

# Main messages

The European Commission is currently finalizing its proposed New Pact on Migration and Asylum to re-start the debate on how to reform the common European asylum system and manage immigration from non-EU countries. One prominent concern is the ‘external dimension’: jointly managing migration to Europe with countries of origin and transit. By cooperating with countries of origin and transit across a wide range of policy areas, the EU and its member states may reduce irregular migration to Europe without undermining their humanitarian principles and impairing bilateral relations, which the present emphasis on securitizing the external EU border risks doing.

In this 2020 MEDAM Assessment Report, we explore how European and African governments can reach common ground on jointly managing migration from Africa to Europe. On the one hand, the EU and its member states are keen to limit irregular immigration along the Central and Western Mediterranean routes, where in the recent past ‘mixed’ and labor migrants predominated while few asylum seekers were recognized as refugees in Europe. This situation differs from the Eastern Mediterranean region, where the focus is on how states in the region and the international community, including the EU and its member states, can fairly share responsibility for hosting several million war refugees.

On the other hand, many African citizens and governments view migration and mobility as an important element in their economic and social development. Financial remittances from migrants, whatever their legal status, sustain the livelihoods of many households and are an important source of external finance for many African economies. Cooperation on migration management with the EU has therefore been patchy, especially in sensitive areas such as the return and readmission of non-EU citizens who have no permission to remain in the EU.

Below, we derive six main messages from our analysis to provide guidance on how the EU and its member states can move ahead with the reform of the European asylum system and cooperate successfully with countries of origin and transit. The key task is to negotiate ‘self-enforcing’ agreements on joint migration management—i.e., agreements that all parties have strong incentives to abide by because, at any time, the benefits from the agreement for each party are larger than the cost of implementing any unpopular provisions. A chief ingredient should be more legal opportunities for labor migration to Europe to complement measures to restrict irregular migration.

■ **Message #1:** The EU and its member states should negotiate on an equal footing with countries of origin and transit, particularly in Africa, for comprehensive agreements on mobility that reflect both sides’ interests, concerns, and political limitations (chapter 5).

- In recent years, the EU has increasingly imposed conditionality related to migration management on low- and middle-income countries by attaching it to agreements in various policy areas. Yet, there has been little improvement in measurable outcomes like the effective return rate for non-EU citizens who have no permission to stay in the EU (section 2.2).
- Recently, the EU has shown a tendency to apply conditionality ‘punitively’—for example, by making existing positive elements in visa practices conditional on the partner country promising to tighten controls on irregular migrant flows. This amounts to introducing new demands in an already settled context and may encourage evasive behavior rather than constructive engagement by partner governments.
- By imposing conditionality on governments that were poorly placed to refuse it, the EU sometimes managed to obtain commitments on paper. Later, however, partner governments often had little incentive to implement those provisions and, in fact, did not do so. To address this time-inconsistency issue, the EU needs to acknowledge that it is in many ways the more powerful party in these agreements. Thus, it is in the EU’s own interest to use its power wisely and to ensure that agreements adequately reflect the policy space as well as the constraints of both sides. The EU should aim to create an appropriate incentive structure for both sides to adhere to their commitments.

■ **Message #2:** The EU and its member states are interested in reducing irregular immigration and facilitating the return and readmission of non-EU citizens who have no permission to stay in the EU. Nevertheless, many obstacles to smooth return and readmission arise from logistic and administrative failures in the EU and its member states, rather than from a lack of cooperation by countries of origin. Given the importance that the EU and its member states attach to return and readmission, they should begin by streamlining their own administrative and legal processes for return and readmission. It would be unhelpful to let return and readmission dominate bilateral relations with countries of origin to the point where other important objectives—such

as development cooperation or international mobility for education, research, tourism, or business—are put at risk (chapter 3).

- Data on voluntary and mandatory returns from EU member states to non-EU countries are subject to many methodological uncertainties and return rates vary widely across member states and countries of origin (section 2.2). Despite the lack of reliable information, it is clear that a lack of cooperation by country of origin authorities, for instance with travel documents, is only one among many reasons why the effective return rate is low for many member states and countries of origin.
  - Initially, EU member states applied conditionality mainly to visa facilitation, for which there is a logical connection with return and readmission (visas can be granted more liberally if visa overstayers can be returned quickly). Subsequently, visa issuance by EU member states has become so restrictive as to impede legitimate travel between the EU and many low- and middle-income countries.
  - Some member states are now pushing for conditionality to be tightened, notably in the area of development cooperation. This is especially problematic if development cooperation is targeted at disadvantaged groups within the partner country.
- **Message #3:** When would-be migrants in low- and middle-income countries must choose between migrating irregularly to a high-income country or not at all, irregular migration is often their preferred outcome. The EU and its member states should accept that citizens and governments in countries of origin are concerned about repercussions from losing financial remittances in the case of any push to reduce irregular migration (chapter 4). Partner countries will only have an incentive to work with the EU to reduce irregular migration if the EU offers compensation that addresses the potential losses at both the macroeconomic and the household level.
- In many African economies, migrant remittances are a more important source of external finance than development assistance and sustain the livelihoods of hundreds of thousands of households.
  - We find in our research in West Africa that citizens and stakeholders consider migration and mobility an important element in promoting development and securing livelihoods. This view reflects a long

history of both regional and international migration, which makes the governance of irregular migration highly sensitive.

- **Message #4:** The EU and its member states should offer substantially expanded opportunities for legal labor migration to Europe to complement any efforts to reduce irregular migration through joint migration management. Legal migration opportunities would benefit African workers and their families, sustain financial remittances to African economies, and render restrictions on irregular migration politically feasible (chapter 5).
- More legal migration will not in and of itself reduce irregular migration. Some of those who will take advantage of future legal opportunities might never migrate irregularly; at the same time, those who now migrate irregularly may still do so in the future if legal opportunities are beyond their reach. Even so, those who benefit from legal opportunities will have a strong incentive to support curbs on irregular migration by their governments because legal opportunities will depend on the country of origin's authorities helping to reduce irregular migration.
  - Migrants would need certain educational, language, and vocational skills to be able to integrate into the EU labor markets and to earn enough to support themselves and their families. In order to be accessible to a meaningfully large number of African workers, EU member states should set those requirements as low as possible without putting labor market integration at risk.
  - One example of a similarly motivated initiative is the German Western Balkans program: about 20,000 work visas are available annually for workers from Western Balkan states who are offered a job in Germany at standard conditions. There are no other income, skill, or language requirements, making the German labor market far more accessible for citizens of these countries than for other non-EU citizens. The program started after the number of (mostly unsuccessful) asylum applications by Western Balkan citizens in Germany surged in late 2015. It is credited with helping to reverse that surge, combined with accelerated asylum procedures (Germany now classifies all Western Balkan states as safe countries of origin) and the fact that all stakeholders are keen to maintain EU visa liberalization for the Western Balkans (MEDAM 2018, box 1.2).

- At the same time, there is a risk that even with moderate skill requirements compared with European labor market needs, migration to Europe could lead to a brain drain in Africa, given the relatively low average performance of African secondary school students in internationally comparable skills tests (Backhaus 2020). The EU should therefore combine more labor market access in Europe with support for skill partnerships in Africa—vocational and language training programs that teach critical skills for both local and European labor markets.

■ **Message #5:** The EU and its member states should assume more responsibility for protecting refugees who are using the irregular migration routes to Europe to seek safety.

- Although ‘mixed’ and labor migrants have made up the majority of migrants along the Central and Western Mediterranean migrant routes in recent years, there are also a significant number of refugees who require protection. If migration to Europe is interrupted and refugees get stuck, the EU and its member states should help to protect these refugees.
- In particular, the UNHCR’s Emergency Transit Mechanism is meant to evacuate vulnerable individuals from Libya to Niger or Rwanda and then provide options for resettlement in non-EU countries, voluntary return to countries of previous asylum, voluntary return to countries of origin (where safe), or local integration in Rwanda. This emergency transit mechanism will be effective and sustainable only if there are enough places for resettlement in the EU or elsewhere; otherwise, migrants will get stuck in transit centers and evacuations from Libya will cease, although the human rights of migrants continue to be violated there.

■ **Message #6:** In addition to the external dimension of EU migration and asylum policy, the European Commission’s proposed new pact will address the internal dimension, particularly the way EU member states share responsibility among themselves for refugee protection. Discussions among stakeholders will revolve around, first, whether (and how) refugees should be relocated from EU member states at the external border to other member states for more equitable burden sharing; and second, how much logistic and financial support will come from the Union for asylum systems in member states,

especially for possible ‘border measures’ like reception centers near the external border (section 2.1). At this stage, it is impossible to predict what direction discussions and negotiations will take over the coming months. In the meantime, the EU and its member states should pursue progress along both the external and internal dimensions of migration and asylum policy because the two complement each other: resilient arrangements for cooperation with countries of origin and transit to manage immigration to Europe will help to stabilize the number of asylum applications; in turn, with a more predictable external environment, it will be easier for the Commission and member states to agree on strategies for centralizing certain functions at the EU level and sharing responsibility among member states.

- The new pact will likely propose a combination of mandatory flexible solidarity and accelerated border procedures. If the Commission chooses this way forward, the degree of division among EU member states should not be underestimated; member states would have to cross many red lines to reach agreement. There would also be difficult implementation issues, such as how to avoid unsustainable large-scale detention at the external border and how to secure sufficient, reliable, long-term solidarity (be it by relocating asylum seekers, financial contributions, or the provision of staff and material resources).
- However, the EU and its member states may consider picking low-hanging fruit by implementing a limited voluntary scheme for relocating asylum seekers from the most affected member states on the external border. Importantly, migrants who enter EU territory irregularly across the external border today account for no more than a third of asylum seekers in the EU. The shares of most EU member states in all first-time asylum applications are currently close to their ‘fair’ shares based on population and GDP; the major exceptions are Greece, Malta, and Cyprus with far higher numbers. Hence, a small, voluntary relocation scheme, possibly with EU financial support, would go a long way toward addressing this impasse (MEDAM 2019, section 4.1). If such a scheme works well, it may later be scaled up to make the EU asylum system more resilient to possible future surges in refugee numbers.