



Executive summary

The right to asylum in the European Union (EU) is in danger. Four million asylum applications were filed in Europe between 2013 and 2017. While the flow of migrants has decreased since then, political tensions between Member States

have continued to increase and intensify, pushing the Union to the verge of disunity. In the context of upcoming European elections, a joint report by the Institut Montaigne and Terra Nova calls for overhauling European asylum policy and for a rapid, unified response to the humanitarian emergency in the Mediterranean. Our shared obligation is to combine humanism and realism, dignity and effectiveness, as much as possible, so that we can reject a perverse political game where constant promises of severity – and even of closing our borders – cause in reality widespread disorder and an insidious disavowal of responsibility.

The modern right to asylum was born in Europe on the ruins of World War II and in the shadow of the Cold War. Almost 70 years later, our continent is confronted with a new humanitarian emergency. In Western Asia, the Middle East, and East Africa, conflicts are driving part of the population to leave and request asylum on European soil. At the same time, we observe an increase in asylum applications from stable or even safe countries, with some economic migrants using the path of asylum due to a lack of other legal solutions for entering and residing on European territory. Faced with this situation, the limits of the European system become clearer every day.

Although all EU Member States ratified the Geneva Convention, we observe very great disparities in its enforcement by different countries and at different times, creating a true “asylum lottery” for applicants. The Dublin system requires asylum seekers to apply exclusively in the country of their initial entry onto European soil, which means that a disproportionate burden of receiving and processing the applications falls on a few countries – particularly Italy, Greece and Malta. Additionally, it encourages «secondary movements» between EU countries and gives rise to

situations of quasi-illegality, to the detriment both of applicants and of the proper functioning of the national authorities, since the procedures for sending refugees back to another Member State are long and very often unsuccessful. Finally, it leads to a rise in uncooperative behaviors and to increased tensions among Member States.

The solutions that have been proposed so far to resolve these difficulties are inadequate, and some of them are simply unacceptable. The solution of “externalizing” the processing of some asylum applications to third-party countries located at the borders of Europe would only postpone the problem and place us in a situation of dependence or even of possible extortion in relation to these countries. Above all, it would not be in coherence with European values or with the Geneva Convention. The proposed solution of an improved distribution of applicants and refugees among Member States in the case of a crisis has simply not functioned: while a large portion of States have agreed to receive applicants who were part of the relocation mechanism established in 2015 at the height of the crisis, some countries, particularly those known as the Visegrád group, have categorically opposed this idea. This opposition is inconsistent with the principle of European solidarity.

The current situation clearly plays into the hands of some governments and political parties which, instead of seeking new solutions, are banking on the crisis becoming worse and are ready to sacrifice European unity in the interest of elections. In order to emerge from this deadlock, this report puts forth 16 proposals with six key areas of focus:

Focus no.1: Overhaul the procedures for asylum in Europe

In order to prevent any political interference, each Member State will have to transform the national authority in charge of asylum applications into an independent agency. The clause in the Dublin Regulation of the country of first entry should be eliminated, allowing each asylum seeker to request protection from the State of his or her choice, while prohibiting multiple applications. Finally, in order to coordinate these national agencies, an Office for the Right to Asylum in Europe (ORAE)

should be established, in order to gradually harmonize their decision-making criteria.

Focus no.2: Establish effective solidarity between Member States

In order to respond to any crisis situation, the ORAE, assisted by a committee of representatives from the national authorities, will have the responsibility of reallocating cases to be processed among Member States and of ensuring an equitable distribution of efforts to resettle refugees in European States, based on their population, GDP per capita and unemployment rate.

Focus no.3: Give the EU a greater role in managing relations with the countries of origin and countries of transit

It is essential to strengthen the role of the EU in the procedures for the removal of rejected asylum-seekers, by using the resources of Frontex as well as in close cooperation with Member States, in order to negotiate readmission agreements with the countries of origin. Concerning the countries of transit, this would make it easier to conclude partnership agreements to ensure migrants are received in a way that is respectful of human dignity, to establish training and orientation programs, and to make asylum seekers' path to Europe safer (resettlement procedure with UNHCR).

Focus no.4: Create a common set of rights for refugees and asylum seekers

Asylum seekers should be able to have access to employment three months at the latest after filing an application. In order to facilitate their integration, it is essential to improve coordination of the activities of social workers, volunteers,

and government offices. Finally, refugees should receive the right of residence and settlement in any Member State, an essential freedom in the EU, without being able to transfer the social benefits associated with the status of refugee, applicable in the original country granting protection.

Focus no.5: Draw upon the EU budget and overcome political deadlock

The EU must bear the essential portion of the costs of asylum policy in Europe, especially concerning the European Receiving and Processing Centers (ERPCs) (see focus no. 6 below) and the procedures for sending rejected asylum-seekers back to their countries of origin. Member States who refuse to participate in the reallocation mechanisms will be financially penalized and, if necessary, the most willing States will be able to decide to combine their asylum policies in a strengthened cooperative framework or through *ad hoc* agreements.

Focus no.6: Adopt emergency measures to confront the humanitarian crisis in the Mediterranean

In order to respond to the current emergency situation, European Receiving and Processing Centers (ERPCs) should be created in EU countries on the Mediterranean coast, so that the asylum applications of those rescued at sea will be processed in very short time frames. People who are taken care of on site will be able to request asylum in the Member State of their choice, subject to possible equalizations (see focus no.2 above). In each ERPC, offices of the various national authorities will handle the asylum applications of people present as well as the transfer of those receiving protection to the Member State that has granted it.