

Vision for a Better Protection System in a Globalized World

Mending a Broken System

Introductory remarks:

The purpose of this paper is to address the obvious: the present asylum system is dysfunctional in many ways, not fit for a globalized world and needs to be mended.

Until now, we developed a lot of strategies, action plans, papers and bundles of measures without having a commonly agreed goal.

This is a vision paper. While it cannot refer to every detail, it ensures a common direction.

It is a compass - it should ensure that we, for the first time, strive towards the same long-term goal. Without having a clearly defined goal we will not find the way.

This vision builds on and is meant to supplement the European Council conclusions from June 2018.

Migration and asylum policy will shape Europe's future.

Migration brings change: for migrants, for societies in countries of origin, and for the citizens of destination countries. Change is often deeply felt and politically contested.

Many citizens have lost trust in their governments' ability to deal with the challenges of irregular migration. In the current system it's not only the Member States of the EU that decide who enters the European Union but first and foremost smugglers (and to a lesser extent migrants themselves). The result is a massive loss of trust. Trust will not be restored simply by short-term partial strategies and measures at EU-level. There is an urgent need for an alternative, unifying vision. The priority must be to reassure our citizens by creating a sustainable policy framework that simultaneously has democratic support, meets our legal and ethical obligations, and is sufficiently prudent to avoid a legacy of regrets.

Given our own histories, European countries recognise and appreciate the value of the 1951 Refugee Convention. It will always be a core value of the European Union and its Member States to provide protection to people fleeing persecution due to their race, religion, nationality, membership of a particular social group, or political opinion.

Regrettably, the way in which the 1951 Refugee Convention is currently being implemented, combined with increased opportunities for mobility and communication created by globalization, is enabling increasing numbers of irregular migrants and refugees, who have already found protection in another country, to enter Europe through our asylum systems. It has never been the intention of the 1951 Refugee Convention to promote transcontinental, economically induced secondary migration.

Through this historically determined conceptual weakness fraud is rewarded. Many simply disappear into the informal economy once their asylum claims are rejected. This possibility has long been abused by organized criminal networks that boost irregular movement by selling false hope of a better life in the EU, resulting in thousands of deaths, exploitation, and modern slavery. In spite of these fatal consequences, there are still people who – for various reasons – praise and strongly support the present system.

The criminal networks rely upon appeals to the moral conscience of Europeans, suggesting that we are collectively guilty of the resulting death and despair; suggesting that it is our duty to offer permanent integration to all the people criminals have lured into taking perilous land routes or boat journeys across the Mediterranean. In such a Darwinist system the fittest and not the most vulnerable are rewarded. We are faced with a tragic humanitarian situation that results in the loss of thousands of lives every year. We cannot accept this any longer. We must prevent this unnecessary death and suffering, while ensuring that our asylum and migration policies are sustainable. This is why our highest ethical and political priorities are to develop a better protection system for a globalized world.

This is our vision with seven goals and seven steps towards a better, fairer system.

7 Goals of a Better Protection System

1. **Helping the most vulnerable:** Establish a system that will identify and assist those who really need protection rather than unintentionally favouring those who have the greatest financial means and/or endurance to embark on long journeys.
2. **Help to create perspectives in regions of origin instead of enabling irregular migration to Europe:** Reinforce global support to countries of *first reception*, including by improving economic opportunities and livelihoods, both for refugees and host communities, in order to enhance protection and minimize the need for onward irregular movement.
3. **Prevent further deaths and tragedies in the Mediterranean and along the migratory routes:** Strengthen the capacity of asylum and migration authorities *along the migratory routes* to ensure access to protection and to effectively combat trafficking and smuggling, thus reducing exploitation and the loss of lives of irregular migrants and migrating refugees.
4. **Break the business model of traffickers and smugglers:** Establish a legal Search and Rescue (SAR) framework in the entire Mediterranean, based on existing maritime conventions, as well as set up SAR centres/Regional Disembarkation Arrangements outside the EU to prevent SAR operations from being an unintended operational tool of traffickers and smugglers.
5. **Guarantee effective management of the EU's external borders & Ensure all individuals staying illegally leave the EU:** this should include screening procedures at enhanced hot-spots. Use all necessary foreign policy tools to ensure humane return – preferably on a voluntary basis – of all individuals without a legal right to remain to either 1) their countries of origin 2) a safe third country or 3) a return centre or an alternative legal migration destination located outside the EU. Circumvention of protection opportunities (“safe havens”) along migratory routes should no longer be feasible and shall be taken into account in the national refugee determination systems.
6. **Engage in common but differentiated responsibility-sharing in order to protect refugees and effectively stem irregular migration to the EU:** All EU- and Schengen-States must show solidarity – not least in crisis situations. States should have a choice as to how. Solidarity should include measures in regions of origin, along the migratory routes, at the external border, and upon arrival in the EU.
7. **Offer resettlement to those with the greatest need for protection rather than the strongest selecting themselves:** Once irregular movement is reduced and public trust restored, safe and legal pathways via resettlement are created for the most vulnerable and those with the greatest protection needs.

A key step in this context is to realign current practice with the core principles of the 1951 Refugee Convention: Protection for those who need it as close to his or her country of origin as possible. Refugees are entitled to live in safety and dignity; they are not entitled to unlimited migration.

Once in place, it will lead to

- less exploitation and loss of lives along the route
- less irregular migration
- less profit for organized crime
- more protection to people in need
- more social cohesion
- more money for regions of origin
- more acceptance and trust in receiving countries

and become a protection system that is worthy of its name.