

Number 02
May 2016



BOSTON CONSORTIUM *for*
ARAB REGION STUDIES

Policy Paper

Sustainable Solutions for EU Asylum and Integration Policies

*A Coherent, Forward-Looking, Human Rights Centered EU Approach
for Displaced Syrians (and beyond)*

A Joint Research and Policy Project
of the Boston Consortium for Arab Region Studies, Maastricht University,
and the University of Kent – Brussels School of International Studies







In the last year, the world's gaze has been focused on Europe's response to the refugee crisis, with unprecedented levels of media coverage and political attention to the perilous journeys of desperate asylum seekers forced out of their homes and arriving at EU borders in search of a new life in peace and security. Europe is facing an unprecedented crisis, and the response of European institutions is shaping regional stability, humanitarian practices, and the future of the EU itself.

As hundreds of thousands of refugees and migrants attempt to cross the Mediterranean Sea, and as the Syrian refugee crisis continues to expand in scale and geographic range, violent conflict between host country populations and refugees has expanded in proportion to the crisis, not only in bordering states such as Jordan, Turkey, and Lebanon, but increasingly in the EU as well. On the legal front, the recent EU-Turkey deal has caused controversy locally and internationally.

On the ground, member states are struggling to find methods to effectively integrate the incoming population with host communities, and not all actors are eager to share what they see as a burden. Tragically, the fear of extremist terrorism, conflict erupting from racial or religious profiling, and campaigns from right-wing parties are inhibiting progress in the discourse from "burden" to "potential".

In May 2016, a group of scholars from the Boston Consortium for Arab Region Studies (BCARS), the University of Maastricht, and the University of Kent's Brussels School of International Studies met with policy experts, EU officials, and practitioners from international NGOs to discuss the EU dimension and impact of the Syrian refugee crisis.

Our aim for the workshop was to unpack the different facets of the crisis, contextualize them within migration and asylum issues in Europe and the broader Syrian crisis, and envisage practical policy recommendations that can have a positive impact for refugees and host communities both in the short- and in the long-term. This paper is the result of that effort, supplemented by interviews with local NGOs representatives and refugees.

This paper has the goal of offering **actionable, evidence-based, creative policy solutions** for EU actors involved in the European Asylum System at different levels of policy design and implementation, towards a **coherent, comprehensive, fair system for refugees and all member states**. Our approach prioritizes forward-thinking solutions based on the principles of **sustainability** and **human rights**.

Our discussion stemmed from five general premises:

1. The refugee crisis extended to Europe significantly only in 2015, four years after the crisis had started, first with IDPs, then refugees in neighboring countries. Europe is only dealing with the tip of an iceberg, and its **crisis is a consequence of a preceding inability and unwillingness to take action** at the source of the problem.

2. In a context where **push factors are unlikely to change** in the foreseeable future, **change in mobility patterns will mostly come from pull factors**. Push factors do not change because **the situation in Syria continues to be unsustainable**, donor funds are slow in reaching the vulnerable population because of multiple legal and political obstacles for humanitarian agencies, and even when they do arrive, they are not targeted at long-term impact.

With a collapsed ceasefire, it is hard to imagine a future of self-reliance and self-governance. Moreover, **local politics in neighboring host countries for Syrian refugees remains challenging** if not hostile, with problems in the perception of Syrians in Lebanon, Jordan, and Turkey, and challenges in their legal status and access to work permits, healthcare, and education.

3. There has to be full acknowledgment on the part of all actors involved that in **Europe is not dealing with a refugee crisis, but with a political, institutional, and communication crisis**.

Economically, the EU can absorb and assimilate refugees and migrants in much higher numbers. In fact, European society, economy, and institutions are more resilient than those of Syria's neighbors. Yet, for example, Lebanon has a population of four and a half million people and is hosting one and a half million Syrian refugees, while Europe saw slightly over 300.000 asylum applications by Syrians in 2015, out of a total of around one million applications.

4. There needs to be a profound **shift in the discourse** surrounding refugees **from a "burden" to an "asset"**. Workshop participants are aware of the need to deconstruct the myth according to which "for every one incoming person, there is one job less". Evidence shows that, in the long-term, the integration of refugees can be an invaluable benefit for the host societies and economies, with clear trends of GDP growth, and enormous potential especially for some aging European populations.

5. Finally, there has to be a focus on **integration as a bidirectional process**, involving refugees as well as European communities. Integration should include, at the very least, **language, shelter, and work**. Nonetheless, these dimensions are necessary but insufficient if not coupled with a substantial number of **significant social bonds** based on mutual trust. Integration can be facilitated by laws and regulations, but requires an **integrated, multi-sectorial effort** coordinated by different public and private actors at the EU, national, and local levels.

Based on these overarching premises, we envisioned concrete and specific policy solutions for the EU to address both challenges with its member states and with the refugees and migrants themselves. Related to the first set of challenges, we focused our policy discussion on rethinking normative frameworks; strengthening European institutions; and shifting the narrative. Concerning refugees, we found a need for harmonization of laws and procedures; communication and information campaigns towards incoming and host communities; and coordination of responses, integrating public, private sectors and NGOs and civil society efforts.

During our workshop discussion and interviews, participants focused on the challenges, constraints, and opportunities for advancement toward a more coherent, just, and humane European Asylum System. The specific case of health policy was examined as one major opportunity—and need—for coordinated intervention and integration.

All workshop participants share the conviction that the myth of the European refugee crisis has to be deconstructed and contextualized. European societies and economies possess the potential capacity and resilience to accept a higher number of incoming migrants and refugees, therefore there needs to be an immediate cessation of narrow policies that have defined what some call “fortress Europe”.

Walls, both physical and metaphorical, have proven to be unrealistic, ineffective, and unsustainable bandages that are failing to cure the deeper symptoms of the illness. As mentioned in our premise, push factors are not changing, and this also entails that we are dealing with a protracted, long-term situation, which requires **forward-thinking responses** and an end of a narrow vision of the refugee problem as a temporary one. On the other hand, in time of crisis—real or perceived—controversial decisions can be taken quickly on issues that are contested, with potential negative consequences for democracy.

Finally, with this document, we seize the opportunity to emphasize the role that the EU, as a leading member of the international community, must take in responding to the present humanitarian crisis by upholding its founding values of dignity, equality, rule of law and respect for human rights. Syrians escaping war need and must have international support and protection, and no actor can escape its fair share of responsibility to help and take action.

General Premises

1

The refugee crisis is the consequence of an unwillingness to take action.

2

Push factors are unlikely to change.
Change has to come from pull factors.

3

There is no European *refugee* crisis.
It is a *political* crisis.

4

There needs to be a shift in the discourse on refugees from “burden” to “asset”.

5

Integration has to be conceptualized as a bidirectional process.

Five years after the explosion of the Syrian crisis, the country is devastated and fighting continues, as civilians remain the most vulnerable victims paying the highest price for the conflict.

The international community has been disunited, slow, and insufficient in its response, with a slow provision of aid and an inability to implement durable ceasefires. As a result, 400,000 Syrians have lost their lives, and more than 11 million have been forced out of their homes.¹ Of these displaced Syrians, almost 5 million sought refuge first in neighboring countries, and later outside the region, including increasingly the European Union. When the fighting began pushing people across Syria's borders in 2011, neighboring countries such as Jordan, Lebanon and Turkey generally opened their doors to their neighbors.

Political awareness and individual solidarity and sense of hospitality were high and strengthened by ethnic and/or religious commonalities. Nevertheless, legal guarantees and practical capacity and resources were (and are) often lacking. In addition to the increasing levels of violence within Syria, these factors heightened the refugee crisis, which spread to Europe fully in 2015.

SOLIDARITY

As migrants and asylum seekers continue to arrive at European borders in search for protection and opportunities, the European Asylum System is being sorely tested as mistrust, self-interest,

and political short-sightedness hinder the application of international and European refugee law.

On the legal front, our discussion focused on the **legally binding principle of solidarity** as expressed in Art. 80 of the Treaty on the Functioning of the European Union – commonly referred to as the treaty of Lisbon. Here, it is stated that all possible measures should be taken by Member States in order to have an equal share of responsibilities concerning asylum. **This law is being blatantly disregarded** by all Member States, and European institutions including the Commission should exercise more pressure to end the breach of this condition.

In contrast with the principle of solidarity and fair sharing of responsibility, the Dublin regulation, upon which the current European Asylum System is based, is rooted in a conceptualization of responsibility as de-linked from solidarity (responsibility as burden), and establishes a set of criteria to determine which state is responsible for examining an asylum application.

The main principle is that of responsibility of the country of first entry, which inevitably leaves Member States on the frontlines, such as Italy and Greece, unable to cope with incoming waves of refugees.

¹ UN's special envoy in Syria Staffan De Mistura estimated the death toll, while the figures on the Internally Displaced Persons (IDPs) and Syrians who fled the country are based on the numbers provided by the United Nations Office for Humanitarian Affairs (OCHA).

In general, solidarity can be conceived as composed of four interrelated dimensions:

1. Normative solidarity consists in the harmonization of asylum and refugee legislation within the EU. An example of this is the Directive for Reception Conditions, which in theory prevents states to downgrade their standards. Nonetheless, *de facto* application of asylum norms often encounters numerous obstacles, leading to lower standards for some frontline countries.
2. Financial solidarity entails a redistribution of funds to help some Member States cope with incoming people seeking international protection while upholding European standards. The European Refugee Fund is an example of this process, but its budget is meagre and struggles to meet the needs, while the criteria and objectives should be more focused.
3. Technical and operational solidarity takes place when EU personnel and agencies support Member States in the implementation of asylum law. The European Asylum Support Office (EASO) is the European institution currently in place with such purpose, yet its nature is still intergovernmental, its budget limited, and the scope of its interventions narrow. There should be a strong push for a more supranational, effective EASO.
4. Finally, physical solidarity translates in the actual relocation and redistribution of asylum seekers and refugees. This is the most crucial yet problematic aspect of solidarity, and progress has been very slow even under the Temporary Relocation System envisioned in 2015. The goal, still insufficient, of transferring 160.000 persons is still far from being met.

Based on these dimensions of solidarity, a number of specific policy recommendations were discussed:

- Workshop participants called for EU Member States and institutions to immediately reconfigure their policies and practices and take all necessary measure to **respect the principle of solidarity, implementing more resolute relocation of asylum seekers**, EU-level operational assistance and enforcement, transfers of funds and humanitarian assistance, as well as normative harmonization.
- In this context, the EU Commission should be willing to enforce the principle of solidarity even against the immediate desires of some Member States, using hard and soft power tools, and overburdened Member States should make their voice heard through diplomatic and legal means (even going to court).

ARTICLE 80-TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

“The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of **solidarity** and **fair sharing of responsibility**, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.”

THE EU-TURKEY DEAL

Workshop participants discussed the legal and practical challenges of the 18 March EU-Turkey summit agreement — also known as EU-Turkey deal. It establishes that for every Syrian retransferred to Turkey from Greece, one other Syrian would be resettled from Turkey to the EU, in what is referred to as the “one for one” approach. Additionally, the agreement requires that all irregular migrants and asylum seekers arriving to the Greek shores from Turkey would be returned without any opportunity or guarantee of protection and assessment of status.

In Turkey, a geographic limitation on the ratification of the 1951 Geneva Convention only allows for Europeans to be considered as refugees, while the category of Temporary Protection Status is applied to Syrians today.

Despite some recent improvements and legal openings for access to health, education, and work permits, in practice Syrian refugees in Turkey still face multiple challenges.

The main obstacles include limited educational opportunities, with only 15% of school aged Syrians currently enrolled; partial access to the job markets with limited mobility (Syrians can only legally work in the municipality where they are registered) and likely exploitation and uncertainties in the grey economy; discrimination and risk of deportation.

To date, around 400 persons have been returned to Turkey from the Greek islands, with Syrians received in a center in Adana and other nationals allegedly put in administrative detention for deportation.

Understanding the criticalities of the situation for Syrian refugees in Turkey and the difficulties of considering Turkey a “safe third country” for relocation, the discussion then focused on the legal flaws of the EU-Turkey deal. In particular, the agreement goes against international and European law in multiple aspects.

First, breaching the internationally recognized duty of *non-refoulement* by sending back Syrians and other nationals without taking into consideration their individual claims to asylum and requests of protection, which constitutes a human rights violation.

Second, Turkey’s Temporary Protection Status and practical conditions for Syrians make it unsuitable as a “safe third country”. The final main legal issue is the EU prohibition of collective expulsion of foreigners as stated in the EU Charter of Fundamental Rights.

- In light of these legal and practical challenges, participants urge EU institutions and Member States to **assess asylum applications on an individual basis**,

considering individual voice and agency of Syrian refugees, immediately shifting from a **“one for one” approach that discriminates on the basis of the country of origin and disregards individual needs and circumstances.**

- **The EU should uphold its fundamental values and legal standards that forbid the collective expulsion of foreigners** and ensure access to rights, justice, and individual evaluation for all asylum seekers.
- There should be **more pressure on the Turkish government to eliminate the geographic limitation to the Geneva Convention** and grant international standards of protection to refugees, while improving implementation on the ground.

In general, **the asylum policy narrative should be re-centered around humanitarian principles.** A measure of success of the deal in reduced numbers of asylum seekers arriving at European borders is incompatible with legal and moral obligations to ensure refugee get international protection. This “success” hides deeper criticalities and unchanged push factors that leave Syrian refugees in harsh conditions, struggling to meet their basic needs.

“It takes one person to risk his or her life for a Syrian in Turkey to be resettled.”

A SCHOLAR ON THE EU-TURKEY DEAL

INTEGRATION AS A BIDIRECTIONAL PROCESS

Beyond mere access to rights, justice, and protection for asylum seekers, participants stressed the importance of adopting a **forward-looking, long term view of refugees**. Discussions thus turned to the issue of integration, defining it as a two-way process involving both incoming and host communities, towards mutual understanding and respect. **Institutions and civil society should collaborate to eliminate barriers and build bridges** for access to basic services and needs —namely language, housing, and work— and broader integration, **fostering knowledge and respect for diversity** among host societies.

Cultural integration cannot be conceived as a one-way process, as culture is far from a static, monolithic concept where a person feels allegiance to one single national, linguistic, and cultural identity. Diversity and multiple identities are cornerstones of a democratic Europe and have to be fostered through education, communication, and specific interventions in European and refugee communities. If a refugee were to be accepted only when he or she absorbed all aspects of the host society's culture, integration would be not only impossible, but also undesirable.

- EU institutions and Member States should **fully acknowledge the prolonged nature of the crisis**, endorsing long term solutions beyond the narrow, shortsighted political and electoral benefit.

Such policies would benefit Syrian and European communities as a whole. In this context, practical, coordinated integration policies need to be part of the answer.

- **Separation from families is a major impediment to refugees' integration**, and all possible measures should be taken in order to reunite family members, especially for unaccompanied minors, and EU governments should lift restrictions on family reunification based on employment and housing.
- **Civic integration** is as important as socio-economic integration, and political claims of refugees should be given full freedom of expression for enhanced voice and agency. In this regard, asylum and refugee policy decision-making and implementation should always seek to involve Syrian and refugee organizations.
- True integration requires an active role of **targeted social policies supplemented by civil society participation**. This integrated approach, mixing traditional and innovative, digital responses would ensure an **active role in the society for refugees**, building significant networks of social bonds based on trust (beyond basic integration) that can ensure sustainability for the future.

In fact, segregation, lack of access to services and employment, as well as the paucity of meaningful social ties often leads to alienation and isolation, with negative consequences for the society as a whole. There also needs to be **more data and evidence of what works.**

An example of a promising campaign in this regard is the *I Get You* initiative promoted by the Jesuit Refugee Service. Started in nine different EU countries, *I Get You* seeks to gather community-based initiatives for local citizens and refugees that strengthen community building and mutual understanding, countering racism and xenophobia.

Using social media platforms and in person interviews, researchers will produce a wealth of data and a mapping report to compare best practices of **bottom-up integration efforts across Europe**, then nine national and one European reports will be compiled and disseminated to policy-makers, refugees, and citizens.

“When I stepped out of the employment center, my eyes were filled with tears. I had listed my rich job experience as a lawyer and a judge back home, and they had written ‘no experience’. All they had for us were positions as caregivers and charwomen.”

REFUGEE WOMAN IN ROME, ITALY

THE CASE OF HEALTH POLICY

Part of the discussions and interviews focused on the importance of health policy for migrants, asylum seekers, and refugees, and its relevance for real integration. Participants and interviewees underlined multiple barriers in access to health, and the potential of improved, more targeted health policies.

- First and foremost, there has to be a **systematic effort in gathering more evidence and disaggregated data** on access to health services for specific categories of the population, to fill existing gap and evaluate outcomes of existing or developing programs.
- EU countries should take steps to **recognized skills and qualifications of refugees**, and **integrate them into the European healthcare workforce**, which would constitute an invaluable opportunity for integration with benefits for the society as a whole. In fact, a shortage of about 1 million health workers has been estimated to be expected by 2020 in ageing European societies, which makes the integration of low and high-skilled migrants and refugee health workers a much needed solution.
- Specific projects should ensure that international and European law mandating access to “the **highest attainable standard of physical and mental health**” for everyone is respected. In practice, minimum standards of assistance and emergency care to asylum seekers and migrants at the point of entry are not

always upheld. Moreover, some countries require asylum seekers to cover the full cost of their medical procedures. There should be **systematic information campaigns on access to rights and health** to all incoming Syrians and other nationals.

- **Addressing inequalities in the provision of health services** is a core dimension of a health system performance, and national and EU institutions should strive to address the specific needs of refugees. **Psychological assistance to the most vulnerable**, especially women and children, should be a priority and embedded in broader education and integration programs. **Health literacy** programs should be provided systematically to familiarize refugees with local health systems, rights, and opportunities. The diversity in refugee experiences and needs should be kept in mind while promoting access, integration, and providing accessible information **in their own language**.

In the provision of adequate and user-specific health services, coordination of efforts between traditional institutionalized pathways and local refugee organizations and NGOs can bring enormous benefits. As an example, in Italy public healthcare centers ASL have started to collaborate with cultural mediators to better serve the needs of vulnerable asylum seekers and refugees.

Understanding the complex legal and political frameworks in which the refugee issue is placed in the EU, this workshop focused on how decision-makers and actors on the ground can improve the situation for overburdened Member States and Syrian refugees in practice.

Acknowledging broader issues of normative challenges, solidarity, and integration, and the larger contexts of the Syrian crisis and the general migration

and asylum issue in Europe, participants then turned to a discussion on how EU institutions, national governments, and non-state actors might rethink their strategies and craft specific solutions for all Member States as well as for displaced Syrians and other refugees.

Policies Towards Member States

- Rethinking normative frameworks
- Strengthening institutions
- Shifting the narrative

RETHINKING NORMATIVE FRAMEWORKS:
BEYOND THE DUBLIN REGULATION

Despite the awareness that restructuring current legal frameworks is by no means an “immediate” solution, workshop participants believe that the time is ripe to rethink the current set of norms regulating the European Asylum System under the Dublin regulation.

Under the so-called Dublin system, there are a set of criteria to determine the Member State responsible to process asylum applications, generally mandated to the Member State of first entry. Nevertheless, we recognized the inherent flaws and weaknesses of a system that narrowly conceives responsibility as burden-sharing, disregarding the legally binding principle of solidarity and fair sharing of responsibilities among Member States. Besides posing weak safeguards for asylum seekers, the Dublin procedures leaves some Member States with insufficient capacity, resources, and personnel to cope with incoming populations, further deteriorating reception and processing standards and hindering integration and community empowerment.

Participants noted how even the European Commission recently expressed the need for a drastic reform of the Dublin system in a Communication to the European Parliament and the Council. Despite some advancement in the broadening of the definition of family, which we see as a positive (yet insufficient) step, the Commission presents two general scenarios for the future of the European Asylum System, one inadequate and the

other impractical. Specifically, the first option would entail a timid revision of the Dublin regulation, leaving the main criterion of Member State of first entry, while introducing stronger redistribution mechanisms in times of crisis. The criticalities in this approach are numerous.

For example, there is no clear definition of crisis, **relocation attempts** are currently proving to be **problematic and slow in implementation**—which leaves us with meagre hopes for their future functioning— and the fundamental tenets of the current system would remain untouched. The second proposition would lead to a complete replacement of the Dublin regulation, with systematic relocations based on fairness and solidarity. Although positive in reconceptualizing the Asylum System, this scenario—without practical, actionable prescriptions and incentives— would inevitably encounter implementation problems and resistance from Member States.

Understanding the long-term **necessity of reforming the current system**, workshop participants also proposed concrete measures to be adopted immediately with the goal of alleviating the most critical situations in some Member States. These include:

- **Integrating EU policy design with implementation**, with European funds, institutions and personnel more strongly and directly involved in rescuing, receiving, processing, and integrating asylum seekers.

- Ensuring that measures to counter secondary movements are not taken at the expense of individual rights and fairness among Member States. For example, the **expansion of the EURODAC system for identification and fingerprinting**—currently characterized by problematic implementations in countries like Greece that lack incentive and capacity—would entail the storage of more personal information including facial images and **risks to compromise basic principles of data protection** such as necessity, purpose-limitation, and proportionality.
- **Member States with the willingness and capability to take in larger numbers of refugees** from Syria and other countries of origin should be allowed, incentivized, and encouraged to do so. At the same time, Member States who refuse to take their share of responsibility should be denounced and suffer the consequences, some of which we outline in the following pages.

STRENGTHENING INSTITUTIONS:
TOWARDS A COHERENT EU POLICY
DESIGN AND IMPLEMENTATION

Workshop participants discussed the importance of **stronger, more resolute and effective European institutions** as a key solution to the current crisis. The EU should not merely **take the lead in innovative, forward-looking policy crafting, but also be a major actor in the implementation phase**. Only stronger European institutions dedicated to asylum issues can ensure coherence, comprehensiveness, and effectiveness of

EU asylum policies as well as implementation and enforcement of EU legislation and standards.

With these goals in mind, the workshop discussion then focused on specific, targeted actions to enhance EU institutional capabilities in various domains.

- A key potential for European institutions lies in the European Asylum Support Office, supporting practical, operational cooperation among EU Member States. Notwithstanding some achievements in data gathering, analysis, and distribution, and the development of shared training tools, EASO is largely failing in its role as a promoter for stronger coordination for the implementation of the Common European Asylum System standards and objectives. **EASO needs to be empowered**, its mission upgraded to systematic technical implementation (not just in times of crisis) to guarantee **convergence in practices and standards** of different member States, its budget size increased, and its functioning expanded from intergovernmental agency to fully **supranational institution**.
- As a form of financial solidarity, the **European Refugee Fund should be expanded**. Currently, the budget allocated to this fund amounts to a meager 2-3% of the total budget for asylum policies. Moreover, it funds projects with broad goals and is shared by Member States according to their absolute number of asylum seekers. Rather, financial

transfers from the European Refugee Fund should be dedicated to specific objectives and allocated on the basis of the number of asylum seekers relative to the total population of the host country, in order to enhance capacity-building for smaller states.

- The new **European Border and Coast Guard Agency**, envisioned by the EU Commission as a reformed Frontex, would be aimed at the common border control and management system of Schengen countries. This institution should become a **truly common agency**, of predominantly **non-military** nature, **responsible for systematically securing external borders**, beyond mere ad hoc interventions for temporary crises.
- Participants also stressed the need for **increased redistribution planning and implementation** under the temporary relocation system and beyond, upholding the principle of solidarity. The first pilot-project EUREMA successfully transferred from Malta to other EU states only an even smaller number of refugees than those resettled from Malta to the US. Subsequent relocation schemes have been insufficient in design and slow in implementation. EU institutions should incentivize and enforce redistribution of asylum seekers for an equitable, sustainable share of responsibilities, encouraging Member States willing to accept higher numbers, and addressing the problem of those who fail to do their part.

Moreover, revisited key criteria for the redistribution of responsibilities should include **making sure that proper reception conditions are in place in every EU country**, especially those at the frontline.

SHIFTING THE NARRATIVE: AGAINST ANTI-IMMIGRATION DISCOURSE

One last EU policy dimension towards Member States was also at the heart of our workshop discussion: participants acknowledged a need for a drastic shift in the mainstream discourse, **re-conceptualizing the refugee issue from “burden” to “asset”**. This change in narrative should start from a **firm, immediate action on the part of the EU against national government officials engaging in discriminatory, anti-immigration, and anti-Muslim rhetoric**. Policies and narratives of closure only erect walls (physical and metaphorical), generating resentment and deepening the crisis, as the example of the hostile statements and actions of the Visegrad group has shown. Furthermore, there is an urgent need to **move from a national security-centered approach to a coordinated, multi-sectorial vision for development cooperation and assistance**, prioritizing employment, social, economic, and integration measures.

- Specific policy measures to counter unacceptable discriminatory discourse and practices can combine **soft and hard power tools**, starting from strengthening EU institutions, but potentially involving the suspension of structural funds and Schengen rights.

- In general, **European and international humanitarian values should be upheld**, putting an end to the widespread tendency—even at the EU level—of narrow policies of closure that limit freedom of movement, focus on potential “abuses of the asylum system” by incoming “migrants” instead of focusing on the needs of the vulnerable and disadvantaged, and tend to link terrorism and refugee’s debates. Especially after the Paris and Brussels attacks, there should be the explicit effort to **de-link the security-centered debate around terrorism and the humanitarian refugee issue**.

Action has to be taken against degrading practices of detention and criminalization, such as the systematic prolonged detentions taking place in Czech Republic (where migrants and refugees are withheld for up to 90 days) and the Hungarian border policies of building walls and fences.

Policies Towards Refugees

- Harmonization of laws and procedures
- Communication and information
- Coordination of responses

HARMONIZATION OF LAWS AND PROCEDURES: UPHOLDING HUMAN RIGHTS AND INTERNATIONAL LAW

With the awareness that policies oriented towards Member States are necessary and important, workshop discussions then quickly turned to **viable, practical solutions** to address the weaknesses of the EU Asylum System and **meet the needs of Syrian refugees** coming to Europe at all stages, from search and rescue operations to integration, **acknowledging and empowering their voice and agency**.

A strong theme of the workshop was the need to harmonize laws and procedures for asylum, always upholding fundamental rights enshrined in European and International Law, and **filling the gap between what is the laws and what actually happens on the ground**. Thus, while increasingly shifting legislation, policy-making and application to the EU level, national laws and practices should converge for a truly *common* European Asylum System.

In 2015, together with the plan for a temporary relocation system, EU policy-makers designated “hotspots” in specific areas in Italy and Greece to identify and fingerprint incoming asylum seekers and remove irregular immigrants. The physical creation of these centers and implementation of the procedures have been slow, and major legal and practical concerns remain.

- All necessary measures should be taken to assess whether there is any actual comparability in the internationally recognized refugee status and the Turk

ish Temporary Protection status (and pressure should be exercised in order for Turkey to remove its geographic limitation to the 1951 Geneva Convention). Only solid guarantees of international protection standards for refugees and asylum seekers would make Turkey a “safe third country”.

- Asylum seekers should have to **go through the same process regardless of the Member State in which they arrive** and their application is considered. **The process to grant asylum should be simplified, improved, and standardized**. This also entails that every individual arriving at Europe’s borders needs to have safe **access to justice and services** and a guarantee to have his/her asylum claims taken into consideration. The process of identification and systematic detention is filled with legal and practical criticalities, the priority should always be the respect of human rights and the protection of the most vulnerable —especially women and children.
- The **distinction between migrant and refugee** is often made almost arbitrarily by the individual policeman at the point of entry based on the country of origin. Some participants underlined how, though the difference is crucial when considering the root factors of mobility, it may be misleading once people arrive to Europe, where they all seek a better future and opportunities beyond survival that should be taken into consideration.

- **Individual needs, claims, and circumstances should be carefully examined**, with special consideration for family ties and reunion, in all Member States.
- Hotspots have been made fully operational with great delays, and there still is a dramatic lack of personnel and capacities. Moreover, **hotspots procedures should be compatible with national legislations and international laws preventing systematic detention** without individualized assessment of status and rights.
- In the longer term, **refugees' agency should be considered**, acknowledging their specific ties, preferences, and skills that would prioritize specific Member States for relocation and resettlement. In integration policies, there should be a shift from a narrow utilitarian approach merely focused on work, without addressing potential issues of exploitation and discrimination. In general, **priority should always be given to human rights and international law**.
- In general, there needs to be a **trust-centered approach**, while fully acknowledging the **diversity of backgrounds and experiences** refugees come from. Some are well educated, aware of their rights and obligations, and already familiar with the intricacies of the asylum legislation. Yet, others may be less educated, misinformed by their smugglers, and distrustful of foreign military and police authorities. In fact, virtually all refugees come from traumatic experiences of violence and perilous journeys, and **building trust**—from the very beginning at the point of entry— **should be the first step to deliver information and much needed services**.
- Immediate information should be delivered in innovative, effective ways, **blending physical and virtual approaches**, and making sure the information reaches everyone in an approachable, user-friendly, efficient fashion. For example, multi-language leaflets should be coupled with social media campaigns, and in person services.
- Ongoing communication and education should involve refugees and host communities for increased, more sustainable integration.

COMMUNICATION AND INFORMATION:
ADDRESSING REFUGEES AND EU HOST
COMMUNITIES

Workshop participants addressed the issue of how to ensure immediate and long-term access to information for vulnerable Syrians (and other refugees). We stressed the importance of a **mutuality approach** that focuses on **communication and education campaigns targeted at incoming as well as host communities**.

COORDINATION OF RESPONSES: INTEGRATING PUBLIC AND PRIVATE SECTORS

In responding to the crisis, workshop participants agreed that **there should be a move from the current security-focused vision of cross-border mobility** patterns, with a shift from the criminalization of humanitarian agencies and undocumented migrants and the militarization of interventions, and towards a more flexible, accessible, coordinated application of humanitarian visas.

- Aid workers, Syrian and other refugee-led organizations and **NGOs should be constantly involved and consulted.** In particular, the criminalization of aid workers and the tendency to see their activity as smuggling is unacceptable.
- Thousands of migrants and refugees die every year in the Mediterranean in the hope to reach European shores, with 1475 dead/missing in 2016 alone. **People have to stop dying in the Mediterranean, and search and rescue operations should be improved and prioritized.**
- At all stages of the implementation of EU Asylum policies, there is a need for a **dialogue and coordination of efforts between government, EU, and civil society actors** including volunteers and NGOs. Endorsing a long-term perspective, bottom-up initiatives should be

integrated with institutional responses from reception at the point of entry to sustainable integration into host societies. Community-based initiatives and the use of technological, innovative tools can be particularly effective, as the previously mentioned JRS *I Get You* campaign shows. Furthermore, civil society actors can ensure transparency and more effective and independent monitoring over compliance and practice of common EU rules.

A combination of public and private initiatives in crafting solutions for mutual and bidirectional integration can harmonize outcomes and foster **mutual trust and understanding between refugees and host communities.**



Next Steps

The findings from this policy workshop represent an early step in a long and evolving response to the Syrian refugee crisis. Next steps will require the dissemination of these findings to relevant policymakers and actors involved in the Syrian refugee crisis in the EU, in its Member States, and beyond.

Policymaking is an iterative process, and we look forward to an ongoing discussion of our findings. **Readers are encouraged to share these findings** with any institutions involved in the Syrian refugee crisis. **Policymakers and practitioners are encouraged to contact BCARS** to collaborate on further refining these recommendations for their unique sets of challenges and areas of responsibility.

There is also the need for an expansion of this policy research both vertically (within the EU, from the strategic to the operational level, from the regional to the national and local policies) and horizontally across borders, examining similar challenges in other Syrian refugee-hosting states, particularly Turkey, the U.S, and Canada. BCARS is actively developing workshops to compliment these existing findings, and advocates additional policy-focused research from concerned academics, policy advisors, and think tanks to meet the enormous scale of the Syrian refugee crisis. **Institutions involved in parallel research are encouraged to contact BCARS to facilitate exchange of ideas and collaboration.**



Further Reading

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Odysseus Academic Network. “Searching for Solidarity in EU Asylum and Border Policy.” A Collection of Short Papers following the Odysseus Network’s First Annual Policy Conference, February 2016. <http://odysseus-network.eu/wp-content/uploads/2015/09/Searching-for-Solidarity-Short-Papers.pdf>

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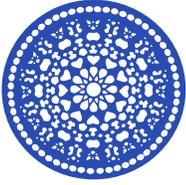
BCARS would like to extend a formal thank you to our partner-institutions, Maastricht University and the Brussels School of International Studies, which made this workshop possible, and all of the participants and discussants for their invaluable contributions.

This document is the result of a collaborative fact-finding and discussion process and interviews convened under a modified form of “Chatham House Rule”; in other words, although participants are free to use the information from the workshop, neither the identity nor the affiliation of the speakers, nor that of any other participant, is specified in relation to a particular statement or set of views.

Every effort has been made to provide a clear and accurate overview of participants’ views and comments. The views expressed herein do not necessarily represent those of BCARS, its funders, or its partners.

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<http://www.maastrichtuniversity.nl>



BSIS, the *Brussels School of International Studies*, is a multidisciplinary postgraduate School of the University of Kent bringing together the disciplines of politics, international relations, law and economics to provide in-depth analysis of international problems such as conflict, security, development, migration and the political economy and legal basis of a changing world order.

<https://www.kent.ac.uk/brussels/>



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