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LIZA SCHUSTER

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The deaths by drowning of more than 350 people on Oct. 3 as they tried to reach Europe from Libya unleashed a wave of sympathy and horror on both sides of the Mediterranean for the victims and for Lampedusa, the small island stepping-stone to Italy from North Africa.

Six days later, Italian Prime Minister Enrico Letta and European Commission President Jose Manuel Barroso traveled to Lampedusa to reassure the people of the island, and the European Union, that something would be done to prevent further tragedies and to assist those who bear the burden of migrant arrivals. Also present was Italy's interior minister, Angelino Alfano, who as justice minister in a former government under Silvio Berlusconi was partly responsible for the Bossi-Fini law that makes illegal migration—and aiding illicit migrants—a punishable offence in Italy. The visiting officials were greeted in Lapedusa by jeers, whistles and calls of “killers” and “assassins.”

To what extent are the EU, its member states and their policies, as opposed to the smugglers, responsible for this tragedy and the many others that have occurred around the EU's borders over the past two decades?

The European Union is moving slowly and unevenly toward a common asylum and migration policy. The Stockholm Program that set out the EU's priorities for the period 2010-2014 includes objectives in the areas of protection, access to the EU and migration policy. According to the program, migration policy should center on solidarity and responsibility and address the needs of both EU countries and migrants.

However, cooperation among European states in terms of migration policy is very limited. EU citizens have the right to move freely across the EU, and the restrictions on the settlement of citizens of new member states Bulgaria and Romania will soon be lifted. Selected visitors to the union receive visas that allow mobility across the Schengen Area of Free Movement, which includes most EU member states.

This increase in free movement for some has been accompanied by increased restrictions on the entry of others and the creation of Frontex, an EU agency tasked with strengthening the more vulnerable stretches of the EU's external borders, in particular the Mediterranean and the Greek-Turkish land border. Frontex officials have a duty to ensure that anyone attempting to cross those borders who wishes to claim asylum is able to do so. However, during the past 20 years there have also been repeated attempts, notably the development of the Integrated Border Management strategy, to shift the “asylum filter” back to the farthest borders of Europe's neighbors, including Libya, the point of embarkation of the Lampedusa victims.

These efforts have so far failed, but in May this year the EU also launched the EU Border Assistance Mission in Libya under the Common Security and Defense Policy. The \$41 million mission aims to build capacity through mentoring and training, thereby strengthening Libya's borders. Although the official plans do not mention migration or asylum, the involvement of Frontex in

setting up the mission is an indication that stemming undocumented migration is an important element, though without any guarantees for those seeking protection. There is no EU-wide policy on legal migration from non-EU states, and it remains extremely difficult for non-EU citizens without funds, skills or close family already in the EU to enter.

Nonetheless, in terms of developing legal structures for asylum policy, some progress has been made, particularly with the Common European Asylum System (CEAS). The key elements of CEAS have recently been revised with the stated goal of “setting out common high standards and stronger cooperation to ensure that asylum seekers are treated equally in an open and fair system—wherever they apply.” These elements include the Asylum Procedures Directive, the Reception Conditions Directive, the Qualifications Directive and the Dublin Regulation, all of which have recently been revised and [should, but don’t, ensure equal access](#) to fair and efficient procedures across the EU.

What neither the EU nor its member states do is provide access to the EU for those seeking protection. It remains the case that refugees wishing to access the EU asylum system must either enter on a fraudulently acquired tourist, student or business visa, or where this is not possible, pay a smuggler for passage on a boat across the Mediterranean or across the Greek-Turkish border. The EU has acknowledged that refugees will enter in mixed flows with those seeking work, but not that people have mixed motives or a right to flee poverty. Aside from very limited working visa quotas granted to North African states in exchange for facilitating deportation and pushbacks, for those with limited funds, the only way into the EU is on those boats. For those with nothing, there is no way in.

The president of the European Parliament, Martin Schulz, acknowledged Europe’s role in migrant tragedies when he declared that Europe’s migration policy has “turned the Mediterranean into a graveyard.” At the event on Lampedusa, EU Home Affairs Commissioner Cecilia Malmstrom said, “The recent events have shown that this restrictive approach is not a sustainable one and that it is now time to move toward more openness and solidarity.”

Schulz went on to say, “Europe can neither save nor welcome the whole world. But we are the world’s richest continent and so must do more, especially if we act together, seek solutions together, and together take responsibility.”

Despite these proclamations, it will be hard to move the EU in this new direction given the continued emphasis on restriction at the national level—after the most recent tragedy, Italy’s prime minister only offered citizenship to the dead, not to the survivors. The deaths will continue unabated until the EU opens up in the short term to those in need of protection as well as work, and in the long term addresses the inequality and injustice that drives people to leave their homes. □

Liza Schuster is currently a guest researcher at the Afghanistan Centre at Kabul University, while on research leave from City University London. Most recently she has published “What Happens Post-Deportation? The Experience of Deported Afghans” (co-authored with Nassim Majidi, 2013) in Migration Studies and “Realising One’s Rights Under the 1951 Convention: A Review of Practical Constraints on Accessing Protection in Europe” (co-authored with Lena Karamanidou, 2012) in Journal of Refugee Studies.

Photo: Migrants arriving on the Island of Lampedusa, Italy, Aug. 2007 (photo from the Flickr user No Border Network licensed under the [Creative Commons Attribution 2.0 Generic](#) license).

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