

Sustainable EU Immigration and Asylum System

Reform in Eight Pillars



Ministry of Foreign Affairs
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Migration Policy Task Force

The key objective of the MPTF is to develop a series of policy solutions and legislative measures based on a complex analysis of the migration crisis and migration policy designed to ensure control over how many people come to the Czech Republic and the wider Schengen area, but also to increase our effectiveness in providing aid to refugees in the regions of their origin.

The European Values Think-Tank is a non-governmental policy institute defending liberal democracy.

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Introduction

The uncontrolled arrival of more than 1 million¹ asylum seekers and irregular migrants to the EU in 2015 cannot repeat itself in the following years. The asylum system reform aims to decrease significantly the number of arriving migrants and to establish new principles of European aid in the regions of the Middle East and Africa.

The basic assumption of the proposed plan is the belief that the solution to the migration crisis is not in closing and fencing the nation states, but quite the contrary in the common European solution. Only the European Union can happen to be a sufficiently strong partner in handling the talks with the countries of the Middle East and Africa, whose cooperation is crucial to handle the migration crisis. The reform is based on several measures that are included in the European Agenda on Migration. It elaborates several its points as well as proposes the key changes in the European legislation and the current Directives of the Common European Asylum System.

The refugee flow that is currently heading to the EU can be described as so-called „mixed migration flows“- amongst the arrivals are the refugees who fall under the definition of "refugee" according to Geneva Convention, those interested in a different kind of international protection (subsidiary) but also the irregular migrants. People from the Middle East and Asia are heading to Greece - The Syrians (45 %), Afghans (29 %), Iraqis (17 %) and others (Iranians, Pakistani). Mostly the Africans from different countries of origin are coming to Italy (Nigeria, Eritrea, Sudan, Somalia, Gambia). They are coming from transit countries where they could have been granted asylum (Turkey, Morocco) and they have proceed further to the EU in search for socio-economic opportunities due to recent surveys (WZB Berlin) . The EU thus faces a question: To how many migrants from Africa and the Middle East do we allow to come?

The current estimates predict the arrival of 3 mil people by the year 2017 (European Commission²), 31 mil by the year 2020 (UN³) and 55 mil by the year 2060 (Eurostat⁴). The migration potential in the third countries is huge. While in the year 1995 there were 4,5 mil internally displaced people, in the year 2010 it was 14,7 mil and in the year 2015 it was already 38,2 mil. The number of these people has multiplied more than twice and half within five years, mostly in Iraq, Syria, Nigeria, Congo and South Sudan.⁵

¹ UNHCR. Refugees/Migrants Emergency Response - Mediterranean, 14. 2. 2016, <http://data.unhcr.org/mediterranean/country.php?id=83>.

² European Commission. 2015a. „European Economic Forecast.“ *European Economy Institutional Papers* (Vol. 3217). Luxembourg. http://ec.europa.eu/economy_finance/publications/eeip/pdf/ip011_en.pdf

³ United Nations, Department of Economic and Social Affairs, Population Division (2015). World Population Prospects: The 2015 Revision, Key Findings and Advance Tables. Working Paper No. ESA/P/WP.241. http://esa.un.org/unpd/wpp/publications/files/key_findings_wpp_2015.pdf

⁴ European Commission. 2015. „The 2015 Ageing Report Economic and budgetary projections for the 28 EU Member States (2013-2060)“ (Vol. 2015 (3)).

⁵ IDMC. 2015. „Global Overview 2015: People internally displaced by conflict and violence.“ [accessed 9. 10. 2015] <http://www.internal-displacement.org/assets/library/Media/201505-Global-Overview-2015/20150506-global-overview-2015-en.pdf>

Based on UNHCR there is a number of regions in the close and remote neighbourhood of Europe that do not seem to stabilize in a long-term perspective. They have served as countries of origin for refugees almost continuously since 1980 (Afghanistan, Iraq, Sudan, Vietnam) or 1990 (Eritrea, Myanmar, Sierra Leone, Somalia).⁶

The European Union and its member states did not handle the 2015 migration crisis in many aspects. Most of the migrants has entered Schengen without being identified or registered - even still in September 2015 only 8 % of the migrants had their fingerprints taken in Greece, 36 % in Italy.⁷ Even though the European Agenda on Migration has asked for establishing the so-called hotspots for fast registration⁸, by the end of 2015 there was only one working in the Lesbos Island. Many states have also abandoned returning the refugees to the first country of entry based on the Dublin III Regulation⁹ and have thus provided the opportunity for the migrants to choose the country of asylum (the so-called *asylum shopping*). That was enabled also by the verdict from January 2011 when the European Court of Human Rights found that Greece violated the rights of refugees and the member states have stopped returning asylum-seekers to Greece.

The here introduced, new system of the sustainable EU immigration and asylum policy is based on 8 pillars: 1) The first safe country principle, 2) asylum centres in Africa and the Middle East, 3) legal routes and integration 4) effective protection of the EU's external borders 5) identification, registration and detention upon arrival 6) forced returns of irregular migrants; 7) fighting smugglers and information campaigns 8) stabilization in the Middle East and Africa. If the reform is to be effective, all these pillars must become equally strong and must mutually complement one another. The EU will face the migration crisis from Africa and the Middle East this year and the following decades as well and it cannot be solved by any unilateral measures.

⁶ UNHCR. 2015. „World at War. Global Trends: Forced Displacement in 2014.“ [accessed 9. 10. 2015]
<http://unhcr.org/556725e69.html>

⁷ European Commission. 2016. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. On the State of Play of Implementation of the Priority Actions under the European Agenda on Migration.

⁸ European Commission. 2015. European Agenda on Migration. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm

⁹ REGULATION (EU) No 604/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013.
Dostupné z: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

1. The First Safe Country Principle

The first step to the migration crisis solution is to restore the original purpose of asylum - being to ensure the safety of refugees fleeing persecution. The Geneva Convention on the refugee status¹⁰ and the Common European Asylum System are granting the refugee status to those who are unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

Most of the people arriving today to Europe are not directly individually persecuted, but have left their country of origin, reason being the war conflict that threatened their life. Most of them stays in the countries neighbouring the regions of conflict: Turkey, Pakistan, Lebanon, Iran, Ethiopia and Jordan. From there, some leave for Europe. The recent surveys amongst Syrians revealed that their motivation for the journey further to Europe is mostly socioeconomic.¹¹

I. The first safe country principle

The states are not obliged to assess the substance of an application for international protection if the applicants come from safe third countries. Thus, they are to be readmitted to the safe third countries that are supposed to assess their application.¹²

Based on the Directive 2013/32/EU, paragraph 43: "In particular, member states should not be obliged to assess the substance of an application for international protection where a first country of asylum has granted the applicant refugee status or otherwise sufficient protection and the applicant will be readmitted to that country."

The same directive moreover states that if a connection between the applicant and a third country exists and provided that he or she will be readmitted to that country, the European states are not obliged to examine his application and can secure his readmission to such safe third country. The European Commission has pointed out that the transit countries are to be in this sense judged as countries with a sufficient connection.¹³

¹⁰ United Nations. 1951. „Convention Relating to the Status of Refugees.“ Dostupné z: <http://www.unhcr.org/3b66c2aa10.html>

¹¹ Blažejovská, Markéta. 2016. [Kdo přichází do Evropy a proč: Profily syrských uprchlíků a jejich migrační strategie. První dotazníková šetření.](#) Think-tank Evropské hodnoty.

¹² In detail in for i. e. Kaajal Ramjathan-Keogh. 2011. First safe country principle. Lawyers for Human Rights. <http://www.lhr.org.za/publications/legal-brief-first-safe-country-principle>

¹³ Viz European Commission. 2016. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. On the State of Play of Implementation of the Priority Actions under the European Agenda on Migration

Also the Convention relating to the Status of Refugees¹⁴ says in the article 31 that the contracting states shall not impose penalties, on account of illegal entry or presence, only in case of those refugees who are coming directly from a territory where their life or freedom was threatened in the sense of article 1, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

According to the presented proposition both the applicants who were already granted asylum in the first safe country as well as the applicants that have passed the first safe country without applying for asylum should thus be returned. It works on the similar principle as the Dublin III Regulation that was set to return the applicants to the first country of entry in the EU that was responsible for examining the application. Newly, it would involve the first safe countries outside of the EU. Thus, the principle of giving refugees the right to ask for asylum, but not the right to decide on the country of asylum is kept.¹⁵

If the refugee decides to leave the first safe country and go elsewhere hoping to find a better social system or better opportunities (the so-called *asylum-shopping*), it is fully understandable from the human point of view, but it is a journey to prosperity not safety. The smugglers networks are then trading with the desire for happiness, nourished by the myths about opportunities and generous social systems of the European countries as Sweden or Germany and convincing the refugees to take dangerous and illegal journey through the Mediterranean sea. The more strictly the first safe country principle is enforced and kept, the more effective the fight with smugglers and the less human tragedies at the EU borders.

It is thus necessary to start differentiating by the country of origin and transit:

1. Where the EU is the first safe country, the asylum application will be examined and if the conditions are fulfilled, the asylum seeker will be granted international protection in the EU.

In the current political situation the EU is then becoming a first safe country mostly for Ukrainians, Belarusians and Russians, previously also the citizens of former Yugoslavia. The asylum applications from the citizens of the North African countries would only be acceptable in the case that no other neighbouring country in Africa could grant them asylum. It is preferable if they stay in the region since the journey through the Mediterranean sea to Europe is very dangerous.

The applications must then be examined in accordance with valid international commitments and directives in the individual procedure. It is solely up to the member states to examine the asylum applications and to decide on granting international protection. If the asylum seekers are coming in great numbers from the war conflicts, they should be granted subsidiary protection until the situation is stabilized in the country of origin, then they should be motivated to return back.

¹⁴ Online at: <http://www.unhcr-centraleurope.org/cz/pdf/zakladni-informace/umluvy/umluva-o-uprchlicich/umluva-o-pravnim-postaveni-uprchliku-z-roku-1951.html>

¹⁵ European Commission. 2016. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. On the State of Play of Implementation of the Priority Actions under the European Agenda on Migration.

With respect to the preferred temporary protection¹⁶ and early return it is also desirable to limit the access to citizenship of the asylum-seekers in the EU. It often complicates their return once the conditions for granting international protection are over (for more about efficiency of the return policy in the EU see pillar VI)

2. Otherwise, the asylum-seekers are to be returned back to the first safe countries, where they were originally supposed to apply for international protection since the countries were responsible to examine the application.

If it is possible to readmit the asylum-seeker, the country responsible to examine the application should be the first safe country that the asylum-seeker passed on his way. The second option is relocating the applicant to other safe third countries (with whom there is a valid readmission agreement). Here the condition of a connection between the applicant and the third country must be left out from the Directive 2013/32/EU because it might make the effective care for the asylum-seekers impossible. However the principle of *non-refoulement* must be always kept, nobody is to be returned to the place where he would be threatened by death sentence, torture, inhuman or degrading treatment.

Turkey can be currently considered a first safe country. Despite the geographical limitation to the ratification of Geneva Convention, according to the UNHCR Turkey keeps the principle of *non-refoulement* and provides adequate international protection for refugees¹⁷. The European Commission is likewise pointing out that the geographical limitation is not the obstacle for evaluating the third country as safe¹⁸. However, Jordan, Lebanon, Morocco can also be considered safe countries.

II. The conditions for introducing the first safe country principle

The first step to application of this principle is to create and agree on the EU common list of safe countries of origin¹⁹, as well as the EU common list of safe third countries that will enable a fast-track asylum procedure at the borders. While the safe country of origin is the one where neither political persecution nor inhuman or degrading punishment or treatment exists, the third country is safe for the asylum-seekers if it keeps the *non-refoulement* principle based on the Geneva Convention. Not only its own citizens, but also the asylum-seekers passing these third safe countries can be thus readmitted. The EU common list can also stop the secondary movements of the asylum-seekers that occur due to current differences in the national lists.

¹⁶ Here, we do not mean temporary protection under 2001/55/ ES which would not be an effective measure.

¹⁷ UNHCR. 2015 UNHCR country operations profile - Turkey. Dostupné z:

<http://www.unhcr.org/pages/49e48e0fa7f.html>

¹⁸ European Commission. 2016. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. On the State of Play of Implementation of the Priority Actions under the European Agenda on Migration.

¹⁹ Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/proposal_for_regulation_of_the_ep_and_council_establishing_an_eu_common_list_of_safe_countries_of_origin_cs.pdf

The EU common list of safe countries of origin should be updated regularly and further extended. This also relates to a **complex of new EU measures in the area of the foreign and development policy** to maximise the number of neighbouring third safe countries. Living conditions corresponding to the Geneva Convention²⁰ should be created for the refugees. The European Neighbourhood Policy was revised in the year 2015²¹ and will focus on the security tasks, border protection and migration policy.

Readmission agreements with safe countries of origin

The next precondition is functional readmission agreement with the safe countries, which must ensure acceptance of not only their own citizens but also asylum seekers and other third country nationals without residence permits who transited through these countries. The focus should be on readmission agreements at the EU level, not just bilateral agreements between the third countries and individual member states. Thus the return of asylum-seekers should be possible directly from the EU border after the fast-track individual procedure.

A key question is how to motivate and encourage these countries to sign readmission agreements with the EU. Currently these countries are benefiting from the European Development Fund and other instruments. The EU maintains close business relationships with a diverse range of import quotas with many of them. For example, there is the EU-Turkey Customs Union agreement and the EU is Turkey's largest export market and the most important importer. EU member states are among the most important investors in Turkey²². Legal labour migration channels are open to nationals of those countries. Many of them obtained liberalized visa regime. Other aid commitments are enshrined in the European Neighbourhood Policy.

All these should serve as positive incentives and should become subject to conditionality. Thus, development aid and business relations should be conditional upon the conclusion of readmission agreements with these countries, but also cooperation in fighting organized crime and smuggling in their respective territories. Besides the above, the EU can provide extra finances for larger shelters in the first safe countries of asylum and grant subsidies for each accepted asylum-seeker (same as when the member states are to be paid to take care about asylum-seekers in the proposed relocation mechanism). Furthermore, the EU offers to help with protection of the external borders of third countries in order to receive only respective asylum seekers (i.e. those for which the country is the first safe country of asylum) and not irregular migrants from countries where armed conflicts do not take place.²³ The EU can also help to negotiate readmission agreements with other countries of origin of irregular migrants.

²⁰ Lately, Morocco liberalized its conditions for refugees which had a significant effect on lowering migration flows to Europe.

²¹ Review of the European Neighbourhood Policy. 2015. Available at:

http://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf

²² Available at: http://www.mzv.cz/jnp/cz/encyklopedie_statu/evropa/turecko/politika/vnitropoliticka_charakteristika.html

²³ It means for example to help Turkey with protection of their Easter border which is being used by people from Pakistan and Afghanistan.

On contrary, what should not be offered to the neighbourhood states in exchange for their help in managing migration? Visa liberalization should follow strict criteria and visa-free travel should not be exchanged for more accommodating approach to management of irregular migration. Resettlement should remain voluntary and should be in competence of the EU member states. Regarding legal routes for certain categories of economic migrants from neighbouring countries, all of the legal opportunities for migrants should be conditional upon the conclusion of readmission agreements. – see section III.

2. Asylum Centres in Africa and the Middle East

European solidarity must not be conditioned by illegal or dangerous actions on the part of migrants, nor encourage them. So far, the dangerous, illegal journey across the Mediterranean Sea and across the borders of European states has been necessary to receive protection and help from Europe.²⁴ However, assistance should be available in asylum centres funded by the EU in the regions that serve as the natural safe haven of displaced people and victims of armed conflicts. The demand for a significant financial contribution of the EU and its member states to provide better care for refugees in these regions grows with the increasing number of newcomers. Once the principle of first safe country is applied, the EU must allocate significant budgetary expenditures to help refugees in neighbouring regions.

The new European solidarity must involve improvement of the quality of care and standard of living of refugees. Without significant European aid, the first safe countries will not be able to ensure safety and basic necessities, such as housing, sanitation, food, health, health care or education for so many people in a long-term perspective since more refugees are heading to these regions than ever.

However, according to the principle of conditionality, the financial assistance to these countries should be conditional upon improving conditions for refugees, but also reducing the number of those leaving for Europe, fighting smugglers and signing functional readmission agreement, which will apply to their citizens and third country nationals and asylum seekers. The EU must also gain maximum control over the efficient use of money provided.

I. Asylum centres in third countries

Due to the high number of people who will be willing to migrate to the EU, if the negotiations with the first safe countries fail, political and military enforcement of safe shelters in other third countries such as Libya will become inevitable.

These new EU asylum centres would become a safe refuge for those asylum-seekers the EU is not obliged to accept due to the first safe country principle, while at the same time it is not possible to return them to the countries they passed on their way to Europe because of dysfunctional or non-existent

²⁴ The requirement of illegal arrival to Europe for European asylum is also being criticized by the European Commission in the words of Dimitris Avramopoulos.

readmission agreements. Another uttermost solution would be to enforce by military means creation of safe zones in the countries currently at war, and protect these zones as a safe haven by military.

II. Management of asylum centres

The asylum centres which will be financed by the EU in Africa and the Middle East should be administered by the UNHCR. The United Nations has long experience with management of asylum centres and worked out a series of recommendations on how to build them with respect to the fact that some of the refugees might stay there for decades. In case of sufficient funding, the asylum centres can function as self-sufficient units, with open opportunities for education of children and jobs for adults. Refugees should receive international protection or subsidiary protection granted by the state on whose territory the asylum centre is located. Staying in the asylum centre should always be voluntary. Once the reasons for international protection cease to exist, refugees should receive full support in their return.²⁵

Life in the asylum centre can never be a long-term solution, it is therefore necessary to negotiate with the countries of asylum about liberalization of the rules on access to the labour market and the access to education for children. Arrangements for opening the labour market to the Syrians who received temporary protection were part of the EU-Turkey Action plan. A similar cooperation with Morocco is taking place already.²⁶ Other agreements must follow.

3. Legal routes and Integration

I. Voluntary resettlement

Until now, the chance to live in the EU was given to those refugees who set out on the dangerous and illegal journey across Mediterranean sea and survived it. This current principle of "survival of the fittest", must be replaced by more human principles.

Resettlement is the transfer of refugees from an asylum country to another state that has agreed to admit them and ultimately grant them permanent settlement. The plan for resettlement into the EU according to the European Agenda on Migration is 20,000 people per year by 2020,²⁷ up to now, the numbers of displaced were in the order of several thousand across the EU28 (6.525²⁸ in 2014 according

²⁵ <https://data.unhcr.org/syrianrefugees/download.php?id=8645>

²⁶ Harvard Kennedy School. 2016. In The Same Boat: Morocco's Experience with Migrant Regularization Working Paper. Available at:

http://belfercenter.ksg.harvard.edu/files/In%20the%20Same%20Boat_Harvard%20Winter%20Field%20Study%202016.pdf

²⁷ European Commission. 2015. European Agenda on Migration. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm

²⁸ EUROSTAT. 2015. Resettled persons - annual data. [accessed 9. 10. 2015]

<http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00195&plugin=1>

to Eurostat and 3,358²⁹ in 2015, according to the European Commission). The offer of resettlement to the EU, which will be limited by budgets and integration capabilities of the member states, should be available mainly to those people whose safety would be at risk even in the asylum centres in the first safe countries.

Among the usual criteria set by UNHCR for selecting refugees for resettlement is lack of protection in the country that has already granted asylum. For instance, fear of persecution may occur among Christians and other religious minorities in the mostly Muslim asylum centres³⁰ as well as the women and children might be in need of legal or physical protection. Priority is also given to the victims of torture, people requiring medical care unavailable in the country of asylum, family members applying for family reunion or children.

Resettlement programs should continue being voluntary, within the competence of the member states. Given the fact that it is usually permanent residence with a good chance of naturalization, prerequisites for successful integration should also serve as a criterion for resettlement. It increases the likelihood of long-term satisfaction of refugees in a country where they are resettled.

II. Legal economic migration

Legal opportunities for economic migrants are already open in the EU, for instance the Blue Card for high-skilled non-EU citizens (Council Directive 2009/50/EC), directive on third-country seasonal workers or Intra-Corporate Transfers Directive and various laws for legal immigration to the EU member states. Legal instruments to fill the holes in the national labour markets with workers from third countries are therefore set.

It is necessary that the opportunities for legal migration of third country nationals would be conditional upon the readmission agreements, effective cooperation on forced returns and dismantling and prosecuting the smuggling networks in those countries. Until recently, the majority of irregular migrants entered the EU legally and only after job loss or visa expiration they became irregular (so-called overstayers). Thus, also in the future legal migration is a major potential source of irregular migrants in the EU and it is necessary to make it conditional upon functional readmission agreements with countries of origin.

III. Successful integration

The limits of European countries in reception of migrants mainly concern the question of how many we can successfully integrate. Integration is a long, costly and complex human process and no European

²⁹ European Commission. 2016. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. On the State of Play of Implementation of the Priority Actions under the European Agenda on Migration.

³⁰ Adelman, Howard. 2005. "Persecution of Christians in the Dadaab Refugee Camp." *Journal of Human Rights* 4 (3): 353-362.; Elizabeth G. Ferris. 2007. „Abuse of Power: Sexual Exploitation of Refugee Women and Girls.“ *Signs* 32 (3): 584-591

state is able to guarantee a successful outcome so far. According to Eurostat, unemployment of immigrants in the European Union is still 10 % higher than the citizens; significantly more immigrant women are unemployed. 40 % of immigrants in the EU face the risk of poverty or social exclusion, the risk is even higher among young people and children.³¹

Socially excluded communities consisting of immigrants and their offspring pose a significant risk to the safety and cohesion of European societies, as demonstrated, for example, during the riots in the suburbs of French cities in 2005, or widespread residential segregation of Turkish communities in German cities.³² The second problem is the progressive radicalization of Muslim communities which culminated with departure of foreign fighters from Europe to Syria.³³ According to the head of Europol 3 000 - 5 000 have already returned from the training camps of ISIS back to Europe. Thus, we face the greatest risk of terrorist attacks over the past 10 years.³⁴ **Uncontrolled integration of immigrants leads to double radicalization - among immigrants and mainstream society.**

Integration of immigrants must be seen as a two-way process. The majority society must create adequate opportunities for immigrants and provide education. European states must allocate budgetary expenditures for integration; expenditures may be partially covered by the common European Fund (Asylum, Migration and Integration Fund). On the other hand, the immigrants are required to know and obey the laws, and to accept, or at least respect the constitutional values of the European society. They are obliged to learn the language of the host country, if they want to stay permanently or obtain citizenship. Member states should therefore introduce mandatory lessons in both the basic skills necessary for life in the EU and the European values. A key part of the integration policies should be the prevention of radicalization and promotion of fundamental principles and values of liberal-democratic society, whose adoption is a precondition for successful integration to the European society.

One of the main shortcomings of integration policies in many countries is the absence of sociological data to measure successful integration not only of the first but also the second and third generation. It should be mandatory for the European countries to evaluate the integration policies and to introduce a differentiated approach to immigrants of different origin with regard to their specific needs for integration. Support for integration should be available to immigrants and subsequent generations, regardless of citizenship.

³¹ Eurostat. 2015. Migrant integration statistics. [citováno 9. 10. 2015]

http://ec.europa.eu/eurostat/statistics-explained/index.php/Migrant_integration_statistics

³² Bolt, G., Özüekren, S. & Phillips D. (2010). Linking integration and residential segregation. Journal of Ethnic and Migration Studies, 36(2), 169-186.

³³ Barrett, Richard. 2014. Foreign fighters in Syria. Available at: <http://soufangroup.com/wp-content/uploads/2014/06/TSG-Foreign-Fighters-in-Syria.pdf>

³⁴ Director of Europol Rob Wainwright for Neue Osnabrücker Zeitung, 19. 2. 2016, Available at: <http://www.noz.de/deutschland-welt/politik/artikel/672398/europol-grosste-terrorgefahr-seit-mehr-als-zehn-jahren>

4. Effective Protection of the EU's External Borders

To maintain the freedom of movement in the Schengen area, it will be absolutely necessary to safeguard the external border much better than before. Refusal of entry at the border is the last effective method to combat irregular migration, more effective is deterrence and prevention of such illegal migration in cooperation with neighbouring countries. Once irregular migrants enter the EU, it is difficult to enforce their return (see Pillar VI.) The migration crisis fully demonstrated how vulnerable European states are in their attempts to control the movement of people across Schengen sea borders. FRONTEX and national coastguard particularly in Greece and Italy do not have enough staff and funding, but they also have limited powers.

The International Convention for the Safety of Life at Sea binds ships to provide assistance to any person in distress at sea regardless of the nationality or status of such person or the circumstances in which that person is found. Thus, migrant smugglers are instructed to destroy the vessel in order to be rescued. Saving lives, of course, must stay a priority; therefore all "search and rescue" FRONTEX operations must be expanded in order to reduce the number of deaths. However, at the same time the effective management of the EU's external borders must be achieved.

All the boats and ships with irregular migrants and asylum-seekers coming from the "first safe countries" should be turned back at the territorial waters of such countries based on agreements with these countries. Alternatively, a fast-track asylum procedure on the Mediterranean islands should issue swift return decisions. An example of a joint operation coordinated by Frontex, which took place in the waters of third countries, is the Hera operation in the waters of Senegal, Mauritania and Cape Verde Islands, which managed to halt the irregular immigrants already in the coastal waters of these countries³⁵.

Once the vessel with asylum seekers arrive in the waters of EU member states, asylum-seekers must be admitted to the accelerated individual procedure in detention centres on the Greek islands and in other locations of their arrival (especially in Italy).

I. Three Levels of External Border Protection

Protection of the external borders must be given absolute priority in the EU and all the Schengen member states should participate in this task. Sufficient funding from the common budget needs to be allocated to the activities of FRONTEX, its staff needs to be multiplied and its cooperation with the member states regarding Schengen border protection needs to be actively enhanced. It shall depend on the political consensus achieved by the EU, member states and third countries, whether NATO becomes the main protective force of the sea border, or whether the national coastguards in the territorial waters of member states and third states will.

The second crucial pillar of the EU external border protection must be the maximum externalization of the European borders, i.e. protection of the "outpost" borders. In return, the partner first safe countries

³⁵ Hrabálek, Martin. 2010. Ochrana hranice EU a role agentury Frontex v ní. Brno: Masarykova univerzita.

in North Africa and the Middle East should be offered technical support and financial assistance to help with the protection of borders with inland Africa and Asia. Considering the fact that the estimated number of refugees and economic migrants coming into the EU will reach tenths of millions, the flow needs to be stopped before arriving to the European neighbourhood. At the same time, illegal migration will become a greater issue for the neighbouring partner states. **EU's objective in the past was to use the readmission agreements as a motivation for the third countries to ensure better border control³⁶, now this logic needs to be reversed – our assistance with border control will become the motivation for readmission agreements.** According to the revised European Neighbourhood Policy³⁷, the cooperation could include border protection, tackling terrorism and prevention of radicalisation.

If the effective protection of the EU's sea and outpost borders is not successful, the implementation of physical barriers (fences) on European territory would likely become unavoidable. Fences may be used in accordance with the Schengen Borders Code as a method of territory protection, and they have been in use since 2011 on the banks of Evros, on the land border between Greece and Turkey³⁸. Spain too has been using fences to protect Spanish exclaves Ceuta and Melilla in Northern Africa. The fences should force the migrants to use the border crossings only, where they will be subjected to a control, and the fences should effectively stop all those third-country nationals, who do not fit the admission requirements (they neither have valid visas nor they are applicants for international protection from a neighbouring country) right at the border. If the protection of sea borders in Greece and Italy fails along with the outpost border protection in the neighbouring countries, fences in Europe will become a necessity and they will either be extended to form the border between Greece and the Balkan states (where Macedonia already closed the border) or the border of Schengen. Thus, provided we want to avoid the fences being erected inside of Europe and provided we want to prevent the damage to Greece, we must effectively return the migrants from the sea or straight from the islands.

³⁶ EU Schengen catalogue. External borders control. Removal and readmission: Recommendations and best practices. 2002. Available at: http://www.consilium.europa.eu/en/documents-publications/publications/2002/pdf/catalogue-en_pdf/

³⁷ Review of the European Neighbourhood Policy. 2015. Available at http://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf

³⁸ 4-metre high barbed wire fence with thermo vision cameras was finished in December 2012 and cost 3.3 million USD.

5. Identification and Detention of Immigrants

I. Forced Identification of Immigrants

Identification and registration of every immigrant is an essential part of EU's and Schengen's sovereignty. Plus, it ensures the cohesion of European societies, and it prevents humanitarian disasters that could occur in a situation with hundreds of thousands or millions of people irregularly migrating through European states without any access to housing or social, health, and law systems. **EU's common financial resources must be used for funding of sufficient capacity of hotspots (admission processing facilities), as envisaged in the European Agenda on Migration from May 2015³⁹.** It is the hotspots, where all immigrants should be identified and fingerprinted and this data should be entered into the EURODAC system.

The lack of know-how and human resources in the countries at the sharp end combined with legislative reasons are the causes why the Schengen countries do not have migration under control. Effective legal tools for regulation of irregular movement are yet to be found. The legislation needs to change in order to be able to ensure identification of each irregular migrant crossing the border. The current situation allows migrants in many states to refuse the identification and fingerprinting procedure and to continue on their way inside the Schengen area without being identified and registered. It should be obligatory to enter each migrant's fingerprints into the EURODAC database⁴⁰. Strong political and legal pressure must be used in order to reverse the dilatory approach to identification of foreigners in some countries (Italy, Greece).⁴¹

II. Detention of All Immigrants upon Arrival

From now on, everyone crossing the borders of the Schengen area illegally should be immediately detained and their freedom of movement should be restricted, which means all EU member states should enforce an administrative detention upon arrival that would take place in special detention centres and not in regular prison (detention in order to return irregular migrants is

³⁹ European Commission. 2015. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A EUROPEAN AGENDA ON MIGRATION, 13. 5. 2015. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm

⁴⁰ Regulation (EU) No 603/2013 of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints, available at <http://www.eurlex.cz/dokument.aspx?celex=32013R0603>

⁴¹ Greece and Italy continue to deal with migrants who refuse fingerprinting. The European Commission believes that such migrants should be forced to undergo registration and fingerprinting, if necessary. Further movements of unidentified and unregistered migrants are to be avoided – see European Commission. 2016. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. On the State of Play of Implementation of the Priority Actions under the European Agenda on Migration.

mentioned below). The detention periods must be as short as possible, until the determination of the detained migrant's status:

The migrants who do not apply for asylum and who are not otherwise authorized for entry will be either stopped at the border and denied the entry, or they will be detained in order to prevent an unauthorized entry and in order to issue an administrative expulsion to the country of origin or a safe transit country with readmission agreement. The same applies to the detention of irregular migrants, which is enforced on the territory of the member state, not on the border (see the section below).⁴²

Asylum-seekers should be detained for the time of an assessment of each case determining the elements on which the application for international protection is based (pursuant to Article 8 (3) of the Directive 2013/33/EU) and determining the inclusion in one of the following groups:

- 1) asylum-seekers, for whom the EU is the first safe country and therefore the relevant country to apply for asylum in and to have the application reviewed in,
- 2) asylum-seekers, who come from a safe third country of asylum outside of the EU, which is therefore responsible to examine their application, if they can be returned according to the readmission agreement, or transported to another safe third country,
- 3) asylum-seekers, who are citizens of a safe country of origin and their applications are therefore unauthorized and they are considered to be economic migrants.

Economic migrants (3) will have their applications denied, they will be regarded as irregular migrants without authorization of entry and the forced return procedure will be initiated (see Pillar VI). The migrants who passed through a safe country (2) will have their applications denied according to the first safe country principle and they will be returned to the country which the EU has signed a readmission or other agreement regarding the unauthorized asylum-seekers with, according to the principle of forced returns (see Pillar VI). In cases where there is no such agreement with the respective country, the asylum-seekers will be placed in an asylum centre in a different third safe country with such agreement.

Asylum-seekers who reach the EU as their first safe country (1) will undergo the standard administrative procedure for granting international protection. The asylum seeker may be detained, when there is a reasonable risk of absconding of the applicant or when it is necessary for the national security and public order. The authorities must pay special attention to the individual assessment of these risks, considering the unprecedented *asylum-shopping* that took place in 2015 in Europe, when 400 000⁴³ of immigrants did not register at all by the end of 2015 and there is a reason to believe that they intend to remain in

⁴² Article 5 (f) of the European Convention for the Protection of Human Rights and Fundamental Freedoms states that detention of a person is lawful if it is to prevent his effecting an unauthorised entry into the country or if it is a person against whom action is being taken with a view to deportation or extradition.

⁴³ Politico, 5. 2. 2016. German push to speed up asylum process. Available at: <http://www.politico.eu/article/german-push-to-speed-up-asylum-process-frank-jurgen-weise/>

the EU under the irregular immigrant status. The Interpol claims that the number of lost or stolen passports is increasing, 250 000 lost or stolen Syrian passports were registered in 2015.⁴⁴

If there is no such suspicion, only alternative measures for detention should be used for the purposes of the administrative procedure for granting the international protection, if such measures are needed for prompt processing and effective verification of the application. Such measures may include the obligation to regularly report to the respective authority, to provide financial guarantee or an obligation to reside in a specific place etc.

For the new system to work, it is essential to set up sufficient capacities for migrants' detention and to ensure safe and dignified living conditions in these special facilities in all member states. The place and conditions of detention must reflect the fact, that the detained persons are immigrants, not criminals. Enforcement of human rights must be regularly checked. Food, housing, healthcare, and access to legal protection must be available. Minors with their parents must reside in specifically adjusted places limiting the negative impacts of detention on children.

The second condition is significant fast-tracking of the administrative procedures – both the examination of the asylum application and the decision for granting international protection. That is why the funding and staffing of the admission facilities in EU member states with the highest number of received asylum applications need to be increased.

6. Forced Returns of Irregular Migrants

As well as there is the Reception Conditions Directive dealing with the asylum seekers, there is also a directive for returning irregular migrants and refused applicants, it is the Directive 2008/115/EC (which does not apply to asylum seekers). The EU is aware of the low efficiency of the return policy. Less than 40 % of the return orders was enforced successfully, only 192 445 migrants out of 470 080 returned after receiving the order to leave the EU.⁴⁵ In the case of migrants coming from certain African states however, the figure is as low as 16 %.⁴⁶ The directive clearly stipulates that the EU must either return the illegally staying third-country nationals or legalize their residency in the EU.

⁴⁴ Politico. 26. 1. 2016. EU's passport fraud 'epidemic'. Available at: <http://www.politico.eu/article/europes-fake-forged-stolen-passport-epidemic-visa-free-travel-rights/>

⁴⁵ European Commission. 9. 9. 2015. Action Plan on return. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_from_the_ec_to_ep_and_council_-_eu_action_plan_on_return_en.pdf

⁴⁶ European Commission. 2016. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. On the State of Play of Implementation of the Priority Actions under the European Agenda on Migration.

I. Readmission Agreements

In September 2015, the EU issued Action Plan on return,⁴⁷ which is counting with increased support for Frontex and its return operations. The Action Plan also states that conclusion of bilateral readmission agreements with safe countries of origin should become the political priority of member states. The non-existence of such agreements is the root cause of the return policy low efficiency.⁴⁸ It is necessary to conclude readmission agreements on the EU level that would allow the return of irregular migrants straight to the border of the Schengen area, where their access will be denied. **The EU must demand conditionality in any assistance policy towards the countries of origin and transit countries. The condition of close and real cooperation on readmission procedures and irregular migration must be included in each offer of financial and other help,** along with the condition of cooperation of security forces (for more information on the negotiation of the readmission agreements see the Pillar I, First Safe Country Principle).

II. Revision of the Directive on Readmission

Immediate revision of the Return Directive is crucial for the solution of the current migration crisis. The Action Plan is not ruling out the review (with the outlook for 2017), however, it does not suggest such action. It is the Return Directive that de facto leaves the European states with their hands tied and is therefore contradicting its own principle of effective return policy. This is caused mainly by preferring the option of voluntary returns, limited use of detention for migrants without valid residence permit, or prohibition to return persons without valid travel documents. The Return Directive at the same time does not apply to irregular migrants who were subject to refusal of entry at the border, and that is why the border protection must become EU's priority. If the migrants are subject to return as a criminal law sanction, the Directive does not apply either.

European countries should start to maximize the use of their capacities to ensure effective, i.e. forced return. That is not happening at the moment – while some states adopt the restrictive approach when interpreting the Directive, others have proved to fail to issue as little as the return decision to irregular migrants⁴⁹. **The Return Directive must be nevertheless reviewed as soon as possible, as it should enable enforcement of the returns right after the decision on return is issued in all cases, including the cases of migrants lacking travel documents, if possible.**

⁴⁷ European Commission. 9. 9. 2015. Action Plan on return. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_from_the_ec_to_ep_and_council_-_eu_action_plan_on_return_en.pdf

⁴⁸ Parkin, Joanna. 2013. "The criminalisation of migration in Europe: A state-of-the-art of the academic literature and research." *Liberty and Security in Europe Papers* 61. Available at http://aei.pitt.edu/45600/1/Criminalisation_of_Migration_in_Europe_J_Parkin_FIDUCIA_final.pdf.

⁴⁹ Brussels, 9.9.2015 COM(2015) 453 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL EU Action Plan on return.

Considering the principle of the voluntary return, the existing text of the Directive allows immediate detention of migrants without residence permits and forced return only in cases where there is a reason to believe that the purpose of a return procedure could be undermined. The Directive also enables the member states to grant the period for voluntary return only upon the request of the migrant, and not automatically. If the migrant does not request the granting of period for voluntary return, they may be detained⁵⁰.

Furthermore, the use of detention for the purpose of removal is limited by the requirement of a "reasonable prospect of removal". If a person cannot be returned – e.g. due to the principle of non-refoulement, missing travel documents or missing readmission agreement with the country of origin – they cannot be detained for the purpose of removal either. Detention must not exceed six months pursuant to Article 15 of Directive, and it can be extended for further 12 months.

The enforcement of detention (and deportation) is significantly curbed in situations, when the third-country nationals do not possess valid travel documents and their country of citizenship refuses to issue new ones. This leads to intentional destruction of personal documents by third-country nationals, while their countries of citizenships do not cooperate with member states. **There should be therefore a new provision allowing the deportation of irregular third-country nationals without travel documents or without the possibility to be returned to one of the countries with readmission agreements.** Such person should be placed in one of the facilities for foreign nationals irregularly staying on the territory of the EU or on the territory of other third state that has concluded an agreement on the set-up of such facilities. Protection and exemptions must be ensured when it comes to vulnerable, exposed and under-age persons.

III. Voluntary returns

We can continue using programs of voluntary assisted returns as a motivating offer for migrants who have fallen into illegality and lack the financial means to return. The effective return policy always includes the maximum support - if necessary, migrants should be able to have their travel expenses covered. Conditions of return should be harmonized in the EU, in order to avoid the phenomenon of "return-shopping", which is also observed by the European Commission.

⁵⁰ Forced return is associated with the sanction of refusal of entry on the territory of member states (all of them, not just the one which enforced their removal).

7. Fighting the smugglers and information campaigns

I. The fight against smugglers

The European Union must not give a pretext for the illegal crossing of its external borders and all smuggling networks must be pursued in cooperation with countries from which migrants come. New asylum system is therefore the most important step to victory over organized crime in the field of migrant smuggling. As long as the EU allows migrants who have passed through other safe countries to apply for asylum on its territory, it creates the demand for services of smugglers. EUROPOL informs about significant increases in the number of smuggling networks involved in the illegal transport of migrants to the European Union. There are 38 600 suspected smugglers⁵¹.

While so far the European Commission and FRONTEX operations were primarily focused on the 'Search and Rescue' (SAR), thus saving lives at sea (TRITON, POSEIDON), it is now necessary to develop effective methods leading directly to the pursuit and arrests of smugglers. The first such operation is EUNAVFOR MED on the route Libya - Italy, whose second phase allows for searches and detentions of smuggler ships in international waters and handing smugglers before Italian courts. In the phase three there would be interventions in Libyan waters and on the Libyan coast, but this requires the approval of Libya or the UN Security Council⁵².

Furthermore in 2015 EUROPOL created a new team, "Joint Operational Team (JOT) MARE" whose aim is to collect information on smuggling networks that operate in Libya and Turkey and north-African countries and are responsible for transporting migrants in life-threatening conditions. Frontex and Europol have agreed for that purpose on the exchange of information on criminal activities associated with the frontiers crossing.⁵³

However we will not be able to effectively pursue and crush smuggling networks until we have a highly effective cooperation with countries where the majority of these criminal groups are operating. They are especially in Libya, Egypt, Turkey and Tunisia.

⁵¹ European Commission. 2016. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL. On the State of Play of Implementation of the Priority Actions under the European Agenda on Migration.

⁵² However, on the way from Turkey to Greece the organizers of illegal migration do not travel on ships, their role ends at the Turkish coast, where migrants start the engine inflatable boats.

⁵³ Agreement on Operational Cooperation between the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union ("FRONTEX") and the European Police Office ("EUROPOL"). Accessible from :

http://frontex.europa.eu/assets/Partners/EU_Agencies/WAWA_Frontex_Europol.pdf

Many of these countries, such as Turkey and Egypt committed to cooperation under the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air⁵⁴. The EU moreover cooperates with them in the framework of the European Neighbourhood Policy, which also envisages the cooperation in the fight against people smugglers⁵⁵. In the EU-Turkey Action Plan⁵⁶, Turkey pledged to cooperate in uncovering organized crime and smuggling networks. If the strategy works it should become a model for agreements with other states. The EU should ask cooperation on smashing the smuggling in exchange for the financing and operation of asylum centres and humanitarian and development aid, but also business contacts or opportunities for legal migration.

II. Information campaigns

Incoming refugees suffer from a severe lack of information, possibly are motivated for the quest for prosperity by myths of European openness. An essential part of the new EU asylum system must therefore be a massive information campaign throughout the Middle East and Africa, which will clearly and unambiguously explain the principle of the first safe country and what exactly awaits an asylum seeker when arriving illegally on Schengen territory.

It should be noted that any statements of European politicians are immediately read by tens of thousands displaced in the conflict areas. The Angela Merkel words apparently had a direct effect on a wave of migration to Europe, also Afghans and other refugees with false Syrian documents joined this wave. For the same reason migrants did not request asylum in the receiving country - Greece - or in any of the transit countries, but headed straight into Germany or Sweden. Differentiated conditions for asylum seekers in the member states encourage refugees to do the so called *asylum-shopping*.

Reinforcing the myth of Europe as a land of promise is also an obvious interest of smugglers and organizers of illegal migration in the Middle East and Africa, who transport not only refugees, but also economic migrants who want to abuse the asylum procedure. Therefore, several countries for example resorted to ads in the countries of origin. In September 2015 Denmark informed about the tightening of rules for asylum seekers in Lebanese newspapers, the European Commission has provided information campaigns about the risks of illegal journeys to Europe in Ethiopia, Niger and Pakistan.⁵⁷

⁵⁴ United Nations. 2000. Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

⁵⁵ Review of the European Neighbourhood Policy. 2015. Accessible from

http://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf

⁵⁶ European Commission. 2015. EU-Turkey: Draft Action Plan on support of refugees and migration management. [cited 9/ 10/ 2015] http://ec.europa.eu/news/2015/10/20151006_en.htm

⁵⁷ European Commission. 27. 1. 2015. Keynote speech of Commissioner Dimitris Avramopoulos at the first European Migration Forum. [cited 9/ 10/ 2015] http://europa.eu/rapid/press-release_SPEECH-15-3781_en.htm

8. Stabilization of the situation in the Middle East and Africa

From the perspective of sustainability of the immigration and asylum system of the EU, which aims to keep to a minimum the number of migrants coming through irregular channels it is crucial to focus on addressing the root causes of migration flows, and thus to stabilize the situation in the Middle East and Africa.

I. The main push factors

Migrants from the Middle East and Africa to Europe are driven by a series of "push factors". These include not only the current conflict in Syria, Assad's regime supported by Vladimir Putin and the effect of ISIS, but also lingering wars in Libya, Iraq and Afghanistan and the instability and brutality of many African regimes. This corresponds to the current composition of asylum seekers in the EU, which according to Eurostat⁵⁸ a third of them from Syria (33%), 14% of applicants were from Afghanistan, 11% from Iraq, 6% of Albania, 5% from Pakistan, 3% from Eritrea and 3% of Nigeria.⁵⁹ According to UNHCR, many of these have been countries of origin of displaced migrants for twenty or thirty years⁶⁰ and therefore it cannot be expected that conflicts and associated migratory wave would stop on their own.

Other important causes of migration are the demographic boom, when according to the UN Africa in 2050 is going to double its population to 2.4 billion people⁶¹, extreme poverty associated with lack of drinking water (in many regions, especially rural, less than half of the population has got access to drinking water), followed by the low level of health care and many other problems of developing countries that are failing to solve in the long term.

II. Development and Humanitarian Aid

Development and humanitarian assistance of the EU and individual European states must focus on those regions that have become the countries of origin of refugees and economic migrants. A necessary condition for aid should then be a cooperation in uncovering organized crime, including terrorism and combating smuggling networks.

If we are to achieve real change in the countries where the European Union and its member states are targeting their development and humanitarian aid, it is necessary to multiply the spending several times. The European Union is committed to participate in the so-called Millennium Development Goals, which

⁵⁸ Asylum Quarterly Report, accessible from http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report

⁵⁹ EUROSTAT Newsrelease. 18. 9. 2015. Over 210 000 first time asylum seekers in the EU in the second quarter of 2015. [cited 9/ 10/ 2015] <http://ec.europa.eu/eurostat/documents/2995521/6996925/3-18092015-BP-EN.pdf/b0377f79-f06d-4263-aa5b-cc9b4f6a838f>

⁶⁰ UNHCR. 2015. „World at War. Global Trends: Forced Displacement in 2014.“ [cited 9/ 10/ 2015] <http://unhcr.org/556725e69.html>

⁶¹ Population Reference Bureau. 2015 World Population Data. [cited 9/ 10/ 2015] <http://www.prb.org/wpds/2015/>

was founded in 2000 on the initiative of the United Nations. In 2005, the Council of the European Union made the promise again that the member states would until 2015 achieve the target share of 0.7% of GDP on development aid, with the exception of countries admitted to the EU after 2002, their goal is to aid totaling 0.33 % of GDP until 2015.⁶²

The year 2015 was declared the European Year for Development in the European Union , despite this European states reached nowhere near the targets. According to the OECD and Eurostat, European Union countries⁶³ pay an average of 0.41% of GDP in 2014⁶⁴, only Sweden, Denmark, Luxembourg, the Netherlands and the UK managed to keep and exceed the level.⁶⁵ Increased investment in humanitarian and development assistance must go hand in hand with the development of control mechanisms that prevent misappropriation risk and ensure effective use of invested funds.

Migration should become a key criterion for allocating development aid, therefore, migration and development policy of the European Union and its Member States must be formulated in a mutual dialogue. The key objectives of development aid, with regard to migration waves in Europe and also in accordance with the newly adopted sustainable development goals of the United Nations (for the years 2015 to 2030)⁶⁶ should be particularly the struggle with extreme poverty and hunger, providing clean drinking water and medical care, empowerment of women and girls . Special attention should be given to birth control in Africa, the only thing that can stop the local demographic boom and improve living standards.

⁶² Council of the European Union. 2005. Accelerating progress towards achieving the millenium development goals. <http://www.unmillenniumproject.org/documents/EUExternalRelations24May.pdf>

⁶³ The Czech Republic gives development assistance of just 0.11 % of GDP , despite a valid commitment of 0.33 % of GDP.

⁶⁴ Eurostat. 2015. Official development assistance as a share of gross national income EU-28. Accessible from: http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Official_development_assistance_as_a_share_of_gross_national_income_EU-28.jpg

⁶⁵ Eurostat. 2015. Official development assistance as a share of gross national income by country. Accessible from: http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Official_development_assistance_as_a_share_of_gross_national_income_by_country.jpg

⁶⁶ United Nations. 2015. Sustainable Development Goals. Accessible from: <https://sustainabledevelopment.un.org>

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