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# EPC Policy Update for the European Programme for Integration and Migration<sup>1</sup>

March 2016

*Andreia Ghimis, Yves Pascouau and Norma Rose*

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## Highlights

While finding a solution to Europe's migration and refugee crisis is the top political priority for European leaders, there are still no signs of the situation improving. According to UNHCR statistics the numbers of refugees arriving in Europe are significantly higher than at the beginning of last year. Meanwhile, despite the attempts to have a coordinated and comprehensive response to the crisis, member states are still showing little willingness to respect the commitments they made during the second half of 2015. Unsurprisingly, the outcomes of the [European summits](#) are a disappointment to numerous commentators.

However, the European Commission put forward several legislative [proposals](#). The one envisaging the creation of a European Border and Coast Guard (EBCG) is probably the most far-reaching. Several countries, such as Spain, Greece and Malta, have expressed their doubts regarding the Commission's proposal, but a negotiation process is still ahead. The European Council has asked national delegations to reach an agreement before the end of the Dutch Presidency, and the EBCG should be operational during the summer.

This proposal comes as an attempt to save the [Schengen area](#), which is currently under enormous pressure. While the Council adopted a recommendation asking Greece to address deficiencies in external borders, Belgium also introduced border controls as a result of France dismantling the migrant camp in Calais.

The European Court of Justice issued an important [ruling](#) concerning access to social benefits by EU mobile citizens. It confirms that national authorities are not obliged to grant access to non-contributory cash benefits to mobile citizens during their first three months of residence. Tackling this issue, this Update's Special Focus analyses the impact of the [EU-UK membership deal](#) on EU citizens' freedom to move.

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<sup>1</sup> This document provides a focused analysis of recent EU-level policy-making, legislation and jurisprudence relevant to EPIM's sub-funds on (1) immigration detention; (2) reforms of the Common European Asylum System; (3) children on the move and (4) EU mobile citizens' access to social benefits and covers the period from 15 December 2015 to 1 March 2016. We kindly ask the readers to keep in mind that the present Policy Update is composed of a selection of documents and does not claim to be exhaustive.

Should you, as representatives from EPIM's Partner Foundations or EPIM-supported organisations, have questions related to the analysis provided in this document or on EU developments in the field of migration and integration in general, you are invited to contact the authors ([a.ghimis@epc.eu](mailto:a.ghimis@epc.eu), [y.pascouau@epc.eu](mailto:y.pascouau@epc.eu), [n.rose@epc.eu](mailto:n.rose@epc.eu)). The sole responsibility for the content lies with the author(s) and the content may not necessarily reflect the positions of EPIM, NEF or EPIM's Partner Foundations.

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## EPIM news – fourth phase (2016-2018)

In 2016, EPIM entered its fourth phase of funding. With the beginning of this new phase, EPIM adapted its subject and geographical focus areas and the access to funding, so as to allow for more flexible funding programmes that are better suited to the dynamic environment in which EU's migration policy is currently evolving.

For the next three years, EPIM's priorities will be as follows:

- **Immigration detention:** this is unfortunately a rather widespread phenomenon in the European Union. Combined with non-transparent detention regimes, the scale of this phenomenon is worrying and might lead to dreadful consequences for the integration perspectives of the detainees. EPIM aims to support projects that would lead to reducing the use of detention to limited and exceptional cases, increase transparency and accountability and promote alternatives to detention;
- **Reforms of the Common European Asylum System (CEAS):** Over the last decade the CEAS has progressively developed, leading to the increasing harmonisation of the 28 national asylum systems of the member states. However, the EU is still very far from the uniformity it needs and the refugee crisis is the most obvious example in this sense. Important legislative work lies ahead at EU level. The European Commission already announced for 2016 that it will put forward proposals to reform the Dublin system and to reinforce the role of the European Asylum Support Office. EPIM will therefore fund projects aiming to oversee and influence the policy debate on these issues;
- **Children on the move:** this sub-fund will focus on the arrival of unaccompanied minors in Europe: improving reception facilities and facilitating their long-term inclusion. In 2016 and 2017, the focus countries will be: Italy, Greece, Germany and Belgium;
- **Mobile EU citizens' access to housing and social benefits:** in the context of the EU-UK referendum the debate around the free movement of EU citizens has become even more toxic than before. Together with the increasing pressure on some local public services, this trend is threatening one of the core values of the EU. EPIM seeks to fund civil society organisations who help to reduce the negative connotations regarding EU citizens' freedom to move via concrete actions.

To respond to future developments, EPIM has the potential to set up additional sub-funds. For more information, visit the [EPIM website](#). The EPIM Update is also adapting to the new phase by changing its structure into a more institutionally oriented one. The new structure includes several chapters: a [special focus](#), [political developments](#), legislative developments, ECJ case law and legal actions, a closer look ... from EPIM grantees, facts and figures and the EU calendar.



### Special focus

## EU-UK deal and potential impact on the freedom of movement of EU citizens

Following lengthy and complex negotiations, the EU and UK leaders managed to strike a deal at the 18-19 February EU summit. As Fabian Zuleeg (European Policy Centre) [points out](#), the agreement broadly reflects


the demands already presented by David Cameron in his letter to President Donald Tusk in November 2015. This is a sign of European leaders wanting to keep the UK inside the European Union. However, the price to be paid also concerns one of the EU's fundamental rights: EU citizens' freedom to move inside the European Union.

According to the summit [conclusions](#), several aspects of this fundamental freedom will change should the UK decide to remain in the EU. Indeed, the UK negotiated three main modifications to the current free movement regime:

- **the indexation of child benefits:** the European Commission is supposed to make a proposal to amend [Regulation \(EC\) No 883/2004](#), in order to allow member states to index the rate of benefits for EU mobile citizens' children living in other member states. This would lead to, for instance, an adaptation of the child benefits received by a Polish mobile worker in the UK to Polish living standards;
- **an 'emergency brake' on benefits:** the European Commission agreed to make a proposal to amend [Regulation \(EU\) No 492/2011](#), to provide an alert and safeguard mechanism that responds to situations where there is an inflow of workers from other member states of an exceptional magnitude over an extended period of time. The new rules would allow that member state to limit the access of newly arriving EU workers to non-contributory in-work benefits for a total period of up to four years. This compromise – which eastern member states are reluctant to accept – does not match the initial claims of the UK representatives who were asking for a four-year ban of in-work benefits;
- **stricter rules for family reunification:** currently EU rules are more generous than UK immigration law with regards to the possibility of bringing non-EU family members to stay in the UK. In this sense, to accommodate the British demands, amendments to EU law should be made firstly in order to *exclude from the scope of the freedom to move third country nationals who had no prior lawful residence in a member state before marrying a Union citizen*; and secondly to rule out residence rights for any non-EU spouses who marry an EU citizen *only after the Union citizen has established residence in the host member state*.

Certainly, the details of these amendments will be arranged by the European Commission when it delivers the proposals. However, as Steve Peers (University of Essex) [explains](#), these proposals will have to go through the EU legislative process, which means that the European Parliament will have a say in them. For the time being the position of the European Parliament is not precisely defined, so it remains to be seen whether the final result will match the requirements of the British government.

The EPC considers that although in substance these potential modifications to EU legislation are not very radical, their symbolic nature is extremely important. Indeed, whereas the European integration project continuously led to European citizens gaining more rights, this trend seems to be reversing now. Due to the very toxic political climate and the negative press that freedom of movement has received in recent years, European leaders are now discussing how to limit it, although up to present, no solid data proving widespread abuse has been provided. What is even more dangerous is that these limitations touch the free movement of workers, who are economically active individuals – the core category of people for which this policy was designed and which was subject to significantly less controversy than that of EU citizens in general, so individuals who are not economically active.



## Political developments

### European Council meetings

In the European Council meeting on 17-18 December in Brussels, the management of the current refugee crisis was high on the agenda, next to the fight against terrorism and the UK's reform demands. In the [conclusions](#) regarding migration, EU heads of state or government pointed to the insufficient implementation of the decisions on hotspots, relocation and returns. EU institutions and member states were called upon to rapidly address these shortcomings, in particular with a view to improving the situation at the Schengen external borders. Furthermore, the Council was urged to rapidly examine the Commission proposals of 15 December on a "European Border and Coast Guard", the Schengen Borders Code, "a voluntary humanitarian admission scheme", and travel documents for returns (see below).

In contrast, the subsequent European Council on 18-19 February focused primarily on finding a new settlement for the UK, in light of the upcoming referendum in June (see previous section). Nevertheless, the unchanged inability of the EU to find an adequate response to the refugee crisis required the heads of state or government to once again discuss the state of play and agree on actions for the upcoming months. The corresponding [conclusions](#) on migration:

- pointed to the urgent need to stem the flows, protect the EU's external borders, reduce illegal migration and safeguard the integrity of the Schengen area;
- welcomed NATO's decision to assist in the conduct of monitoring and surveillance of illegal crossings in the Aegean Sea;
- declared the speedy [implementation](#) of the EU-Turkey Action Plan to remain a priority in the upcoming months.
- welcomed the [establishment](#) of the Refugee Facility for Turkey.

Given the need to quickly intensify cooperation, an informal European Council summit with Turkey was scheduled on 7 March.

Commentators agree that the results of both summits were disappointing, first and foremost due to the lack of concrete measures taken to ensure the protection of refugees. For instance, new ECRE Secretary General Catherine Woollard [criticises](#) the closing of borders by some member states and considers the only viable solution to be large-scale resettlement. With regards to NATO's operations in the Aegean Sea, ECRE's Acting Secretary General Kris Pollet notes its underlying aim is unclear and it could result in the return of those intercepted and rescued in the Aegean to Turkey without a proper individual assessment of their protection needs. The pushback policy that has been ruled unlawful by the European Court of Human Rights would also be institutionalised. Amnesty International is equally critical of the operation, [insisting](#) that NATO forces must operate according to international law by executing search-and-rescue operations for people in need, instead of illegally returning refugees to Turkey.

## JHA Council meetings

The JHA Council on [25 February](#) focused almost exclusively on migration-related issues. Particular attention was paid to the current situation on the Western Balkans route, by examining measures to prepare for the possible humanitarian consequences of the unilateral adoption of border measures. Next to a discussion regarding cooperation with Turkey, the ministers also:

- took stock of the work on the proposal for a EBCG (see below), on which the Dutch Council presidency has been asked by the European Council to reach political agreement by June 2016;
- agreed their negotiating position on the Commission [proposal](#) from 15 December to amend the Schengen Border Code by obliging member states to carry out systematic checks on all persons, including EU citizens (due to the fact that a number of recent terrorist attacks were conducted by people with EU citizenship).

## Schengen: deficiencies in external border management (Greece) and introduction of further internal border checks (Belgium)

### Greece

At a time when Greece faces substantial pressure with regard to border management, the Commission adopted a Schengen Evaluation Report on Greece on 2 February, which is based on unannounced site visits to the Greek-Turkish land border and to Chios and Samos in November 2015. The report identified “serious deficiencies” in the application of Schengen rules in the field of external border management in Greece. To address these deficiencies, the Commission proposed a [Council Recommendation](#), in which it urges Greece to improve registration procedures and border surveillance, establish the necessary reception facilities and launch return procedures for irregular migrants not in need of international protection. The Council adopted the recommendations on 12 February.

Unsurprisingly, the report triggered strong reactions in Athens, accusing the Commission of wanting to ‘isolate’ the country. Similarly, Statewatch Director Tony Bunyan [accuses](#) Migration Commissioner Dimitris Avramopoulos of trying to turn Greece into a scapegoat, while all other Schengen states have failed to take up their responsibilities. However, the EPC sees in this action an attempt to maintain border controls within the legal framework of the Schengen agreement. Seeing it as an attempt to isolate or suspend Greece from the Schengen area can be extremely dangerous and counterproductive.

### Belgium

The Schengen crisis further deepened as Belgium chose to reintroduce border controls in response to the French authorities' decision to clear the Calais migrant camp. Yet another example of the interdependence among Schengen states and the lack of coordination between them. Yves Pascouau (European Policy Centre) and Sylvie Guillaume (Member of the European Parliament) [warn](#) that by installing border controls because of a perceived public threat, Belgium is contributing to consolidating the fear of the ‘other’, even though EU legislation says migration flows cannot be seen as threats to public policy *per se*.

## LIBE Committee meetings

Since December, 9 LIBE committee meetings of the European Parliament took place in which migration-related topics were high on the agenda. In particular the EU cooperation with Turkey (Action Plan, Refugee Facility, and readmission agreement), the future of the Schengen area and the Commission proposal for a list of safe countries of origin sparked intense discussions among MEPs, mirroring the deep political divides over these issues. In the upcoming months, the Commission's legislative proposals for a EBCG, for an amendment to the Schengen Border Code, as well as for a European travel document for the return of illegally staying third-country nationals will be discussed and voted on in the committee.


### Meeting “Managing Migration Together” in Vienna, Austria

Following the European Council's demand to stop the ‘wave-through approach’, Austria's Foreign and Interior Ministers convened a conference with Foreign and Interior ministers of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia on 24 February. The goal was to foster coordination regarding the current migration challenges, with discussions about border management, combating human smugglers and improving communication on national policies. In a [joint statement](#), the 10 participating countries agreed to improve cooperation and turn away “migrants not in need of international protection”, pointing to the urgent need to substantially reduce the flow of migrants along the Western Balkan route.

In line with these conclusions, the Austrian government announced on 17 February its decision to place a limit on the number of people that can enter its territory and apply for asylum; no more than 3,200 people are allowed to enter Austria per day, and only 80 new asylum applications will be accepted per day. The UNHCR expressed deep concerns over these restrictive measures, as they risk violating EU law. The fact that Greece was not invited to the conference unleashed a diplomatic protest from the Greek foreign ministry, which [interpreted](#) its exclusion as “an attempt to take decisions in Greece's absence that directly affect Greece and Greek borders”. Greece also accused Austria of hindering a joint European response to the migration crisis, by siding with hardline EU members who refuse to take in refugees. The UNHCR [voiced](#) similar criticism over Austria, in particular regarding its decision of 17 February. Furthermore, as it is the main receiving country, Germany's absence at this conference is also problematic and shows the lack of coordination within the EU.

It is also important to mention at this point that on 18 February, the police chiefs of Austria, Slovenia, Croatia, Serbia and Macedonia signed a [declaration](#) on uniform approach to profiling, registration and controlled passage of refugees and migrants from the Macedonia-Greece border to Austria and Germany. Hence, only individuals arriving from war-torn areas will be allowed to continue to Austria and Germany.

Unfortunately the countries along the Western Balkans route have assumed a simple ‘transit country’ role up to the present. As a result of the ‘wave-through approach’ coming to an end, we are seeing several very problematic measures being put in place from a legal point of view. This leads to ever worsening conditions for the significant numbers of refugees and migrants stuck along this route and increasing divergences among EU member states.



## Legislative developments

### European Commission proposals

In line with the actions set out in its European Agenda on Migration and with a view to find long-term solutions to the migration crisis, the Commission put forward the following legislative proposals since December, which are currently subject to negotiations in the Council and Parliament:

➤ **Proposal for a European Border and Coast Guard**

In light of the new political realities and related challenges concerning migration and internal security, the Commission proposed to replace the existing Frontex legislation with a new 'European Border and Coast Guard' (EBCG), composed of Frontex officials and national border guards. It would grant Frontex a significantly stronger mandate. For instance, whenever deficiencies with regard to border management are identified in a member state, the agency would be empowered to take "timely corrective action", even without a specific request for assistance from the member state or its consent.

This proposal has sparked many political and legal controversies. Various national governments have already voiced their concern over the foreseen changes to the mandate of Frontex, [stipulating](#) that these would interfere too deeply with national sovereignty. In addition, the ECFR [notes](#) that the proposal does not take into consideration the accountability of border guards in terms of human rights violations. Hence, it urges for remedies to be put in place to guarantee the accountability of agents by independent authorities, alongside a complaint process.

➤ **Proposal for a European travel document for the return of illegally staying third-country nationals**

With this proposal, the Commission aims at increasing the rate of return of irregular migrants by establishing a dedicated European travel document for the return of third-country nationals subject to a return decision. As such a document would provide a uniform format and enhanced technical and security features, it is expected that it would lead to a wider acceptance by third countries and an increased use of this document for the purpose of readmission. The existing rules on expulsion would not change and it remains to be seen whether it will indeed cause third countries to accept more expelled persons.

➤ **Proposals for a temporary suspension for [Sweden](#) (15 December) and for [Austria](#)**


Due to the significant increase of the number of applicants for international protection in Sweden (see latest [EUROSTAT statistics](#)) in the second half of 2015 and the consequent unparalleled pressure on its asylum system, the Commission proposed to suspend the obligations of Sweden under the EU's relocation rules for one year. According to Steve Peers (University of Essex), this is ultimately a "cosmetic gesture", as merely a very small fraction of the 160,000 foreseen relocations have indeed been carried out so far. Similarly, at the request of the Austrian government in December, the Commission put forward a proposal for temporary suspension of the relocation of up to 30% of the applicants (1065 persons) allocated to Austria under the relocation mechanism.

It is interesting to note at this point that following a request of the Irish government in October, the Commission on 1 March [confirmed](#) the full participation of Ireland (country that has an opt-out on JHA provisions) in the EU relocation scheme.

➤ **[Recommendation](#) for a voluntary humanitarian admission scheme with Turkey for persons displaced by the conflict in Syria**

Next to the above-mentioned legislative proposals, the Commission has proposed a voluntary humanitarian admission scheme with Turkey for persons displaced by the conflict in Syria (80,000 people per year from Turkey to member states). This initiative, which was discussed by EU leaders during the informal meeting on 7 March, would entail an expedited process whereby the participating member state admits persons in need of international protection, who have been registered by the Turkish authorities, in order to grant them subsidiary protection or an equivalent temporary status for at least one year. The selection procedure would be carried out by the participating member states, Turkey, UNHCR and EASO.

While the need for such resettlement and humanitarian admission programmes is indisputable, ECRE [expresses](#) concerns over the fact that in the proposed recommendation, member states' commitments are made on the condition that Turkey makes serious efforts to prevent irregular migration towards the EU. Thereby, the rationale behind using resettlement programmes is not one of providing solidarity and safe access tools, but one of a "political bargaining chip" and reward for stricter border controls. Nevertheless, speaking at an EPC policy briefing, Jean Asselborn, European Affairs Minister and Minister of Immigration and Asylum of Luxembourg, [highlighted](#) that Germany must understand that currently such a coalition of will for more resettlement from Turkey does not exist.



## ECJ case law and legal actions

### Legal action against the relocation scheme (Hungary and Slovakia)

After voting against the decision adopted by the Council in September 2015 for an emergency relocation mechanism for 120,000 refugees (see [EPIM Policy Update October 2015](#)), Hungary and Slovakia introduced legal action with the European Court of Justice against this decision. The two countries claim that the procedure under which the decision was adopted is not legal. The EPC considers that this legal action might be responsible for slowing down the already extremely slow relocation process even more. One cannot exclude the idea that other governments take this as an excuse to delay the relocation of asylum seekers to their territories. This further undermines the credibility and efficiency of the only viable response to the refugee crisis, one that is based on intra-EU solidarity.

### Implementation and reform of the Common European Asylum System

On 10 February the European Commission [issued](#) 9 [reasoned opinions](#) against member states (Germany, Estonia, Slovenia, Greece, France, Italy and Latvia) concerning their non-transposition of the Common European Asylum System. This is a follow-up to the letters of formal notice sent by the Commission at the end of last year, to which it has not received satisfactory replies. The objective of the European Commission is to



harmonise the implementation of the CEAS and, thus, to ensure greater convergence between the national asylum systems. An expected consequence of this convergence would be the reduction of secondary movements among asylum seekers, the so-called ‘asylum shopping’ phenomenon. The commitment of the European Commission to prioritise the implementation of the CEAS was highlighted in the European Agenda on Migration, published in May 2015.

Alongside the priority of ensuring the correct implementation of the current legislation, the European Commission also [announced](#) it would submit a proposal on the revision of the Dublin System by March 2016. It is not certain that this deadline will be met and it is more likely that the proposal will be on the table in April 2016. The intention is to reduce the enormous pressure on the frontline member states by putting in place a more equitable allocation of responsibility. This trend is also echoed in the [letter](#) sent by the Interior Ministers of France and Italy to the Commission at the beginning of March 2016. While it is clear that such a shift in the European asylum system is very much needed, the EPC analysts are quite reserved as to the success of such a proposal. Indeed, as member states are still very reluctant to deliver on the commitments they made in the context of the temporary relocation mechanism, a permanent system will face an even stronger opposition. This is already visible from this inter-institutional [document](#) leaked by Statewatch.

## ECJ Case law – detention

### Case C-601/15, PPU J.N. v Staatssecretaris van Veiligheid en Justitie, 15 February 2016

This case concerns an asylum applicant (J.N.) in the Netherlands who first applied for asylum in 1995. In 1996 his application was rejected. Subsequently, J.N. applied for asylum again in 2012 and 2013. One year later, the 2013 application was rejected. As a consequence, he was asked to leave the EU immediately and was banned from re-entering the EU for ten years. Throughout this period J.N. was convicted on 21 charges (most of them theft) and was sentenced to fines and prison. In 2015 he was arrested for theft and a failure to comply with the entry ban decision against him. For this reason he was sentenced to another term of imprisonment, during which he introduced a new asylum demand.

In this context, the Dutch Council of State asked a preliminary question to the European Court of Justice about the validity of the EU [Reception Conditions Directive](#), making particular reference to the case law of the European Court of Human Rights determining the conditions under which an asylum seeker can be detained.

EU judges analysed whether the restriction of the asylum seeker’s right to liberty was pursuing a legitimate objective and whether this restriction was proportionate in the sense that it did not go beyond what was necessary to obtain this objective. The Court concluded that the objective pursued by the Return Directive was to establish an effective policy of removal and repatriation of irregular migrants and that it enables member states to adopt detention measures on grounds of national security and public order. Therefore, the ECJ stated that there were no grounds for calling into question the validity of the EU Directive, as it strikes the right balance between the asylum seeker’s right to liberty and the requirements relating to the protection of national security and public order.

## ECJ Case law – EU mobile citizens’ access to social benefits

**Case C-299/14, Vestische Arbeit Jobcenter Kreis Recklinghausen v Jovanna García-Nieto and Others, 25 February 2016**

This ruling concerns a dispute between a Spanish family (Pena-Garcia) and a German employment centre. Mr Pena-Garcia and his son were refused benefits given by the employment centre because at the moment when they introduced their demand they had been residing in Germany for less than three months.

The analysis of the ECJ is rather short and straightforward. The European judges stated that the benefits at issue which constitute ‘special non-contributory cash benefits’ are to be provided exclusively by the member state of residence. The Court goes on to specify that there is no provision in the EU legislation which prevents member states from refusing to grant such benefits to the nationals of other member states. The provision is therefore consistent with the objective of maintaining the financial equilibrium of the social assistance system of the member states pursued by [Directive 2004/38](#). The ECJ also underlines that in situations similar to this case, national authorities are not obliged to assess each situation individually as this would place an unreasonable burden on national administrations.



### A closer look ... from EPIM grantees

#### WHICH EUROPE?

*By Spyros Rizakos, Director of [AITIMA](#), Greece*

The developments that have taken place in the field of asylum policies since the spring of 2015 were not only rapid but also very dramatic. A great number of refugees started moving from Turkey to Greece, aiming to reach central and northern Europe by taking the so-called ‘Balkan route’. This huge wave of refugees had to struggle with literal waves in order to reach Europe, due to the closed borders. The lack of a safe route for refugees to the European territory has resulted in hundreds of victims. The image of little Aylan at the seashore is still haunting us.

Where do we stand now? One year later, fences have been raised almost everywhere and the Balkan route is almost closed. At the same time, NATO vessels have been deployed in the Aegean Sea in order to help Turkish and Greek coast guards, as well as FRONTEX, in the management of refugee flows. This military operation, apart from raising serious concerns regarding the observance of international law, is implying a very strong and at the same time scary symbolism: refugees are enemies.

The plan is to designate Turkey as a safe third country for refugees and therefore force the refugee population to remain in its territory. However, it is common knowledge that Turkey does not implement those regularities that would place it within the list of the safe third countries (see also ECRE [statement](#) on this).

So it is high time we asked ourselves: Is this the Europe we really want? Are we going to abandon everything that has been achieved, after World War II, in the field of human rights? Are we going to deny refugees their right to reach Europe in order to ask for protection?

The answer of all of us who work in the field of human rights and refugee protection is certainly “No”! Europe should adhere to the ideals of humanism and solidarity.

The debate concerning the exclusion of refugees should be reversed. A European Asylum System based on the provision of effective protection for refugees along with the solidarity and responsibility sharing of EU member states is needed. The debate of the European societies should be on how the improvement of reception, protection and integration of the refugee population can be achieved.

In this respect, we were glad to read "[The Green Alternative to the Dublin System - A Preference Based Allocation System for Asylum Seekers within the EU](#)", a [paper](#) launched by the Greens/EFA Group in the European Parliament. The aim of the proposed system is to achieve a fair allocation of asylum seekers across EU member states while taking into account the existing ties and preferences of asylum seekers to a certain member state.

Let's hope that we will soon have more proposals in that direction both from the political and the civil society arena in order for a constructive debate to take place. Europe deserves a better future, one that will be based on the ideals that have been declared in all the European and International Conventions.



## Facts and figures

### Recent statistics (IOM and UNHCR)

#### UNHCR regional overview

Recent UNHCR statistics [show](#) that the number of refugees trying to make their way to Europe in unseaworthy vessels in the beginning of 2016 has remained high. Comparing the situation with the same time last year is particularly revealing: January 2015 (5,550) vs January 2016 (73,146), February 2015 (7,271) vs February 2016 (59,794). Other notable figures include the following:

- 133,549 arrivals by sea so far in 2016 (compared to a total of 1,015,078 arrivals in 2015);
- 410 people are dead or missing;
- The top five nationalities of people arriving in the EU so far in 2016 are: Syrians (46%), Afghani (25%), Iraqi (16%), Pakistanis (3%) and Iranians (3%).

In light of these figures, the recent closure of the Macedonian border to Greece and the consequent build-up of refugees in Greece, the UNHCR [warned](#) that Europe is on the edge of a largely self-induced humanitarian crisis. To prevent such a crisis in Greece, the UNHCR calls for number of urgent measures to be taken, such as increased accommodation and registration capacity.

#### International Organization for Migration – situation in Western Balkans

Complementary to these UNHCR statistics, the IOM [offers](#) a closer look at arrivals in the Western Balkans:

- 88,328 migrants and refugees arrived in Macedonia since January 2016, whereby a sharp decrease of arrivals has been noted at the end of February (74% decrease in comparison to the week of 17-24 February). Since 21 January, the only permitted nationalities are Syrians and Iraqis;
- 89,180 migrants and refugees arrived in Serbia since January 2016. As in Macedonia, there was a significant drop in arrivals in the last week of February (61% decrease in comparison to the week 17-24 February).

## European Commission state of play – measures to address the refugee crisis

On 10 February, the Commission published its latest update on the state of play regarding the measures and commitments made by member states in order to address Europe's refugee crisis. Although some progress has been made since December, the figures still reveal some substantial shortcomings – also visible in this [briefing](#) from the European Parliament Research Service – with regard to relocation, registration, hotspots and funding:

- [Relocation](#) from Greece and Italy is still slow: places made available for relocation have risen from 3,827 in December to 4,582, but only 497 people have in fact been relocated to countries such as Finland, France, Germany, Ireland, the Netherlands, Luxembourg and Portugal. According to IOM [statistics](#), as of 1 March, 617 individuals have been relocated;
- The proportion of migrants whose fingerprints are included in the Eurodac database has risen in Greece from 8% in September 2015 to 78% in January 2016, and in Italy from 36% to 87% over the same period.
- As of 10 February, only 1 out of 5 hotspots are fully operational in Greece (in Lesbos), while 2 out of 6 hotspots are functioning in Italy (in Lampedusa and Pozzallo). Greek authorities managed to open a further hotspot in Chios on 15 February, just in time for the European Council summit on 18-19 February;
- Many member states have not yet matched EU funding for the EU Trust Fund for Syria (€1 billion – shortfall of €440 million and the Emergency Trust Fund for Africa (€3.6 billion – shortfall of €1.7 billion);
- Since the beginning of 2015, Greece has carried out more than 16,131 forced returns and has assisted 3,460 voluntary returns. Italy forcefully returned 14,000 persons with no right to asylum. On 2 March, the Commission [confirmed](#) that Greece is in the process of returning 308 irregular migrants to Turkey.

## Detention

A [report](#) published by the International Detention Coalition: 'NGO monitoring of immigration detention: tips, examples and positive practices' warns that detention has serious effects on detainees. For instance, detainees often have fewer or no social links, suffer from isolation and a lack of access to information due to language and cultural barriers. In addition, the reason for detention is often ambiguous, creating difficulties for both detainees and staff.

In addition, the [report](#) 'The Uncounted: Detention of Migrants and Asylum Seekers in Europe' published by The Global Detention Project in December 2015 reveals a substantial lack of comparable and accessible information on the detention of migrants and asylum seekers in Europe. In light of this, the report

recommends the EU to urgently ensure that detailed and comprehensive information about detention is collected and openly published, in addition to agreeing on a common definition of what constitutes immigration-related detention.

## Unaccompanied Minors

One [annex](#) of the Commission state of play report outlines “ongoing actions contributing to the protection of children in migration”, including work to complete the implementation of the Action Plan on Unaccompanied minors (2010-2014). For instance, it points out that the Commission and EU Agency for Fundamental Rights have published a Handbook on Guardianship for children deprived of parental care, which aims at supporting member states’ authorities in strengthening their guardianship systems and practices to enhance their capability of dealing with the specific needs of child victims of trafficking.



### Council of the European Union – Presidency and JHA Council

Next JHA Council meetings will take place on **10-11 March, 21 April and 20 May**.



### European Parliament

Next LIBE Committee meetings will take place on **15-17 March, 7, 11, 20-21 and 28 April, and 23-24 May**.

Next EP Plenaries will take place on **7-10 March, 11-14 and 27-28 April, 9-12 and 25-26 May**.



### Other Events

#### 16 March 2016

The Heinrich-Böll-Foundation is organising:

Lunch debate: ‘The Refugee Crisis and its Impact on the European Union – More Disunity, Ultimate Failure or Pragmatic Emergency Solution?’, in Brussels.

#### 30 March 2016

The UNHCR is organising:

[High-Level Meeting](#): ‘Global responsibility-sharing through Pathways for Admission of Syrian Refugees’, in Geneva.

#### 25 May 2016

The Dutch Council Presidency is organising:

[Conference](#): ‘Missing Persons, Missing Information’, in Amsterdam.