

EUROPEAN STRATEGIES IN THE FIELD OF ILLEGAL MIGRATION

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Abstract

In recent years, the European Union has faced the largest wave of migrants since the end of the Second World War. Along with conflicts, instability and poverty in many parts of the globe, the repeated crises in the Near East were largely factors that led to this record not just positive. Migration management systems at the borders of the European states have been put under tremendous pressure, and they are not sufficiently prepared to respond to the phenomenon. With the intensification of the crisis, Member States have worked together to try and provide a rapid and efficient response at European level. EU migration strategies address all issues based on four areas: irregular migration, border management, asylum policy and legal migration.

Key words: strategies, European Union, migration legislation, asylum.

Migration is a common phenomenon in the history of mankind. Those who are now trying to reach European shores have different motives and choose different ways. Most seek legal ways to get rid of political oppression, war and poverty, or to regain their family and improve their professional and educational outlook, even if they often risk their lives.

In 2015 and 2016, the European Union faced an influx of unprecedented refugees and migrants. More than one million people have arrived in the EU, most of them fleeing war and terror from Syria and other Oriental countries. The EU has proposed a series of measures to tackle the crisis, including attempting to address the root causes of the crisis as well as increasing aid to people in need of humanitarian assistance both inside and outside the borders. Measures are being taken to relocate asylum applicants who are already in Europe, resettlement of people in difficulty from neighboring countries and the return of those who do not qualify for asylum. The EU improves border security, combating the trafficking of migrants and providing safe ways of entering its territory.

1. The migrant and the migration

The International Organization for Migration (IOM) considers migration to be a translation of a person or a group of people, either over an international border or within a state. Migration is a form of population mobility and includes any kind of movement of the population, regardless of its duration, purpose or form. This category includes: migration of refugees, economic migration, and the migration of people moving for other purposes or under the influence of other factors, such as family reunification.

The United Nations (UN) defines a migrant as a person who has resided in a foreign country for more than one year, regardless of the reasons behind the change of residence and the means used to migrate. Under such a definition, those who travel for shorter periods as tourists or business people are not considered migrants. However, in current use, the term migrant includes certain categories of people changing their short-term residence, such as seasonal agricultural workers, who travel for short periods of time to work on sowing or harvesting agricultural products.

1.1 Types of migration

Depending on certain criteria, the following types of migration are distinguished:

- by the territorial aspect:
- internal migration, when moving within borders;
- international migration, which involves crossing the border;

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- by the time factor:
 - permanent migration;
 - temporary migration;
- by motivation:
 - volunteer migration, for work or for economic reasons;
 - migration forced by natural disasters, political, religious, or wars;
- by means used:
 - regulated migration;
 - illegal migration (Popa, M. *Politica de migrație a Uniunii Europene: implicații pentru piața muncii*. Buzău: Alpha MDM, 2013, p.4).

1.2 The crisis of illegal migration

Many people in need of international protection arrive in the EU to seek asylum. International protection is granted to those who leave their country of origin and cannot return there for well-founded fear of being persecuted or at risk of suffering serious harm. The EU has a legal and moral obligation to protect those in need. Member States are responsible for examining asylum applications by deciding who will benefit from protection.

But not everyone who comes to Europe needs protection. Many of them leave their country in an attempt to improve their lives. They are often called economic migrants and if their request for protection is not legitimate, national governments have the obligation to return them to their country of origin (including through coercive measures if they do not willingly leave) or in another safe country which they have transited. Thousands have lost their lives at sea, trying to reach the EU. Almost 90% of refugees and migrants paid members of organized crime groups and traffickers to cross the border. The provision of food, water and shelter for these people puts enormous pressure on the resources of certain EU Member States such as Greece and Italy, the countries where most refugees and migrants enter the EU.

2. EU policy on illegal migration

International migration has an impact on the EU and the Member States. The phenomenon of globalization as well as the various events on the international scene have contributed to the increase of illegal migration flows, especially in recent years. Thus, the European space is developing its multi-ethnic and cultural diversity. In this context, the EU is proposing a global European policy to address the challenges of migration.

European policy is built on the European traditions of asylum and migration, taking into account both human rights and humanitarian aspects, and the benefits of the European Union, their migrants and their countries of origin. Integration of migrants into European society aims at a balance between their rights and the culture of the country of origin.

This benefits both the country of origin of the migrant and the society in which he/ she lives and works. Migration is an important factor in the evolution of contemporary European society.

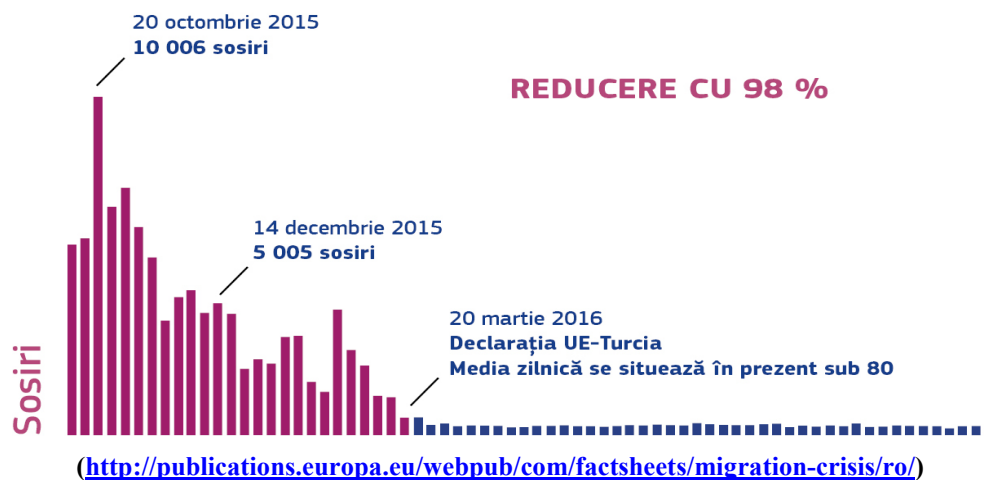
Among its many benefits, we mention:

- facilitating economic integration and intercultural dialogue at global and regional level;
- providing labor force needs in developed countries and better use of labor in the countries of origin;
- generating transfers of cash flows to less developed countries;
- facilitating the transfer of knowledge and technology to the countries of origin of migrants after their repatriation.

Migration also has a cost. The European Union is making considerable efforts to:

- integrate the migrants;
- combat and prevent illegal immigration;
- control the external borders.

Since the peak of the migration crisis in 2015, the EU has put in place measures to improve the control of external borders and migration flows. Consequently, irregular arrivals in the EU have been reduced by over 90%. The EU and its Member States are stepping up their efforts to establish an effective, humanitarian and safe European migration policy. The European Council plays an important role in this area by setting strategic priorities. Based on these priorities, the EU Council establishes lines of action and grants negotiation mandates with third countries. It also adopts legislation and defines specific programs. Over the past years, the Council and the European Council have outlined a strong response to migratory pressures.



2.1 Aspects of illegal migratory flows in the EU

The number of refugees and migrants coming to Europe across the Mediterranean Sea is decreasing. In the first seven months of 2018, a total of 55,000 refugees arrived in Greece, Italy and Spain - half of those arriving in the first seven months of 2017. The data comes from the United Nations Migration Agency (IOM) and the European Authority border guard (Frontex). This cannot be a “refugee crisis”, an “invasion” or a “flood” of refugees, as some populists Ministers of the Interior in the EU would like to describe.

It is true, however, that migration routes are changing. Spain became the first target of illegal migrants this year, followed by Italy and Greece. However, this trend was predictable from the end of 2017. Figures for Spain continued to increase, while those for Italy declined steadily. The threat of the Rome government with the closure of Italian ports for migrant ships is not the main cause of this evolution.

Libya seems to be making increasing efforts to prevent refugees and migrants from leaving Italy on board of faulty boats. And the fact that they may be forced to return to Libya persuades many potential migrants to give up their plans for departure. Intimidation works. It is an evolution that the EU is relying on for a long time, not just since the European summit in June.

2.2 The main routes of illegal migration to the borders of the European Union

Central-Mediterranean route

The Central-Mediterranean route has become the most widely used route to the EU in recent years. As a result, most migrants in Sub-Saharan Africa and North Africa use Libya as a transit country on their journey to Europe (<https://www.consilium.europa.eu/ro/policies/migratory-pressures/>).

East-Mediterranean route

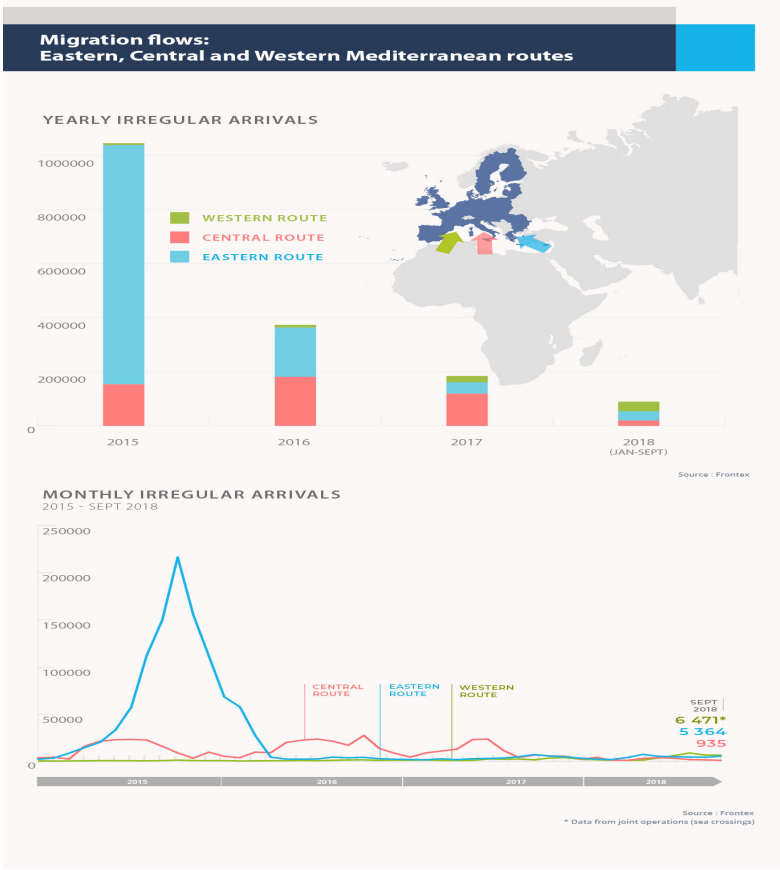
The Eastern Mediterranean route refers to the sea crossing from Turkey to Greece. A large number of refugees who were sheltering from the war in Syria arrived in the EU via this route in 2015. Since then, the number of irregular arrivals on the route has significantly

decreased due to close cooperation between the EU and Turkey. This has encouraged, in Libya, the development of networks that deal with the illegal introduction of migrants and trafficking in human beings. The EU has taken concrete steps to address the situation of migration in Libya and to tackle the root causes of migration in Africa.

No detour routes for migrants

Of course, the Moroccan-Spanish migrants from the Western Mediterranean are not the same ones who have previously tried their luck in Libya. The main countries of origin of illegal migrants coming to Spain would be, according to FRONTEX, Morocco and Mali. On the other hand, migrants who wanted to come to Italy in recent months came mainly from Tunisia and Eritrea.

It is now assumed that the Moroccan authorities no longer apply measures to prevent illegal migrants from leaving Moroccan ports and beaches. Until now, the Spanish and Moroccan border guards have worked well to prevent illegal travel through the strait between Morocco and Spain. For over 10 years, Morocco has received money from the EU and Spain for this cooperation. Of the European funds, up to now € 70 million has been invested in border insurance and another 55 million are foreseen in the coming years to strengthen border security in Morocco and Algeria. The Spanish coast guard has been working well for over 10 years with Mauritania, which has dramatically reduced the number of illegal African migrants in the Spanish Canary Islands.



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(https://www.reddit.com/r/europeanunion/comments/9mqefq/infographic_migration_flows_eastern_central_and/)

2.3 How EU manages illegal migration flows

The EU has adopted various rules and frameworks for the management of legal migration flows for asylum seekers, highly qualified and seasonal workers, students and researchers, as well as family reunions.

As regards other migration flows, the EU has common rules for the processing of asylum applications. In 2015, the Council adopted a decision on the transfer of several thousand asylum applications from Greece and Italy. The EU also concludes readmission agreements for the return of irregular migrants.

2.3.1 Stopping smuggling with migrants

The flow of illegal immigrants who have entered the EU has reached unprecedented levels in 2015 and remained high in 2016. In 2016, Member States reported new arrivals from Africa, the Middle East and Asia, many of whom turned for assistance in criminal networks of smugglers.

Migration through smuggling is a global dynamic criminal activity. Poverty, social and political instability, and limited availability of legal migration routes push people to criminal networks to facilitate their unauthorized entry, transit or stay in the EU.

Traveling to the EU can be extremely dangerous, and smugglers often expose migrants to both life-threatening risks and violence. The loss of life in the Mediterranean Sea demonstrates the need for an assertive and urgent response from the EU.

The fight against smuggling of migrants has been part of the EU's policies to combat illegal migration for more than a decade. In 2002, the EU adopted a legal framework on smuggling consisting of a directive defining facilitation of unauthorized entry, transit and residence and a framework decision to strengthen the criminal framework for such offenses.

In order to prevent the exploitation of immigrants through criminal networks and to reduce incentives for illegal migration, both the European Migration Agenda and the European Security Strategy identified as a priority the fight against smuggling of migrants. In May 2015, the Commission adopted an Action Plan against smuggling of migrants, designed to turn smuggling from a "high-profit, low risk" activity, into a business "of high risk and low profit", guaranteeing at the same time full respect and protection of human rights.

In some cases, migrants continue to depend on criminals after they have arrived in the EU. Criminal networks can facilitate illegal stay, including the production and provision of counterfeit documents, and allowing migrants to use authentic documents of other people to be impostors. This is illegal across the EU under the 2002 directive.

Migrants in an irregular situation are also more vulnerable to work and other forms of exploitation. Trafficking in human beings is a different but inter-related crime, for which the EU has set stricter rules of action against those criminals involved in it. EU rules also ensure that victims of trafficking have access to assistance, including the possibility of staying temporarily in the EU when cooperating with law enforcement authorities or, in the case of Member States that provide it, regardless of their cooperation. The EU also monitors the implementation of the 2009 Employers' Sanctions Directive, ensuring that employers employing illegal immigrants are properly sanctioned.

2.3.2 Improvement of controls at external borders

The images of migrants and asylum seekers buried in unsafe boats that make journeys dangerous for Europe have come to symbolize the tragic reality of the phenomenon of illegal migration. Smuggling at sea is one of the most dangerous forms of smuggling of migrants and one that often requires serious humanitarian relief efforts. To save the lives of those in distress at sea, the coastal services and the maritime services of the EU Member States need to make major efforts, with the support of the European Border Agency and Coast Guard (FRONTEX).

In addition, most illegal migrants have legally entered the EU legally on short-stay visas, but remain in the EU for economic reasons with the expiry of the visa. Efficient and credible external border management is essential. Therefore, the EU has developed an integrated border management strategy that seeks to maintain high levels of security using, for example, information technology (such as the Visa Information System) and biometric features (e.g. digital fingerprints) for identification.

The Commission has taken firm actions to prevent illegal migration in order to ensure that each EU Member State effectively controls its own part of the EU's external borders, builds confidence in the effectiveness of the EU migration management system and ensures that the fundamental rights of migrants are fully appreciated.

These include legislative measures, some of which have already been adopted and are being implemented, while others are still being discussed by legislators (e.g. the Council and the European Parliament). These include:

- Strengthen FRONTEX 's mandate in order to be able to act more effectively at the external border;
- Establish an evaluation mechanism to verify the correct application of the Schengen rules;
- Enhance coordination between border surveillance authorities through the European Border Surveillance System;
- EUROSUR and taking into account the feasibility of creating a European border guards system;
- Establish rules on surveillance of external maritime borders in the context of operational cooperation coordinated by FRONTEX.

2.3.3 A human and efficient return and readmission policy

A human and efficient return policy - in line with the EU Charter of Fundamental Rights and based on the principle of giving preference to voluntary return - is essential for a comprehensive and sustainable migration policy. The EU aims to harmonize and support national efforts to better manage revenues and facilitate reintegration through the Return Directive (which establishes common rules and procedures for non-EU nationals irregularly in the EU) and the Fund for asylum, migration and integration. Effective cooperation with non-EU countries on the basis of readmission agreements is also necessary to ensure the effectiveness of the return policy.

Return legislation is part of the Schengen acquis. Its correct implementation in EU countries is verified through evaluation visits led by the Commission together with the experts designated by the EU and other Schengen countries.

To date, the Commission has been formally authorized to negotiate readmission agreements with Russia, Morocco, Pakistan, Sri Lanka, Ukraine, the Hong Kong Special Administrative Region of Hong Kong and Macao, Algeria, Turkey, Albania, China, the Former Yugoslav Republic of Macedonia, Serbia, Montenegro, Bosnia-Herzegovina, Moldova, Georgia, Cape Verde, Tunisia, Armenia, Azerbaijan, Belarus and Nigeria.

Agreements with the two special Chinese administrative regions, Sri Lanka, Russia, Ukraine, the Western Balkans, the Republic of Moldova, Georgia, Turkey, Armenia, Azerbaijan, Cape Verde and Pakistan have entered into force.

2.3.4 An opportunity to test a first “asylum center”

Spain has urged EU emergency aid to build shelters for migrants. The EU could use this opportunity to set up the first “asylum center”, a variant provided at the last European summit, on a voluntary basis. In these special centers, asylum applications will be resolved quickly. Rejected asylum applicants would be repatriated as soon as possible. At least that's the theory.

Practical implementation has failed in Spain due to the fact that there are no functional repatriation agreements with the countries from which migrants and refugees come from. There are also no other EU Member States willing to take over the asylum seekers initially accepted by Spain. The EU should, however, try to create such a center, at least to see what has been decided by the decisions of the last summit. Researcher Gerald Knaus, an expert on migration issues, the man who founded the agreement with Turkey on refugees, advises that the situation in Spain is necessarily used for a practical test. Spain does not like this advice too much because migrants would have an incentive to try to reach the Spanish shores and an asylum center respectively, from where they could get relatively quick, in some cases, the right to remain in the EU. This is a new argument in the EU, because Spain is now asking for a “European solution”, without specifying exactly what it would like to show. France, Belgium and Germany can expect an increase in the number of migrants because the experience so far has shown that unsuccessful asylum-seekers in Spain are somehow against all the rules of the Dublin agreement in the countries of northern Europe.

2.3.5 Integration of third-country nationals

The transfer and resettlement measures adopted in response to the crisis of refugees and migrants have highlighted the need for support for Member States with less experience of integration. In December 2016, the Council adopted conclusions on the integration of third-country nationals legally residing in the EU.

Societies with a wide range of skills and experiences are better placed to boost their development through human resources, and migration is one of the ways in which talent, services and skills exchange can be favored. However, migration remains highly politicized and often perceived negatively, despite the obvious need for diversity in rapidly evolving societies and economies. However, international migration has grown in scale and complexity, due to the increasing demographic divergences, new global and political dynamics, technological revolution and social networks, with a profound impact on the socio-economic and ethnic composition of society. All this has led to new challenges in the political area, related to the successful integration of immigrants into host societies, the way they are perceived in their countries of origin and, in a broader sense, how migration is experienced in within the communities in general.

The public opinion and perception of migration differs widely between countries, within them (as well as within subgroups within communities), but also over time. In view of these nuances, it is not possible to isolate a single public opinion, yet public-based demands are often highlighted in political speeches.

Conclusion

The findings of the analysis, based on an extensive review of existing studies, explore some of the factors that influence public opinion and which are often at the heart and base of the predominantly negative sentiment. The formulation of appropriate policies based on available information is influenced by the predominant conventional concept and the degree of understanding of what is “migrant” (labor migration, refugee, asylum seeker, occasional migrant).

The latter can also influence the limit to which migrants are perceived to contribute or not in a given space. The formulation of a future evolution of migration policies at the European level is not an easy task, given that the typology of development has been seriously affected by the economic crisis. From this point of view, we have been trying, with the latest analysis and the effects of the policies and strategies adopted at our continent, to reflect on the future of migration in Europe.

In the light of the above, the proposed approach focuses on two main directions: in the short term, given the effects of the economic and medium-term crisis, on the assumption that

the specific mechanisms underpinning the European social model are not affected by their substance temporary economic fluctuations.

The approach to immigration has begun to have two main directions that will continue to co-exist. The first, closely linked to the new concept of a “common area of freedom, security and justice”, secures immigration by developing, implementing and developing border control measures, combating illegal immigration, preventing and combating terrorism. The second approach is the socio-economic policy focused on the social and economic dimension of immigration as a component of the European social model. In this respect, the elaboration of the policies invoked must mainly focus on the status of migrants, institutional specificities and national specifics.

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