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CEASEVAL HEADS TO BRUSSELS : Policy Round-table on the future of CEAS

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On Thursday 13th June 2019 the CEASEVAL team ventured to Brussels to present key findings from the project to the European Commission. The policy roundtable both showcased the principal findings of the project and discussed the future of the Common European Asylum System (CEAS) with over 30 stakeholders. In attendance were representatives from European Commission DG Migration and Home Affairs and the Ministry of Justice and Security, as well as representatives from NGOs including UNHCR, Amnesty International and the Danish Refugee Council amongst others. There was a wide diversity in attendance from EU and national level governments, to political party representatives, think tanks, academics and NGOs.

Our PI Prof Birgit Glorius from Technische Universität Chemnitz and Prof Mike Collyer from University of Sussex kicked off the event with an overview of the project outlining the key objectives of CEASEVAL. These include the exploration of different perspectives of the CEAS, the development and empirical implementation of a multilevel governance framework, a critical

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evaluation of CEAS in terms of legislation and implementation, and the elaboration of new policies and alternatives to implementing CEAS.

Our first presentation focused on the key findings on law, policy and politics of the CEAS and the interconnections between these. At the heart of the CEAS are the themes of harmonisation and solidarity, and a key finding from CEASEVAL has been the politicisation of these in terms of responsibility sharing. Minos Mouzourakis from European Council on Refugees and Exile (ECRE) launched the first key findings on harmonisation, including questions around the aims of harmonisation namely whether harmonisation is a means to an end or end per se. Minos also discussed critical questions around how to harmonise and whether this is essentially a systems question namely legislative standards, institutional capacity and expertise or whether networks may be a more effective way to harmonise. Networks have been a critical theme of CEASEVAL and our research demonstrates how these networks function. The CEASEVAL project has identified a number of limits to legal harmonisation and Minos outlined these including ambiguity and discretion and an enforcement deficit.

Martin Wagner from ICMPD then took our discussion from law to policy discussing the key theme of solidarity in the CEAS. He posed three questions as the starting point for discussions around solidarity: is there a common understanding of solidarity/responsibility-sharing? Is there a correlation of questions on solidarity/responsibility-sharing with the number of applicants? And is there anything that can be done on the political impasse on questions related to solidarity? Martin discussed findings from over 100 interviews the team conducted with policy implementers and stakeholders, alongside some of the critical discussions held with stakeholders at three workshops in Amsterdam, Milan and Vienna. Martin went on to summarise some of the key conclusions from the research including how the CEAS needs a new vision partly due to the way in which the EU has changed since Tampere due to new actors entering, new countries joining and different migration and refuge challenges emerging. Martin also pointed out that "mass influx" shouldn't be the yardstick for further development of the CEAS, and doubted whether a system can be created that appropriately responds to situations such as in 2015. Drawing on the findings he advised that a way forward could be to detach the current CEAS reform package from questions of how to respond to mass influx.

We moved from policy to politics with Blanca Garcés from Barcelona Centre for International Affairs (CIDOB) discussing politicisation of CEAS both in terms of public opinion and the political landscape. Discussing the key findings from national reports she outlined the processes of polarisation and salience. Blanca finished with key conclusions on the processes of politicisation, including how the discussion on responsibility has in itself become politicized and how the political tide has turned towards more restrictive positions. Our research also found that the meaning of responsibility differs in each national context and the three main target groups held responsible are European institutions, Member States and the national government. Interestingly we found that some countries ask for "more Europe" while others for "Less Europe".

Minos, Martin and Blanca then summarised the key take homes. Through the legal lens the EU law is not a panacea in part because its limitations are inherent in both law making and the application process and ultimately legal standards are a "lame duck" if they are not enforced. Through the policy lens responsibility sharing is ultimately dependent on a joint vision and currently CEAS needs a new vision carried by most if not all EU Member States, the current CEAS therefore needs to be detached from situations of mass influx. And through the political lens politicisation is key in explaining difficulties in the reform of the CEAS and while politicisation processes are context bound it is directly related to the very legitimacy of the EU.

Following a short Q&A on asylum legislation and recognition rates the roundtable moved to discuss key findings on borders, reception and multi-level governance led by Prof Birte Nienaber from the University of Luxembourg and Dr Irene Ponzo from FIEIRI. Birte discussed the key aims of the research on borders including examining bordering processes and migrants' journeys, with a focus on the functioning of the EU's internal and external borders, alongside barriers of asylum seekers and refugees experience. Birte then summarised the main findings of the research based on interviews with institutional actors and migrants. These include the fact that borders alter but do not prevent migrants' trajectories, that the interaction between the Dublin Regulation and the Schengen Agreement is flawed, and how borders are not just political but include natural,

physical, material and human borders or in other words the 'omnipresence of borders'. Reflecting on these findings, Birte set out some of the key policy recommendations that will feature in a forthcoming policy brief. These include how the border-free Schengen area needs to be taken into account, that new mechanisms should recognise the unavoidable mobility of migrants in the reform of the Dublin Regulation including the allocation of asylum seekers, how reform should focus on the integration of refugees and how both housing and employment markets should become part of a more holistic approach.

Moving from the border to reception, Irene Ponzo summarised the main aims of CEASEVAL research on multilevel governance of reception, highlighting the focus on the decision-making and implementation processes and the complex relations between multiple actors at all levels of government. After describing the methodology of WP3, Irene summarised the key findings of the research including how the recast EU Reception Directive has had limited impact, the prevalence of centralisation in decision-making on reception with multi-level governance being more the exception than the norm, and the high and increasing heterogeneity of national reception systems. This heterogeneity stems from the establishment of emergency reception solutions, increasing number of organisations involved in the management of reception facilities, locally based solutions, the involvement of NGOs and IOs to fill gaps in state capacity and the diversity of EU funding and projects allocated to IOs. Pulling these findings together, Irene outlined the key policy recommendations which were published in our policy brief, including supporting emerging local islands of convergence, monitoring governance settings and processes, the need to involve local administrations in decision making processes and investing in capacity building of Member States.

We opened the floor for discussion particularly gauging attendees' perspectives on the projects key findings and recommendations. The discussion was conducted under Chatham House Rules. A question was posed regarding whether the findings showed more awareness amongst refugees about reception standards in Member States, as there are assumptions that a key driver of secondary movement is vague ideas surrounding employment. It was surmised that secondary movements are often influenced not by realities but by myths.

The team and audience discussed whether a more effective communication strategy could be a better solution to increasingly restrictive reception conditions and in particular to demystify narratives. Taking the discussion back to harmonisation more generally, a counterfactual question was posed as to what would have been different if CEAS was truly harmonised and at what level. The discussion then moved to how thinking should go beyond silos and boxes that are the divisions or fields of competence at all levels and how solidarity could be compensated or reimbursed in other areas. An interesting question was posed regarding return and how the CEAS could be reformed to address those individuals that don't get granted asylum or protection. Discussion moved to how reception is defined as the timeframe from lodging an asylum request to the movement of taking a decision, and therefore return often falls out of the research focus yet this definition becomes problematic when people with a negative decision need to stay in reception facilities.

Questions were posed surrounding irregular migration and those that do not apply for asylum, and in particular whether EU member States should be stronger on countering labour exploitation of irregular migrants. The team commented that during fieldwork when speaking to local actors it was sometimes challenging to keep interviewees focused on asylum because their logic was that they deal with individuals who are now part of their municipality, and thus there is a wider need to decouple between asylum and irregular migrants and a requirement to think broader.

Following a short coffee break we ended the day with a wider roundtable discussion on the future of CEAS, the challenges and the opportunities. Dr Jeroen Doomernik from the University of Amsterdam chaired the discussion leading with three key questions:

- Where do you see CEAS heading? Does the CEAS require a refreshed vision and how could this be initiated?
- How do you see the potential of an increasing role of local government structures for the furture of CEAS?
- Could a more robust set of positive incentives including financial ones improve the functioning of a fundamentally sanction-based system as CEAS?

It was commented that it was a missed opportunity of not transforming EASO into a fully-fledged European Union Agency for Asylum. In such a function EASO could provide valuable support to Member States for example through country guidance in supporting member States applying asylum law. More widely it was a missed opportunity that EASO was not involved at the political level of reform of the CEAS, as EASO could have had a leading role in order to avoid the large discrepancies we see between countries. A wider question was posed on whether some of the limitations of CEAS is due a lack of leadership and if someone stepped up and paved the way forward somehow a refreshed vision could be achieved.

Jeroen spoke about some of the key findings from the stakeholder workshops that discussed the CEAS scenario reforms, including the increasing interest in the city level (see here for full paper) and how to improve involvement and local level provision. This initiated a key discussion of the day on the involvement of the local level as a possible remedy for a more effective CEAS, and in particular whether there is space for increased role of local authorities for redistribution of refugees. In Germany for example Gesine Schwan proposed to create an initiative in which local authorities could apply to receive structural development funding if they receive a certain number of refugees. The pilot project is currently being evaluated by the EC and the aim was to integrate the initiative into the next MFF; this was not possible currently but may be possible as a separate fund in the future. It was discussed if increased local funding more widely could be coupled with refugee resettlement and the various ways this could take shape. It was suggested that looking ahead perhaps we could move towards a model of reception at the local level such that if a city would be willing to receive a group of refugees that is rescued from the Mediterranean in return for increased local funding. It was pointed out that the challenge remains the national interest of governments and in how their own agenda may block these local

initiatives and that this is the main challenge. In Germany for example, even if cities wanted to take in more refugees they may not be able to since refugees are required to stay in their assigned center, should the Orderly-Return-Law pass the Bundesrat. A further example in Spain was mentioned where the Barcelona-Athens agreement on relocation of 100 refugees was blocked. The Humboldt-Viadrina-platform was used as an example – with more funding for local structural development; the main idea behind it being to prevent competition between refugees and local residents for limited resources.

This led both the team and audience to discuss the feasibility of greater inclusion of the local level in the face of barriers from the national level. Minos highlighted that the legal framework ultimately needs to change, and that whilst proposals of local level inclusion have merit without legal reform the outstanding issues and problems remain. Others similarly commented that there are competences, most notable on admission, that are solely at the national level and therefore it's hard to imagine how the city level could override the competency of the state. Irene drawing on the project's research on multi-level governance pointed out that one of the key issues is financial capital, in particular that in the Italian case the region has competency on housing and health policy and that it is regions that pay, therefore they need to be involved in decision-making. The sponsorship scheme was also discussed as having potential although it was noted that even in community sponsorship schemes, the national government takes the admission decision. It was also highlighted that at the political level, funds to local authorities for the reception of refugees must also reflect the needs of local citizens otherwise there is a risk of further polarization. Mike Collyer drew on refugee resettlement of two levels of government where the national government sets the ceiling and local governments bid up the ceiling creating a fruitful dialogue. A system that draws on those features could have the potential to bring in the local flexibility required.

The roundtable was a great success and the team gained valuable insights from representatives that attended. The policy recommendations provided by the team should initiate debates on an effective CEAS and pave the way towards future reform.

(all photos by Melanie Kintz)