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EUCO on Migration: Moving forward on the tightrope of EU asylum reform

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As EU heads of states gather in Brussels, migration is once more on top of the agenda. Only four months after they agreed on yet another compromise to manage the arrival and processing of asylum seekers, these latest proposals have already hit a dead end. Instead of walking into the next trap of short-lived solutions and symbolic displays of unity, EU leaders should this time focus on two longer-term approaches that represent ways out of the current political deadlock.

1 Picking up the pieces of the June Council

When EU leaders present their progress report on the reform of the EU asylum system this Thursday they should avoid the mistake of hiding behind symbolic displays of unity and instead put forward concrete steps for a European solution to the migration issue.

After almost ten hours of discussion, the previous European Council meeting resulted in two proposals that represented little more than the member states' lowest common denominator. Asylum applications were supposed to be processed either in so-called 'regional disembarkation platforms' set up outside of the EU, or in so-called 'closed centres' within the member states.

Four months after the last official European Council meeting both proposals already hit a dead end.

Ideas to establish disembarkation platforms in third countries were met with no enthusiasm in the EU's neighbourhood. Legitimate concerns that the low share of positive asylum decisions and the even lower number of resettlement places would leave many migrants stranded led Tunisia and Albania to refuse the concept outright. Other countries soon followed their lead.

More recent calls for closer cooperation with Egypt show that the idea of external asylum processing is not entirely off the table. Yet, the concept of regional disembarkation platforms was effectively declared dead by Austrian Chancellor Sebastian Kurz after an unofficial meeting of EU leaders in September.

The proposal to establish closed centres within the EU, where people rescued at sea would have their asylum applications checked, suffers from a comparable lack of political will. In theory it could have been a first step towards more European solidarity. However, its voluntary nature and the missing link to a credible relocation scheme undermined the idea from the start. To this date no EU country has committed to host such centres.

2 Focus on internal reform is necessary

Ahead of the European Council meeting on 18 October member states are still divided into opposing blocs, the German government appears fragile and Italy's decision to seal off its ports and criminalise NGOs has exacerbated the humanitarian situation on the Mediterranean.

All of this has contributed to alarmist rhetoric and heated discussions over secondary movements that are detached from reality. Arrival numbers to the EU have dropped from 1,300,000 in 2015 to roughly 55,000 in the first seven months of 2018.

To arrive at a more factual discussion, EU leaders therefore need to end unrealistic efforts of outsourcing asylum processing. Instead of walking into the next trap of short-lived solutions EU leaders need to take two steps forward on the tightrope of internal reform possibilities

3 More competences for relevant agencies

First, the Council should equip relevant EU agencies in the field of asylum and migration policy with more competences.

Plans to increase the EU's border agency Frontex from a current pool 1,500 border guards to a standing corps of 10,000 can be helpful to enhance the centralisation of external border controls. However, simply raising the number of border guards will not solve the migration puzzle. A fully-fledged EU border and coast guard also needs an adequate mandate that includes the right to perform identity checks, refuse entry and patrol borders.

The Council should also be aware that an exclusive focus on more personnel raises expectations that Frontex cannot fulfil. Existing law ensures that anyone claiming asylum at the EU's external border qualifies to have his or her application processed. Increasing the number of border guards does therefore not necessarily reduce arrival numbers.

More effective than propping up external border control would be to strengthen the EU Asylum Agency. The Council should equip the agency with two competences: it should be able to prepare case work up until a final asylum decision so that especially burdened member states are relieved. And it should be able to oversee a harmonised European asylum process that helps reducing incentives for secondary movements.

4 Break the reform deadlock

Second, the Council needs to explore options how to break the current deadlock in reforming the Common European Asylum System. At its core is a reform of the Dublin regulation, which has in the past caused most controversy.

A possibility that currently appears most likely to allow for common ground among the member states is that of flexible solidarity. Should the Council pursue this option, it needs to define what the term solidarity includes. While some member states could participate in a relocation scheme, there must be compensation from those states that refuse to take in asylum seekers.

This could be done through mandatory payments into a fund supporting the integration of asylum seekers in other member states. Increased financial support to the EU Trust Fund for Africa, which is dedicated to mitigating the root causes of displacement, is equally conceivable. More controversial yet helpful would be the deployment of personnel to an EU-led search and rescue operation in the Mediterranean.

As elections for the European Parliament loom large actual progress is badly needed. The time to present a way forward is now.

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