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# Migration: EU leaders agree on lowest common denominator

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*At the European Council meeting on 28.-29. June 2018, EU leaders gathered to discuss a future course on migration. Yet, the Council conclusions are fairly opaque. In this blog post Lucas Rasche argues that in the absence of an overall compromise, EU leaders refurbished existing ideas on external asylum processing and fell short of moving beyond the lowest common denominator of strengthening external borders.*

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# 1 Vague Council Conclusions

Although the number of asylum applications in the EU fell sharply from 1.300.000 in 2015 to 700.000 in 2017, the European Council meeting was held at a time when the crisis narrative is back full swing in political discourses. Ahead of the summit the deadlock between eastern member states, which refuse the idea of mandatory relocation quotas, and southern countries calling for a fair sharing of responsibility was further complicated by the domestic pressure placed on German Chancellor Angela Merkel. In a row with Interior Minister Horst Seehofer over his proposal to immediately send back previously registered asylum seekers at the German border, Germany's governing coalition was taken to the brink of collapse.

It therefore comes as no surprise that the Council conclusions are fairly opaque on migration. This blog post argues that in the absence of an overall compromise, EU leaders refurbished existing ideas on external asylum processing and fell short of moving beyond the lowest common denominator of strengthening external borders.

## 2 A misleading call to 'take back control'

In its first four paragraphs the text recaps successful efforts to reduce arrival numbers since 2015 and promises enhanced measures along similar lines. Amid the heated debate over the future course on migration, EU leaders have found a compromise in strengthening external border controls. The Conclusions state that Frontex 'should be further strengthened through increased resources and an enhanced mandate'. Proposals to ramp up external border control are not new. In 2015, member states already agreed to strengthen Frontex by establishing the European Border and Coast Guard (EBCG), which is mandated to coordinate joint returns and involved in managing EU 'hotspots' in Greece and Italy. In its recent proposal for the next Multiannual Financial Framework (MFF), the Commission suggested spending EUR 21.3 billion on border management and to expand EBCG personnel from 1,500 to 10,000. However, thus far full operability of the EBCG was hampered by slow deployment of national border guards and the refusal of some 'frontline' member states to have the EBCG operate independently on their territories without prior invitation. Actual implementation of stricter border controls is thus not free from problems.

Part of the attempt to return towards 'full control' over migratory flows is the proposal for so-called 'controlled centres' in the EU, in which migrants saved by Search and Rescue (SAR) operations should have their asylum applications processed. The decision to host such centres and to take in successful applications for international protection is decided by the member states on a voluntary basis. While Greece has already signalled readiness to establish these 'controlled centres' on its soil, Italy remains undecided on the matter. To which extent the centres are supposed to replace or supplement existing EU 'hotspots' is unclear. As long as the European Asylum Support Office (EASO) has no legal mandate to process asylum applications, such centres would have to be run by single member states.

In order to reduce irregular arrivals to the EU, member states further revived the idea of so-called 'disembarkation centres' in third countries. Similar to the 'controlled centres' within the EU, the idea is that asylum cases are processed in transit countries and successful applicants then transferred to the EU. The proposal is framed along the lines of 'breaking the business model of smugglers'. However, there are several pitfalls and open questions to be answered:

- Thus far no country has offered itself as a host. [Tunisia and Albania have outright refused the idea](#). Most third countries fear that such centres could serve as pull factors, with large numbers of people ending up stranded on their territory in the absence of a positive asylum decision. Any potential partner country would therefore likely demand support to try closing its own borders, which would increase the price tag of a possible deal for the EU. It would also mean that migrants continue to rely on people smugglers to reach the ‘disembarkation centres’.
- Who manages the centres remains to be decided. If done by IOM and UNHCR, as is currently proposed, both organisations require significantly more funding. Ideally, asylum cases would be processed and then distributed to the member states by the European Union Asylum Agency (EUAA), which is however lacking the mandate to do so.
- In the current political climate it is unlikely that member states will provide large amounts of resettlement places. Yet, if the chances of being resettled to the EU remain low, migrants will attempt circumventing these centres and instead continue to choose risking their lives by crossing the Mediterranean. The possibility of introducing a binding quota could solve this problem, but lacks a majority among the member states.

Despite representing the lowest common denominator among EU member states, the measures proposed in the Conclusion issue a misleading call to ‘take back control’ of the external borders at a time when [arrival numbers are decreasing drastically](#).

### 3 Little progress on reform proposals

On the reform of the Common European Asylum System (CEAS), the Council Conclusions reveal an emphasis on restricting secondary movements of asylum seekers within the EU. Positions towards a reform of the Dublin Regulation remain unchanged. Initial proposals by the European Parliament and the Commission to establish relocation quotas for refugees are still fiercely rejected by eastern member states and Austria. At the Mini-Summit preceding the actual EU Council meeting, Italy presented a 10-point-plan that suggested suspending the country of first arrival principle for asylum seekers coming across the Mediterranean. The proposal is however unacceptable to Germany, where Chancellor Merkel needs to prove that she can forge compromise that will keep arrivals in Germany low.

With conflict over the Dublin Regulation still looming large, [negotiations preceding the Summit](#) had worked towards preparing a consensus along more restrictive approaches to harmonise norms and standards for asylum procedures in the member states.

To this end, the EU fingerprint database (Eurodac) is supposed to be reformed in a way that more information on asylum seekers can be stored and made available not only to asylum agencies but also to law enforcement agencies. Member states also largely agree on a reform of the Qualifications Regulation the Reception Conditions Directive. The proposals suggest limiting available housing and social services for asylum seekers to the responsible member state. If found outside the member state responsible for processing their asylum claim, asylum seekers are supposed to have the time passed in their five-year-long process of receiving permanent residency set back to zero.

Despite further harmonisation, differences in the asylum systems of the member states will continue to exist. Popular backlashes against immigrants further make some countries naturally less attractive to asylum seekers than others. The proposals further fail to acknowledge that secondary movements within the EU cannot be fully prevented without the permanent re-introduction of internal border controls. Yet, this would put the whole idea of reforming the CEAS – a system built to regulate free movement in the Schengen area – ad absurdum.

## 4 Bilateral agreements as a way forward?

In light of the slow progress on a reform of the CEAS, it is conceivable that a coalition of member states could revert to bi- and trilateral agreements in order to prevent secondary movements and to manage the return of asylum seekers to the country in which they were first registered. The option is not mentioned in the Conclusions. Yet such an agreement is already in place between France and Italy, albeit with [questionable human rights consequences](#).

The idea has also been picked up by German Chancellor Merkel in an attempt to resolve the domestic dispute about potential push-backs at the German border. Following the summit, Merkel announced that bilateral agreements would be [concluded with Spain and Greece](#) to take back asylum seekers already registered in these countries. In principle the idea of bi- or trilateral agreement could be a pragmatic way not only to manage secondary migration, but also to allow progress on the voluntary relocation of asylum seekers in the context of a scheme for flexible solidarity.

## 5 Conclusion

The European Council meeting revealed that EU leaders thus far failed to move beyond the lowest common denominator in the quest to arrive at a compromise on the future course of EU migration policy. Against the backdrop of a lacking consensus on the internal reform of the CEAS, member states – once again – reverted to enhanced border controls and the externalisation of asylum processing to find agreement. This approach is problematic though. It supports a tendency of emphasising policies aimed at reducing migratory flows, while the relatively low arrival numbers suggest the need for more integration efforts.

Whether the Council Conclusions will appease conflicting parties in the German coalition government remains an open question. Chancellor Merkel has shown that she can forge a compromise among EU leaders to put forward a clear proposal on reducing arrival numbers. Interior Minister Seehofer and his CSU party will be keen to claim that this is a result of their push for tougher border controls. In the end, both parties could agree on the need to do more at EU level, while retaining the possibility of internal border controls as a last resort.