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## **Integration Policies and Secondary Movements in the European Asylum System**

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## **Integration Policies and Secondary Movements in the European Asylum System**

Enzo Rossi\* and Luca Vitali\*\*

### **Abstract**

In the last two decades, European countries, while working for the establishment of a Common European Asylum System (CEAS) to harmonise the legal frameworks of the member states and establish common minimum standards, have rather pursued domestic goals at times, imposing restrictive policies on forced migrants to deter inflows and deflect refugees to fellow countries. Within migration policies, integration programmes in EU countries might affect the well-being and the quality of life, inducing migrants to move from one country to another. We thus investigate the effect of integration policies from 2006 to 2018 on secondary movements of asylum seekers. We argue that integration policies show significant correlations with secondary movements in European countries, while more general migration policies may rather affect first entry flows into EU.

**Keywords:** Refugees, CEAS, secondary movements, deterrence policies

### **Abstract**

Negli ultimi vent'anni i paesi europei, mentre lavoravano per realizzare un Sistema d'Asilo Europeo Comune (SEAC) capace di armonizzare il quadro legislativo degli stati membri e definire dei criteri minimi comuni, hanno conseguito al tempo stesso degli obiettivi nazionali: hanno implementato politiche restrittive riguardo i migranti forzati, per dissuadere il flusso e deviare i rifugiati verso paesi vicini. Insieme alle politiche migratorie, i programmi per l'integrazione dei nuovi arrivati previsti nei paesi dell'Unione Europea potrebbero comportare un aumento della qualità della vita, inducendo così i migranti a spostarsi da un paese all'altro. Si tratta allora di analizzare gli effetti delle politiche per l'integrazione dal 2006 al 2018 sui movimenti secondari dei richiedenti asilo. Si intende sostenere che le politiche per l'integrazione mostrano legami importanti con i movimenti secondari dei richiedenti asilo nei paesi europei mentre, più in generale, le politiche dell'immigrazione possono piuttosto influenzare il flusso primario, di accesso nell'Unione Europea.

**Parole chiave:** Rifugiati, Asilo, Movimenti secondari, Politiche di deterrenza

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## **Introduction**

This paper investigates the impact of European countries' asylum policies, on the external and internal flows of asylum seekers. The Common European Asylum System (CEAS) allows indeed, under minimal harmonization, a certain degree of flexibility in the design and implementation of asylum policies, but the Dublin Regulation, that is considered the cornerstone of the CEAS, has caused frictions among countries. The principle that the first member state where fingerprints are taken or where an asylum claim is lodged is hold responsible for the processing, reception and subsequent integration of the claimant, has led, along with other factors, to an uneven distribution of the burden across European countries. This has sometimes justified the adoption of policies aimed at the deflection of flows to foreign destinations.

A wide range of literature has analysed the effectiveness of policies in altering the choices of destination countries by the asylum seekers. Our suggestion is to investigate whether movements of asylum seekers across European borders, despite not being allowed by current laws, may arise from changes in regulations made by the national authorities.

For this purpose, we have built a policy index which represents the attitude of European countries towards asylum seekers. Analogous indicators were previously developed for both qualitative and inferential assessments, but here we split the index in an integration policies component ("IP index" from now on) and a second, more general, component which includes all other measures related to migration policies ("other migration policies - OMP index" henceforth). This provides descriptive evidence on the relationship between integration policies and the size and direction of secondary movements. The OMP index might on the other hand become significant when refugees move towards the first destination countries, so that the flows of those entering Europe might be altered by restrictions of access or procedures, while it does not play a major role for the control of flows within European countries.

### **1. Birth and evolution of the CEAS: flows management**

The question of forced migrants has arisen in Europe in the 1990's during the Balkan Wars when a huge amount of asylum seekers poured into Central and Northern European countries. The establishment of the Schengen area has further amplified the magnitude of some common problems, such as the phenomenon of asylum shopping and the asylum seekers *in orbit*.

As a result, public opinion in Europe began to convey a growing aversion towards migrants. The 1997 Eurobarometer survey released by the European Commission

already showed a worrying level of racism and xenophobia of European citizens when asked about the perceived effects of migrants on local populations. Likewise, Bauer et al. (2000) analysed attitudes towards immigration in 12 selected OECD countries, confirming the hostility towards migrants. Since then, migration policies have taken on a central role across the European political spectrum (Facchini and Mayda 2009). As populist parties often rode voters' perception of migrants as a threat to social stability, moderate sides somehow followed suit, calling central the issue of security in matters of immigration for electoral purposes.

The CEAS has addressed these issues with the adoption of the Dublin II Regulation in 2003, later amended in 2013 with the Dublin III Regulation. Four Directives supplemented the system by establishing minimum harmonisation rules as regards refugee status, the procedures for examining applications, the reception arrangements and returns. However, peripheral countries, less willing to bear the burden of asylum seekers' claims, exploited a range of legal leeways under European legislation also turning to illegal practices such as the refusal of entry at the borders, clearly incompatible with the 1951 Geneva Convention on refugees, as an infringement of the *non-refoulement* principle. Spain has for many years been criticized by the European Commission for the adoption of push-back practices (Fullerton 2005). Greece also suffered a series of criticisms after the enforcement of deterrence measures which have undermined the human rights of migrants.

Although the amendments made with the Dublin III Regulation were aimed at strengthening the principle of solidarity between member states and at the same time protecting human rights, still, as noted by the Commission, some countries have circumvented the rules, or interpreted so as to restrict inflows and consequently redirecting migrants to fellow countries (Uçarer 2001; Brouwer and Catz 2003; Guild 2004; Levy 2005 and 2010; Baldaccini and Guild 2007; Chebel d'Apollonia and Reich 2008).

Until the outbreak of the Arab Spring in the early 2010s and the Syrian and Afghan crisis soon afterwards, the Dublin system, thanks to some inefficiencies and exceptions that somehow served as a redistributive mechanism, has worked sufficiently well to maintain the balance between states, despite many disputes. From 2015 the European Commission launched a new Agenda on Migration which has led to significant changes in operating practices. A quota system was at first suggested to address the problem of the distribution of asylum seekers among European countries, but this have been welcomed with suspicion, because of the social and political costs of the reception of asylum seekers (Budge et al. 2001; Boswell 2003; Thielemann 2003; Klingermann et al. 2007). EU Council Decision 2015/1523 established provisional measures in the area of international protection, but the results were unsatisfactory. On the one hand, the relocation from Italy and

Greece of 40.000 people in clear need of international protection on 'voluntary basis' was only partially enacted at later stages; on the other, peripheral countries, including Italy, reluctantly accepted to ensure the identification, registration and fingerprinting for the relocation procedure at reception hubs, monitored by *liaison officers* from EASO, Frontex and other relevant Agencies auditing the efficiency of the procedure.

After the adoption of these more efficient mechanisms, the New pact on asylum and migration presented in September 2020, still does not seem to make any substantial change to the distribution mechanism. The call for “solidarity” merely requires the involvement of States in return procedures but the principle of the state of first entry has not been altered.

In summary, the management of migrants' flows is now different from the past. Though core aspects of regulations are virtually unchanged (e.g. the Dublin system) some operational adjustments and international agreements implemented by EC countries, including the strengthening of the Frontex mandate in 2012 and 2016, have progressively led to tighter controls at the border and a considerable decrease in input flows.

These more effective control measures have caused an increase in irregular migrants and in our view resulting incentives to secondary movements within Europe. The growing number of migrants illegally residing in Europe, also supported by human smugglers, has been already highlighted in Czaika and Hobolth (2014) and in Casarico, Facchini and Testa (2016). Rejected applicants rarely undertake the repatriation procedures. They rather prefer to go underground, increasing the numbers of illegal migrants and becoming more vulnerable to organized crime. As Crisp and van Hear (1998) summarize: “there is now a growing consensus that the restrictive asylum practices introduced by many of the industrialised states have converted what was a relatively visible and quantifiable flow of asylum seekers into a covert movement of irregular migrants that is even more difficult for states to count and control”.

Acknowledging such issues, the recent Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 provides for the strengthening of Frontex covering the external borders, the pre-frontier area and unauthorised secondary movements.

## **2. National policies, deterrence and deflection of flows**

The discretion granted in interpreting the common harmonization rules allowed member states to implement policies targeted to forced migrants. The effect of deterrence of these measures spreads through the communication networks of

migrants and human traffickers also become aware that access routes are hindered (Robinson and Segrott 2002).

A classification of the legislative provisions in the field of asylum and migration policies has already been proposed by Thielemann (2004; 2006), Gibney and Hansen (2005), Hatton (2004; 2009), Neumayer (2005a, 2005b, 2005c) and consists of:

*a. Control of access*, which includes border controls, a detailed definition of the national territory (e.g., the international transit areas of airports situated on the territory of the member states) and particular measures against human smuggling.

*b. Tightening of procedures*, with restrictions in granting status, arbitrarily interpreting the principles of the 1951 Geneva Convention. This may involve accelerated procedures with shorter time limits for certain procedural steps, increasing the number of 'manifestly unfounded' cases mainly because of poor information, or limiting the right of asylum seekers to appeal against negative asylum decisions, thereby exposing asylum seekers to the risk of deportation. Some member states, moreover, also have provisions for detention. The safe third country concept is a further reason for barring applicants from a full examination of the merits of their claim (e.g., Italy's agreements with Libya before the 2011 Civil War, replicated in 2017, and the migration agreement between EU and Turkey in 2016).

*c. Restriction of integration measures*, limiting welfare provisions (as cash subsidies), freedom of movement and the right to work and leading to a compulsory dispersal in the territory.

The effectiveness of restrictive measures on the distribution of asylum seekers among States and on refugees' burden-sharing in Europe has been extensively studied (Thielemann and Dewan 2006; Thielemann et al. 2010; Guild et al. 2015). Some authors support the view that the unequal distribution of applications across Europe is due to the relative restrictiveness of policies (as in Holzer et al. 2000). Some others, including Thielemann (2004) and Havinga and Böcker (1999), recognize that the impact of policies on the uneven distribution of asylum burdens has been negligible. Hatton (2009) finds that "while tougher policies did have a deterrent effect, they account for only about a third of the decline in applications since 2001". Thielemann (2012) reviewed these studies, noting that other pull factors, such as historical connections and network effects along with geographical proximity, may limit the presumed impact of policies. This was also verified with surveys by Brekke and Brochman (2014). Other authors such as Neumayer (2004), Toshkov (2012), Toshkov and De Haan (2012), have used the recognition rate as an indicator of the implemented restrictions and found more significant effects.

### **3. The use of composite policy indexes**

The quantitative analysis of the effects of policies on asylum flows has at times relied on composite indexes which represent changes in a country's laws, regulations, or practices related to migration issues.

Admittedly, these purpose-built indexes always contain a strong subjective component, as noted by Bjerre et al. (2017). Hatton (2009) relies “on a subjective evaluation ... by country experts at the time that policy was changed”, but also de Haas et al. (2015) refer to the methodology of DEMIG POLICY, a database tracking around 6,000 migration policy changes in 45 countries as “inherently selective and, to a certain extent, subjective”.

To examine the effect of asylum policies on secondary movements, we propose a quantitative indicator which evaluates the main changes in regulatory measures introduced by selected European countries from 2006 to 2018. Here we follow the classification outlined in Thielemann (2006) Hatton (2004; 2009; 2011) and Brekke et al. (2017), where asylum policy developments involve changes in conditions related to *access* to the host country’s territory, to the *process* of determining the asylum seekers’ status and to asylum seekers’ *well-being* while waiting for their applications to be determined. Along the same lines, we divide policy changes into similar categories, split into 22 components listed in Appendix. These elements form three main categories, where we evaluate the *integration* measures affecting the welfare conditions of asylum seekers both during and after the application process, the measures to amend the *processing* of applications and the *security* policies implemented to control access of migrants.

Data have been drawn from OECD’s International Migration Outlook, the European Migration Network’s Annual Reports on Migration and Asylum, the European Council on Refugees and Exiles ECRE’s Asylum Information Database (AIDA) and from the European Asylum Support Office EASO publications. The index is set to zero at the beginning of 2006 and then, after a significant relaxation of the conditions affecting asylum seekers, the index increases by one, while a significant restriction leads the index to decrease by one. Policy changes that are considered having a negligible impact leave the index unchanged. Thus, our index does not show the absolute level of reception conditions in Europe, but it captures the direction of change in the orientation of policies that could influence the movements of asylum seekers within a non-homogeneous area.

#### **4. Irregular migrants and secondary movements**

The alarming number of undocumented migrants in Europe may lead to social repercussions because organized crime profits from illegal immigrants and the unofficial crossing of irregulars between European countries undermines the CEAS and strengthens the non-cooperative stance of member countries. Furthermore, from a utilitarian perspective, irregular migrants boost illegal employment, allowing the economic efficiency of specific sectors (e.g. agriculture) but also with detrimental effects on tax equity and infringements to human rights.

Contrary to Czaika and Hobolth (2016), whose dataset spans from 2008 to 2011, landings and illegal arrivals have now dropped, because of tightened border controls. Even irregulars due to temporary entrances (e.g., tourist visas) are no longer relevant, as noted in Ambrosini (2020), though some illegal refugee is currently created by internal procedures. For instance, after the rejection of a claim, the asylum seeker usually receives a deportation order, which can be suspended in case of appeal. Irregulars also include economic migrants whose working visas expired and who are not eligible for other types of visa.

However, the repatriation of irregular migrants remains troublesome because most of them are reported missing, individuals may face difficulties in their return journeys and repatriation may also bring challenges for the receiving country. Overall, the IOM voluntary return plan has so far yielded very limited results.

In conclusion, new formally detected irregulars at this stage are mostly previously fingerprinted migrants who have been rejected, or who evaded any additional administrative procedure, moving across Europe.

Eurodac Annual Reports refer to secondary movements of persons found illegally staying in the territory of a member state by comparing the number of requests for international protection lodged in the member states with the number of persons found illegally staying in a member state territory who had previously applied for international protection in another member state in the last 10 years.

**Table 1: Secondary movements of asylum seekers in Europe\***

	<b>2009-18</b>	<b>2009-13</b>	<b>2014-18</b>
Hungary	-72510 Hungary	-5129 Hungary	-67381
Italy	-67370 Italy	-18428 Italy	-48942
Sweden	-45132 Sweden	-13091 Sweden	-32041
Greece	-24008 Greece	-6195 Greece	-17813
Uk	-6738 Uk	-2701 Uk	-4037
Poland	-6904 Poland	-4204 Poland	-2700
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Norway	11988 Norway	5302 Norway	6686
France	10371 France	942 France	9429
Germany	126872 Germany	36474 Germany	90398

\* Difference between total number of fingerprints of asylum applicants, of at least 14 years of age, in each member state and fingerprints of individuals found illegally present within a member state territory, who have previously lodged an application for asylum in another member state.

Source: Eurodac Annual Reports eu-LISA (Authors' calculations).

Table 1 shows that net secondary movements are generated mainly by peripheral states, while core European countries are net recipients and trends are increasing over time.

The total amount of irregular migrants, and among those who irregularly cross borders, despite the decline of arrivals in recent years, is far above the official figures released by Eurodac, whose data are limited to detected cases. Ismu (2020) shows that in 2019, the number of irregulars in Italy is assessed in over 0,6 million, while Connor and Passel (2019), estimate around 1,1 million irregulars in Germany at the end of 2017, about 1 million in UK and over 0.5 million in France.

In our view, integration policies can play an effective role to manage this phenomenon, because while actions aimed at improving social inclusion may lead to lower incentives to move abroad, restrictive amendments can force migrants towards other countries. Indeed, the significant differentiation of integration policies across Europe can account for part of the increase in secondary movements.

EC's concerns to restore legality under the Dublin Regulation were fulfilled by increasing controls (e.g., EU Regulation 2019/1896), so as to prevent member countries from improper conducts that may affect the cohesion of the CEAS and the compliance with the Schengen rules. Also, the recent submission of a new Pact on Asylum and Migration on September 29<sup>th</sup> 2020, as part of the Work Programme of the EC launched on January 29<sup>th</sup> 2020, contains proposals for strengthening border controls and definitions of safe third country and first safe country. This approach does not consider the root causes of secondary movements, largely owed to the Dublin Regulation which, by imposing asylum seekers the country where to submit their applications, induces them to underground movements towards more favourite destinations.

The European Commission's focus on external and internal controls therefore shows a limited understanding of the problem.

## **5. Integration Policy Index and secondary movements**

In order to study the deflection effects of integration policies on secondary movements, we use a cross-national dataset for 14 European destination states in the period from 2009 to 2018. Secondary movements are then matched with integration policy differentials between dyads of countries.

**Table 2 - Correlations between secondary movements and asylum policies**

Recipient country	Sending country	IP differential	OMP differential
Austria	Hungary	0,7133**	0,7590**
Austria	Italy	0,8260**	-0,9250**
Denmark	Sweden	0,5604*	-0,8394*
France	Italy	0,4898	-0,6711*
Germany	Austria	0,1649	0,0151
Germany	Denmark	0,6170*	0,1599
Germany	Hungary	0,3894	0,5117
Germany	Italy	0,7161**	-0,7900*
Germany	Poland	0,1628	-0,3973
Germany	Sweden	0,9162**	0,1799
Italy	Hungary	0,4936	0,7882**
Sweden	Norway	0,7993**	-0,6607

\*\* 95% Bonferroni-adjusted significance level

\* 90% Bonferroni-adjusted significance level

To understand more about the consequences and the actual implementation of approved measures, our hypothesis is that asylum seekers already in Europe might react slowly to policy decisions before moving abroad, although information among migrants may spread almost instantaneously. As Zetter et al. (2003) pointed out, asylum policy in EU has been essentially reactive, so that some time lags may be considered when assessing the impact of the introduction of policy measures on trends in asylum seeking. Hence, in table 2 we show the pairwise correlation coefficients between the variables with Bonferroni-adjusted significance levels, comparing the two-period moving average of secondary movements with the three-period moving average of the IP index. Meaningful dyads are restricted to pairs of countries where the aggregate amount of incoming and outgoing flows is above 5.000 units and almost unidirectional over the years.

An increase in the differential between the indexes of integration policies between country B and country A may result from a restriction of country A's integration policies, assuming that country B's policies remain unchanged. In accordance with our maintained hypothesis, table 2 shows positive correlations (and mostly significant) between changes in integration policies differentials and secondary movements for each pair of countries.

Integration policies also seem to play a specific role, since correlations between secondary movements and the OMP index, as opposed to IP index, that shows all other measures related to migration policies seems negligible or with a negative sign.

Migration policies in general may have both a direct impact on secondary movements and an indirect effect, via other factors that may influence asylum

seekers willingness to move across Europe in search of better living opportunities. The direct effect of the OMP composite index on secondary movements could be possibly negligible or negative for many reasons, for instance:

1. entry barriers policies (corresponding to the *Control of access category*) do not directly affect movements of migrants already in Europe;
2. policies aimed at fighting human smugglers may obstruct also the crossings of internal borders. When unilaterally implemented by a single country the OMP index differential increases and this may cause a decrease in secondary movements;
3. policies that reduce the rights to legal protection (e.g. limiting the right to appeal the initial refusal) should not lead to an immediate removal from the host country. Applicants usually wait for the final determination of the claim, even under less favourable conditions;
4. detention measures work in the opposite direction to secondary movements, physically preventing them.

The OMP composite index may also have an indirect effect through a redistribution of asylum seekers among European countries. Border control policies and deterrence measures can actually deflect migrants to fellow countries, thus generating spillover effects as noted in Barthel and Neumayer (2015). The cumulative effects of such policies over time can change the size of local migrant communities, affecting the well-known attraction from existing networks.

Integration policies also may theoretically have an indirect effect on secondary movements. However, since the amount of detected fingerprints is relatively small, this effect may be deemed marginal.

As the Eurodac database does not provide information on countries of origin we cannot go any further on this issue, and surveys at European level would be needed to carry out more detailed analysis.

Given the general perception that policies induce on migrants, specific considerations should also be made, for instance, in case of movements from Hungary, where the OMP index is positive, significant and higher than the IP index. This might signal that migrants on the “Balkan route” have a very high incentive to flee from a country where the recently adopted deterrence measures are part of a general hostile and cruel attitude towards them.

Clearly, correlation does not imply causation and there is no conclusive evidence that policies influence secondary movements. The problem of drawing inferences from data, due to unobserved heterogeneity, i.e. when destination countries share some common feature (the Galton’s problem) may nonetheless seem less severe in our case. Host countries’ reputation of being relatively tough is not a common characteristic which is presumed beforehand, being actually measured by our policy

index, while the ongoing difficulties in implementing the CEAS might prevent us from considering asylum policies as *de facto* harmonized.

All the aforementioned surveys on the relation between migration policies and the level and direction of asylum flows include further determinants, such as per-capita GDP, the presence of ethnic community networks, the welfare magnet effects (as captured by economic and social indicators). These determinants may also affect the secondary movements of asylum seekers and though integration and security provisions may induce refugees to leave for other destinations, it is likely that the general economic, political and welfare conditions of specific countries might justify the strive towards preferred target countries. Brekke and Brochman (2014) noted that the main reasons explaining the movements of Eritrean migrants from Italy to Norway were found in the more generous welfare system and economic opportunities available in the Nordic country, together with reliable family reunifications procedures and the mutual support offered by networks of fellow countrymen, while actual reception conditions and integration play a substantial role, though not dominant.

In general, our belief is that the competitive use of asylum policies in Europe is now steering countries towards a non-cooperative game, leading to sub-optimal Nash equilibria (Rossi 2017, Des Places and Deffains 2003). The provided evidence and some methodological considerations suggest that such competitive game is also played on secondary movements. Ongoing progress on the implementation of the European Agenda on Migration shows that European countries, at this stage, can no longer strategically derogate from fingerprinting, encouraging asylum seekers to move to other states. Since previous tools are now forbidden and ineffective, integration policy may represent a possible strategy for deflecting movements between states.

### **Concluding remarks**

In this paper we discussed the sources of secondary movements of migrants in European countries. In our view, they can be partly originated from spurious effect of the CEAS and from inconsistencies of the Dublin Regulation. Secondary movements can lead to disagreements and even legal disputes among countries, which selfishly resort to relatively restrictive asylum policies. Together with other pull factors in destination countries, we stressed the role of integration measures, among migration policies, in influencing secondary movements, although further evidence is needed due to the lack of published data on secondary movements by nationality of migrants.

The specific role of integration policies, within the general restrictive policies pursued by some governments to gain the consent of anti-migrant voters, is an

interesting point to be explored in future studies. Indeed, many studies (CREG 2019, Card et al 2012, Halla et al 2015) show how public sentiment may be influenced by the interactions with migrants in the neighbourhood, at school and at workplaces, where integration policies matter the most.

The influence of integration policies on secondary movements may further exacerbate tensions, thus contributing to a regulatory competition among European states, undermining the cohesion of the European Asylum System.

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## Appendix

The asylum policy index is made of different components which are listed in the following table:

Integration Policy (IP) Index		<ul style="list-style-type: none"> <li>The launch of a new National Plans on integration</li> <li>Anti-discrimination legislation</li> <li>Language courses for immigrants</li> <li>Requirements for work permits and training programmes</li> <li>Requirements for residency and housing</li> <li>Requirements for entry Visas</li> <li>Welfare Agreements</li> <li>Cash allowances</li> </ul>
Other Migration Policy (OMP) Index	Access and Procedures policies	<ul style="list-style-type: none"> <li>New migration laws</li> <li>Family reunification</li> <li>Detention</li> <li>Legal counseling</li> <li>Settlement</li> <li>Websites info</li> <li>Fast procedures</li> <li>Appeal</li> <li>Repatriations</li> <li>Border/abroad applications</li> <li>Bureaucratic requirements</li> <li>Quality of reception</li> <li>Unaccompanied minors</li> <li>Long term AS</li> <li>Humanitarian and Subsidiary reception</li> </ul>
	Security policies	<ul style="list-style-type: none"> <li>Control of immigration</li> <li>Human Trafficking</li> </ul>