the EU and member state levels, so that the EU can respond adequately to future refugee situations as they may arise.