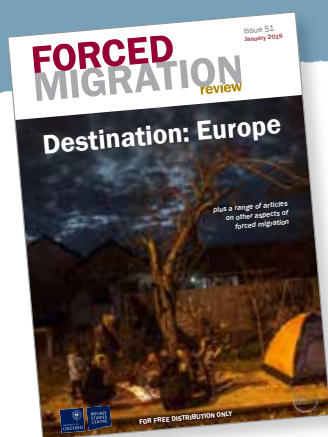




# Destination: Europe

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January 2016



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## From the Editors

Europe is experiencing the mass movements of displaced people in a way that it has largely been immune from for decades. The ramifications and manifestations of what is being called a 'migration crisis' are extensive, intersecting with national as well as pan-European politics, existing economic problems, xenophobia, fear of terror attacks, and much more. This crisis, in effect, seems to dwarf in scale and complexity any other crisis that Europe has faced since the end of the Second World War.

The manifestations are as disparate as the building of fences to stop people crossing normally peaceful borders, the deaths of people transported by smugglers in unseaworthy boats, EU political leaders bickering over a Common European Asylum System and the numbers they will or will not allow into their respective countries, and contentious responses to the disaster that continues to unfold in Syria. Alongside this we also see an upsurge of grass-roots compassion, solidarity and assistance to those whose human suffering on a grand scale in and around Europe constitutes the reality behind the rhetoric.

In this issue of FMR, authors throw legal, practical, moral and experiential light on a variety of the multifarious issues and manifestations that make up this 'crisis'.

**We would like to thank** Elizabeth Collett of the Migration Policy Institute Europe, Madeline Garlick of UNHCR, Cathryn Costello of the Refugee Studies Centre, and Richard Williams for their assistance as advisors on the feature theme of this issue. We are also grateful to the International Organization for Migration, the Open Society Foundations, the Swiss Federal Department of Foreign Affairs and UNHCR's Regional Bureau for Europe for their financial support of the issue.

**Reader survey:** Please will you answer 5 questions to help us adapt the ways we provide FMR?  
<http://tinyurl.com/FMR-Survey>

Marion Couldrey and Maurice Herson  
Editors, Forced Migration Review

[www.fmreview.org/destination-europe/editors](http://www.fmreview.org/destination-europe/editors)

### Destination: Europe



#### Foreword: Banking on mobility over a generation

François Crépeau (United Nations Special Rapporteur on the Human Rights of Migrants)

Europe need not renounce its freedom of movement; it should instead develop a better controlled mobility regime. It would then, in effect, much better control its borders.

[www.fmreview.org/destination-europe/crepeau](http://www.fmreview.org/destination-europe/crepeau)



#### Migrants, refugees, history and precedents

Colin Bundy (University of Oxford)

There is much about earlier migration crises that today's European policymakers might profitably recall.

[www.fmreview.org/destination-europe/bundy](http://www.fmreview.org/destination-europe/bundy)



#### Refugee protection in Europe: time for a major overhaul?

Maria Stavropoulou (Greek Asylum Service)

A number of myths surrounding refugee protection may obscure our understanding and complicate the search for solutions, but there are also clear and realistic possibilities for change in the EU's body of law to enable better outcomes for states and for refugees.

[www.fmreview.org/destination-europe/stavropoulou](http://www.fmreview.org/destination-europe/stavropoulou)



#### Simplifying refugee status determination

Kelly Staples (University of Leicester)

There is a persuasive case to be made for simplifying refugee status determination in the European Union.

[www.fmreview.org/destination-europe/staples](http://www.fmreview.org/destination-europe/staples)



#### Arrivals on the island of Lesbos, summer 2015

Fotini Rantsiou (volunteer)

Lesbos, population 85,000, received more than 85,000 refugees and migrants in 2015 up to the end of August.

[www.fmreview.org/destination-europe/rantsiou](http://www.fmreview.org/destination-europe/rantsiou)



#### It need not be like this

Cathryn Costello (University of Oxford)

Creating space for smugglers and failing to provide humanitarian assistance are European failures. Opening legal routes to Europe could deal with both.

[www.fmreview.org/destination-europe/costello](http://www.fmreview.org/destination-europe/costello)



#### The Mediterranean challenge within a world of humanitarian crises

William Lacy Swing (International Organization for Migration)

While the high number of migrants and refugees arriving in Europe in 2015 has increased pressures and tensions, this is not a crisis beyond the capability of Europe to manage together as a Union. We need bold, collective thinking and action to develop a truly comprehensive approach.

[www.fmreview.org/destination-europe/swing](http://www.fmreview.org/destination-europe/swing)



#### A network of camps on the way to Europe

Irit Katz (University of Cambridge)

While makeshift camps, such as those that have proliferated around Europe, may form spaces of resourcefulness and agency which cannot be accommodated in state-run detention camps, none of these temporary spaces is a definitive solution.

[www.fmreview.org/destination-europe/katz](http://www.fmreview.org/destination-europe/katz)



#### Trickery in Dublin's shadow

Marco Funk (independent)

Border practices at the Italy-Austria border are part of a wider trend of questionable practices used by EU Member States which render irrelevant both the Schengen Agreement and the Dublin Regulation.

[www.fmreview.org/destination-europe/funk](http://www.fmreview.org/destination-europe/funk)

#### Abuses at Europe's borders

Duncan Breen (independent)

Refugees and migrants have been regularly subjected to widespread rights violations by officials at some European borders. The EU needs to allow more legal avenues for people seeking protection to reach Europe safely.

[www.fmreview.org/destination-europe/breen](http://www.fmreview.org/destination-europe/breen)

#### Melilla: mirage en route to Europe

Frida Bjørneseth (Aalborg University)

Among those who have reached Melilla, there seems to be no consensus as to whether they see themselves as being in transit in Europe or still in Africa.

[www.fmreview.org/destination-europe/bjorneseth](http://www.fmreview.org/destination-europe/bjorneseth)

#### Search and rescue in the central Mediterranean

Hernan del Valle, Rabia Ben Ali and Will Turner (Médecins Sans Frontières)

Although people are aware of the risks of the sea crossing, nothing can really prepare them for the experience.

[www.fmreview.org/destination-europe/delvalle-benali-turner](http://www.fmreview.org/destination-europe/delvalle-benali-turner)

#### Safety, rescue at sea and legal access

Stefan Kessler (Jesuit Refugee Service)

If it is to live up to its own values, the EU needs to step up search and rescue operations in the Mediterranean and open up legal means for access to protection in Europe in order to avoid the need for risky journeys across the Mediterranean.

[www.fmreview.org/destination-europe/kessler](http://www.fmreview.org/destination-europe/kessler)

#### Migrant arrivals and deaths in the Mediterranean: what do the data really tell us?

Frank Laczko, Ann Singleton, Tara Brian and Marzia Rango (International Organization for Migration)

The policy and media gaze focuses on numbers of migrant arrivals and deaths. There are problems in the data for both categories.

[www.fmreview.org/destination-europe/laczko-singleton-brian-rango](http://www.fmreview.org/destination-europe/laczko-singleton-brian-rango)

#### Irregular migration by sea

Irregular migration by sea is not a solely Mediterranean phenomenon.

[www.fmreview.org/destination-europe/migration-by-sea](http://www.fmreview.org/destination-europe/migration-by-sea)

#### Afghan and Somali (post-)conflict migration to the EU

Nassim Majidi (Samuel Hall)

There are invisible drivers of migration for Afghans and Somalis to Europe, caused by decades of conflict. Although officially considered as 'post-conflict', the reality is very different.

[www.fmreview.org/destination-europe/majidi](http://www.fmreview.org/destination-europe/majidi)

#### Understanding why Eritreans go to Europe

Mogos O Brhane (independent)

Why do Eritreans risk their lives on perilous journeys to Europe? Why don't they stay in neighbouring countries where they could get safety and protection?

[www.fmreview.org/destination-europe/brhane](http://www.fmreview.org/destination-europe/brhane)

#### No option but Europe

Yotam Gidron (consultant) and Olivia Bueno (International Refugee Rights Initiative)

Asylum seekers' stories point to the need for effective protection for refugees and to facilitate greater opportunities to access it, both within Europe and beyond.

[www.fmreview.org/destination-europe/gidron-bueno](http://www.fmreview.org/destination-europe/gidron-bueno)

#### Iraqi refugee households in Jordan: the active search for solutions

Mirjam A Twigt (University of Leicester)

For Iraqi refugees in Jordan the decision to leave for Europe is very much influenced by the experience of waiting in the region.

[www.fmreview.org/destination-europe/twigt](http://www.fmreview.org/destination-europe/twigt)



## Tragedy on the way to Europe: a perspective from Africa

J O Moses Okello (former UNHCR)

As Europe grapples with the challenges of responding to the arrival of large numbers of migrants, it is vital to keep in mind that the people involved have not left their homes and countries for no reason. Many of them would rather have stayed at home. In a sense, they were forced into migrating.

[www.fmreview.org/destination-europe/okello](http://www.fmreview.org/destination-europe/okello)



## EU cooperation with third countries: rethinking concepts and investments

Elizabeth Collett (Migration Policy Institute Europe)

Despite 'externalising' its immigration agenda, the EU has largely failed to develop a coherent and effective overall strategy, to the detriment of migrants and would-be asylum seekers.

[www.fmreview.org/destination-europe/collett](http://www.fmreview.org/destination-europe/collett)



## The road more travelled? Onward movement of asylum seekers and refugees

Madeline Garlick (UNHCR)

The phenomenon of onward movement creates formidable challenges for states, asylum seekers and refugees, and the international protection system as a whole.

[www.fmreview.org/destination-europe/garlick](http://www.fmreview.org/destination-europe/garlick)



## European Union readmission agreements

Mehdi Rais (independent)

The use of readmission agreements has prompted a debate on their compliance with international law, in particular the provisions on protection for refugees and asylum seekers.

[www.fmreview.org/destination-europe/rais](http://www.fmreview.org/destination-europe/rais)



## A coast-guard officer's perspective: reinforcing migration through legal channels

Konstantinos Karagatsos (Hellenic Coast Guard, retired)

Given that we cannot always rescue refugees or economic migrants in danger at the EU's maritime borders, efforts are needed to reinforce legal channels for migration to Europe and to prevent refugees and migrants being exploited by organised criminal networks.

[www.fmreview.org/destination-europe/karagatsos](http://www.fmreview.org/destination-europe/karagatsos)



## The extra-territorial processing of asylum claims

Sarah Léonard and Christian Kaunert (University of Dundee)

Calls for the creation of asylum processing centres outside the EU are being renewed. But significant objections and obstacles remain.

[www.fmreview.org/destination-europe/leonard-kaunert](http://www.fmreview.org/destination-europe/leonard-kaunert)



## Refugees in Serbia: on the way to a better life

Maša Vukčević, Jelena Momirović (Danish Refugee Council) and Danka Purić (Belgrade University)

More than 450,000 people passed through Serbia from the beginning of 2015 until the middle of November. However, even in 2014 the numbers were large, and growing.

[www.fmreview.org/destination-europe/vukcevic-momirovic-puric](http://www.fmreview.org/destination-europe/vukcevic-momirovic-puric)



## Passing through Greece

Marco Mogiani (SOAS, University of London)

The eagerness of refugees and migrants to leave Greece and travel to other European countries is quite evident.

[www.fmreview.org/destination-europe/mogiani](http://www.fmreview.org/destination-europe/mogiani)



## Bulgaria's struggle at the frontline

Eleanor E Roberts (University of Oxford/Oxford Aid to the Balkans)

Bulgaria has struggled to deal appropriately with mass irregular migration. It has also failed to address integration.

[www.fmreview.org/destination-europe/roberts](http://www.fmreview.org/destination-europe/roberts)



## Protecting asylum seekers in mixed flows: lessons from Bulgaria

Mariya Shisheva (independent)

In the context of a large number of arrivals, states may introduce blanket measures aimed at preventing irregular migration. These, however, may curtail the rights of asylum seekers.

[www.fmreview.org/destination-europe/shisheva](http://www.fmreview.org/destination-europe/shisheva)



## Envisioning a Common European Asylum System

Volker Türk (UNHCR)

A bolder approach is needed if the European Union is to overcome fragmentation and manage refugee movements effectively and in accordance with international obligations. Imaginative moves in this direction could also advance the global refugee protection regime.

[www.fmreview.org/destination-europe/tuerk](http://www.fmreview.org/destination-europe/tuerk)



## Are asylum and immigration really a European Union issue?

Joanne van Selm (consultant)

Attempts to find an EU-wide solution to asylum may be preventing the finding of workable solutions at the bilateral or national level.

[www.fmreview.org/destination-europe/vanselm](http://www.fmreview.org/destination-europe/vanselm)



## Social protection: a fourth durable solution?

Carolina Montenegro (journalist)

Although asylum seekers and refugees in Europe and in Latin America are very different in terms of numbers, a solution being implemented by Brazil and Ecuador may show the European Union a way forward on sharing the responsibility within a regional bloc.

[www.fmreview.org/destination-europe/montenegro](http://www.fmreview.org/destination-europe/montenegro)



## In search of fairness in responsibility sharing

Philippe De Bruycker (Université libre de Bruxelles) and Evangelia (Lilian) Tsourdi (Université catholique de Louvain)

The cycle of mutual mistrust between EU Member States that prevents solidarity can only be broken if responsibility is assessed fairly on the basis of objective indicators.

[www.fmreview.org/destination-europe/debruycker-tsourdi](http://www.fmreview.org/destination-europe/debruycker-tsourdi)



## Volunteers and asylum seekers

Serhat Karakayali (Humboldt University) and J Olaf Kleist (University of Oxford/University of Osnabrück)

People in communities where asylum seekers and refugees have appeared offered various forms of support to the new arrivals as states failed to provide even the essentials.

[www.fmreview.org/destination-europe/karakayali-keist](http://www.fmreview.org/destination-europe/karakayali-keist)



## A welcoming policy in post-socialist East Germany

Anna Steigemann, Frank Eckardt and Franziska Werner (Bauhaus-University Weimar)

Apparently, East European countries are less willing to accept refugees than other European countries. Their experience of ethnic and cultural diversity is weak and a genuine welcome has still to be developed.

[www.fmreview.org/destination-europe/steigemann-eckardt-werner](http://www.fmreview.org/destination-europe/steigemann-eckardt-werner)



## Migration terminology matters

Paola Pace (International Organization for Migration) and Kristi Severance (independent)

Failure to employ correct terminology has consequences beyond semantics. More efforts are needed to educate people – especially those whose words are widely disseminated – in the correct use of migration-related terminology.

[www.fmreview.org/destination-europe/pace-severance](http://www.fmreview.org/destination-europe/pace-severance)

All back issues of FMR are freely available online at [www.fmreview.org](http://www.fmreview.org) to read or download.



## Ukrainian asylum seekers and a Polish immigration paradox

Marta Szczepanik (Helsinki Foundation for Human Rights) and Ewelina Tylec (Institute for Law and Society)

The recognition rate for Ukrainian asylum seekers in Poland remains at an extremely low level, with the concept of 'internal flight alternative' serving as the legal basis for rejection of many asylum applications.

[www.fmreview.org/destination-europe/szczepanik-tylec](http://www.fmreview.org/destination-europe/szczepanik-tylec)



## Separated and unaccompanied children in the EU

Rebecca O'Donnell (Child Circle) and Jyothi Kanics (National Center of Competence in Research)

A growing body of EU law, policy and practical measures address the situation of separated and unaccompanied children who arrive in the EU. However, in the current sensitive political climate, there is a risk of attention and resources being diverted from building on progress.

[www.fmreview.org/destination-europe/odonnell-kanics](http://www.fmreview.org/destination-europe/odonnell-kanics)



## Removing 'non-removables'

Katharine T Weatherhead (University of Oxford)

EU law and policy on non-removable irregular immigrants – such as unsuccessful asylum seekers who cannot be returned to their country of origin – have political and humanitarian consequences.

[www.fmreview.org/destination-europe/weatherhead](http://www.fmreview.org/destination-europe/weatherhead)



## Europe, don't copy Australia

Keeya-Lee Ayre (researcher)

Praise for Australia's policy of turning away asylum seekers is misguided.

[www.fmreview.org/destination-europe/ayre](http://www.fmreview.org/destination-europe/ayre)



## Europe and the future of international refugee policy

El Hassan bin Talal (West Asia-North Africa Institute)

There is new thinking – which should be embraced by European leaders – on how to promote long-term responses to the Syrian refugee crisis that protect and uphold human dignity, and that constitute more sustainable and beneficial solutions in refugee-receiving states in the West Asia-North Africa region.

[www.fmreview.org/destination-europe/bintalal](http://www.fmreview.org/destination-europe/bintalal)



## Choices, preferences and priorities in a matching system for refugees

Will Jones and Alexander Teytelboym (University of Oxford)

We propose a 'matching system' that simultaneously gives refugees some choice over where they seek protection and respects states' priorities over refugees they can accept.

[www.fmreview.org/destination-europe/jones-teytelboym](http://www.fmreview.org/destination-europe/jones-teytelboym)



## Legal and practical issues raised by the movement of people across the Mediterranean

Guy S Goodwin-Gill (University of Oxford)

The movement of people is a phenomenon we must learn to live with and to manage as best we can in the interests of all. Among other matters, this will require states dealing with each other on a basis of equity and equality, rather than outmoded and unrealistic expectations of sovereign entitlement.

[www.fmreview.org/destination-europe/goodwingill](http://www.fmreview.org/destination-europe/goodwingill)

## From Syria to Brazil

Marília Calegari and Rosana Baeninger (University of Campinas)

Precisely because of the difficulties Syrians face in entering the EU, Brazil has opened up to them.

[www.fmreview.org/destination-europe/calegari-baeninger](http://www.fmreview.org/destination-europe/calegari-baeninger)



## General articles

### Economic reintegration of returnees in Liberia

Naohiko Omata (University of Oxford) and Noriko Takahashi (UNIDO)

Since the early 2000s, the United Nations Industrial Development Organization has been implementing economic recovery programmes for returnees in certain post-conflict countries. It remains uncertain, however, to what extent these training programmes have been instrumental in returnees' economic reintegration.

[www.fmreview.org/destination-europe/omata-takahashi](http://www.fmreview.org/destination-europe/omata-takahashi)



### Thirty years of development-induced displacement in China

François Dubé (University of Ningxia)

To accelerate the process of poverty reduction in its poorer regions, China decided in 2001 to implement a national programme of displacement of populations living in areas considered environmentally fragile. But these programmes were hardly a novelty for China, and the record of previous such attempts has been far from positive.

[www.fmreview.org/destination-europe/dube](http://www.fmreview.org/destination-europe/dube)



### Refugee Status Determination (RSD) in Albania

Xymena Dyduch (lawyer)

A study of Refugee Status Determination decisions in Albania – a relatively new European country of destination – reveals some shortcomings, despite the country's efforts to develop its procedures in line with international standards.

[www.fmreview.org/destination-europe/dyduch](http://www.fmreview.org/destination-europe/dyduch)



### The face of refugees

Jesus Quintanilla Osorio (missionary)

Personal contact with refugees helps us not only to see the people behind the need but also to better understand the obstacles they face.

[www.fmreview.org/destination-europe/osorio](http://www.fmreview.org/destination-europe/osorio)



### Challenges to the right to work in Ecuador

Adeline Sozanski, Karina Sarmiento (Asylum Access) and Carlos Reyes (Universidad Autónoma de Madrid)

The right to work is important for refugees and asylum seekers – to support themselves, to facilitate local integration and to contribute to the host society. However, they often face obstacles in accessing work in host societies and their experience is frequently characterised by poor working conditions and discriminatory practices.

[www.fmreview.org/destination-europe/sozanski-sarmiento-reyes](http://www.fmreview.org/destination-europe/sozanski-sarmiento-reyes)



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