



## **POLICY BRIEF**

### **Borders and the mobility of applicants for and beneficiaries of international protection**

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Chemnitz, August 2019



*CEASEVAL received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 770037.*

## Policy Brief

### Borders and the mobility of applicants for and beneficiaries of international protection

#### Introduction

This policy brief is based on results from Work Package 4 'Borders and the Mobility of Migrants' of the CEASEVAL research project. It draws on seven country reports compiled by national research teams in France, Germany, Greece, Hungary, Luxembourg, Spain, and Turkey, and a comparative report prepared by the University of Luxembourg research team. These studies are available on the website of CEASEVAL at <http://ceaseval.eu/publications>. CEASEVAL aims to evaluate the Common European Asylum System (CEAS) and determine what solidarity and common standards are possible and necessary.

The overall objective of Work Package 4 is to investigate the functioning of the European Union's internal and external borders in the governance of mobility of applicants for international protection (AIPs) and beneficiaries of international protection (BIPs). Additionally, it explores the barriers these two groups experience within the host country in the labour and housing sectors. More precisely, this Work Package seeks to examine the border as a site of inclusion and exclusion by examining bordering processes and individuals' journeys.

The fieldwork was carried out by national partners between April 2018 and May 2019. It comprised of semi-structured and in-depth qualitative interviews with 94 institutional actors (border agents, state officials, NGOs, etc.) and with a total of 96 AIPs, BIPs and irregular migrants<sup>1</sup>, as well as ethnographic observation. Topics addressed included: migratory journeys, interactions with border agents, Schengen agreement and Dublin regulation, secondary movements and access to the housing and labour markets.

#### Main fieldwork findings

##### *Borders alter, but do not prevent the trajectories of AIPs and BIPs*

Borders do not always constitute barriers to human mobility. AIPs change their movements and routes depending on the implementation and types of border management. In the process, the country of destination changes. For example, interviewed AIPs who could not reach the United

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<sup>1</sup> In this research, the term 'irregular migrants' refers to persons who remain in a EU Member State following a negative asylum decision, except for rejected asylum seekers who are appealing the decision.

Kingdom because of the implementation of additional security measures in France, claimed asylum in France or Luxembourg.

#### *The 'border-free' Schengen area facilitates secondary movements*

The existence of the 'border-free' Schengen area (with the exception of the Member States where temporary border controls have been reintroduced), means that AIPs are often not subject to controls, which facilitates their intra-EU onward migratory movements. For example, in fieldwork conducted in Luxembourg, it emerged that many so-called 'Dublin cases' leave the SHUK<sup>2</sup> shelter before their transfer to the first country of arrival is made, to, most probably, the neighbouring countries (France, Germany and Belgium). Moreover, in their testimonials, AIPs and BIPs from Luxembourg, France and Hungary highlighted that the presence of family and/or job opportunities are significant factors in considering secondary movements to other EU Member States.

#### *The Dublin Regulation is not always applied*

In principle, by establishing the state responsible for processing applications, the Dublin Regulation should be significant in preventing onward migrations. If the AIPs are detected to have engaged in secondary movements, they should be returned to the EU Member State of first entry. However, the German fieldwork indicated that transfers do not always take place to the first country of arrival. This is due to the fact that AIPs are sometimes not fingerprinted and registered in the first countries of entry (i.e. Italy), or because the AIPs themselves are not fit for travel back to the first country of entry.

#### *Country typology is fluid*

The role that countries have during the trajectories of AIPs changes due to the control mechanisms put in place. For example, Greece can be considered as: a) an entry country to the EU; b) a destination country (in cases where people try unsuccessfully to leave the country); and c) a transit country for persons who successfully reach the wider Schengen area. Similarly, the geographical location of Luxembourg, makes it a transit country for those who want to reach other Member States, such as the UK or being a destination country for others. The table below illustrates the findings of the research. What stands out is that all EU Member States studied are both transit and destination countries, although the extent to which this happens varies.

*Table 1 Proposed country typology*

	Turkey	Greece	Hungary	Germany	France	Luxembourg	Spain
Entry country to the EU		X	X				X
Transit country in the EU		X	X	X	X	X	X
Destination country	X	X	X	X	X	X	X
Transit country outside of EU	X						

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<sup>2</sup> The emergency shelter Structure d'hébergement d'urgence au Kirchberg (SHUK) is a facility in Luxembourg, where the applicants identified to be "Dublin cases" wait for their transfer to the first country of entry to be made.

### *Omnipresence of borders*

Before arriving in the host country, the AIPs and BIPs interviewed in the national case studies experienced physical borders as natural (such as marine borders between Greece and Turkey and mountains between Italy and France), material (the Hungarian fence), and human (border agents at the Austrian-Bavarian border). Upon their arrival in the destination country, they are then confronted with administrative borders, as they try to either regularise their stay (by lodging an asylum claim), or find accommodation and/or employment. The interviews conducted in Germany illustrated that residency restrictions often prevented the interviewees from accessing the labour market, due to higher availability of work in municipalities in which they were not allowed to live. Thus, the mobility trajectories of AIPs and BIPs do not end at the point of entry in the country of destination, where they become administrative trajectories during which they try to navigate the administrative system.

### **Policy recommendations**

As a general observation, our research suggests that, in order to deal with secondary movements, the CEAS should be reformed along two main lines.

Firstly, despite the element of family unity already existing under articles 7 (3), 8, 9, 11 and 16 of the Dublin Regulation, in practice the application of family unity is hindered due to onerous procedural constraints. It is recommended that the criteria for determining the country responsible for examining applications should rely more frequently on applicants' reasons for engaging in secondary movements, largely determined by the presence of family, and less on the first country of arrival. Related to this, evidence proving the family criteria should be harmonised at the EU level, in order for the responsible Member State to easily determine the AIP's family links. Moreover, in line with the proposal for Dublin IV (articles 2 (g) and 6 (1) d), the definition of 'family' should be enlarged to include the AIP's siblings, children and parents independent of the applicants' and family members' age and civil status.

Secondly, EU Member States should accept that they can be at the receiving end of AIPs. Indeed, this research has found that 'traditional' transit countries (such as Spain and Greece) are increasingly becoming countries of destination. As such, EU Member States should consider that while many AIPs might try to reach other countries, many inevitably decide to put down roots in the country which was initially considered a transit country. This requires adequate systems in place for the long-term reception of AIPs, such as paths to long-term accommodation options, largely nonexistent in Greece, as well as support to find employment.

### ***Regarding applicants for international protection***

1. **Initial reception.** The lack of harmonisation of standards for the reception conditions of AIPs and the processing of asylum applications not only results in secondary movements, but also in a system characterised by differing processing times and types of international protection depending on the EU Member State where an asylum application is lodged. Harmonisation should include the following aspects:
  - a. The practical implementation of common standards regarding asylum procedures, particularly with regards to the registration of AIPs, which is not applied consistently throughout the EU Member States (i.e. Spanish ports); and
  - b. Standardisation of reception conditions across EU Member States with financial support from the Asylum, Migration and Integration Fund.
2. **Focus on access to the labour market.** The inexistence of immediate access to the labour market for the AIPs was listed as one of the main reasons which encouraged secondary movements. It is suggested that access to the labour market may be facilitated by the following four aspects:

- 1) fewer requirements to fulfil by the AIP in order to obtain a work authorisation and the processing times must be reduced;
- 2) work authorisations should allow access to the labour market, based on skills and experience, but should not be tied to a single employer;
- 3) the introduction of common EU standards regarding the recognition of third country nationals' foreign degrees and skills; and
- 4) the availability of training courses to adapt skills of the AIPs to local markets in the countries of destination.

#### ***Regarding beneficiaries of international protection***

3. **Implementing a holistic approach regarding housing and labour market.** One of the strategies ensuring BIPs are integrated in their host country will be through the access to the housing and labour markets. This can be obtained by developing a system that would match their professional backgrounds with the localities (or even the EU Member States) where their skills are needed. Rather than restricting their internal mobility, as is the case in Germany, they should be encouraged to be mobile to parts of the country where work opportunities in line with their credentials exist and housing is available. When developed, housing policies should be mindful of the placement for AIPs and BIPs in areas with employment opportunities.

#### **Conclusion**

To conclude, borders might prevent AIPs from arriving in their preferred countries of destination, but they cannot always impede AIPs and BIPs from engaging in secondary movements based on family and employment considerations.



The research project CEASEVAL ("Evaluation of the Common European Asylum System under Pressure and Recommendations for Further Development") is an interdisciplinary research project led by the Institute for European studies at Chemnitz University of Technology (TU Chemnitz), funded by the European Union's Horizon 2020 research and innovation program under grant agreement No 770037.) It brings together 14 partners from European countries aiming to carry out a comprehensive evaluation of the CEAS in terms of its framework and practice and to elaborate new policies by constructing different alternatives of implementing a common European asylum system. On this basis, CEASEVAL will determine which kind of harmonisation (legislative, implementation, etc.) and solidarity is possible and necessary.

July 2019