



Europe's migrant crisis

- a comprehensive analysis

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The Migration Research Institute, co-founded by the Századvég Foundation and the Mathias Corvinus Collegium, is a Budapest-based think-tank conducting research on a regular basis in order to conduct analysis, to articulate relevant recommendations to Hungarian decision- and policy-makers and to provide the general public with up-to-date information on the current trends of and challenges caused by international migration.

Introduction

As a continent of destination, Europe is currently facing one of the largest movements of people ever, and is struggling to find a rapid and efficient solution to the unprecedented migratory pressure which has arisen. Due to the shortcomings of the European asylum system and to regional differences and interests, consensus among the Member States still is distant. The paralysis of the European Union in the face of these urgent issues – which will most certainly have a negative impact on the continent for decades – illustrates more than clearly that a potential move towards a more federalised structure is neither feasible nor desirable. On the contrary, it has become clearer that strong nation-states are prerequisites for those policy areas that still fall under supranational jurisdiction. In the present situation, the most urgent challenge for the European Union is to regain sovereignty over the management of irregular migration. For this, it is essential to define and distinguish between the spheres of common action and those that fall under the consideration and authority of national decision-making. Protecting the Schengen borders must be a common endeavour, in which Member States have to be supported in their national efforts to carry out the necessary protective measures. As part of a more comprehensive strategy at the policy level, Member States as well as the bodies of the European Union must focus on minimizing those factors which operate as catalysts for mass migration towards our continent. A multi-level management approach has to be adopted, in which gives effect to external and internal actions simultaneously, with the highest possible level of efficiency.

Considering both the research theories and the reality on the ground, the present analysis the Migration Research Institute aims to summarize its views on the migrant crisis by examining all relevant (i.e. policy, legal, economic, security- and integration-related) aspects impacting the current migration flow from a fact- and evidence-based perspective, together with suggesting possible solutions. The solution, once again, relies on the formula that has already been articulated by several influential Member States: “common where necessary, national where possible”.

I. Population movement as a new dimension of migration

In our view migration flows permanently circulating in certain regions of the world find break-out points from time to time. There is global competition among the industrialised countries of the world in order to avoid such undesirable flows of migration. In this regard, the European Union now looks to be in a highly disadvantageous and losing position. According to statistics from the United Nations Population Fund and the International Organisation for Migration (IOM), there are currently more than 232 million people living outside their countries of origin. At least one quarter of them are fleeing for some reason, and today they are concentrated closer than ever to Europe. This already worrisome situation could extend quite significantly in the coming period, since trigger factors can in no way be confined to the Syrian conflict.

Even if the phenomenon of migration is well-known, it has opened a new chapter in the history of the European Union considering its size and intensity: **the current influx of migrants should rather be classified as a global, large-scale movement of peoples (“population movement”)**. The shift in perspective is pivotal for decision-makers and policy-makers responsible for a comprehensive assessment of the situation, and of the utmost importance for institutional preparedness for the “expected unexpected”.

**TODAY MIGRATION MAY
RATHER BE DEFINED AS A
POPULATION MOVEMENT**

The intensity and scale of the current migration wave is due to an unfortunate combination of several root causes, intensified by global competition to avoid the negative impact of migration. The increasingly visible discrepancy between permissive immigration policies and the more sceptical views of society in receiving countries is triggering ever more social and economic tensions in those countries. This phenomenon could have been mitigated through an early recognition of the population movements and hence by timely emergency measures. **While some countries overseas (e.g. the US, Australia or Israel) have had the capacity to take appropriate protective measures against unmanageable migration, the EU has not.** On the contrary, it has presented the image of a generous welfare continent where everybody can get a second chance. The lack of an effective, joint and geographically holistic European response is putting even greater responsibility on individual Member States, demanding that governments simultaneously address several serious concerns within their own national competence. As highlighted by numerous studies, over the past decades West European states have gradually abandoned the traditional ideal of the sovereign nation-state, which is

**EUROPE IS FORCED
TO TAKE URGENT
AND SUSTAINABLE
ACTION**

weakened by supranational endeavours on one hand and malfunctioning multicultural practices on the other.¹

**EUROPE IS STILL UNPREPARED
IN A SITUATION WHICH IS NO
LONGER INDUCED PURELY BY
THE SYRIAN SITUATION**

Before limiting the explanation for the current migrant influx to single countries of origin (e.g. to Syria) and individual triggering factors (e.g. armed conflict), it needs to be stressed that **what Europe has been facing over the past months is merely**

the tip of the iceberg. Instability, overpopulation, famine, poverty, social tensions and natural disasters keep contributing to the constant and imminent risk of new flashpoints emerging which induce large-scale migratory movements in the medium and long term.

In relation to the migrants currently arriving in Europe, **as one of the main countries of origin Syria and its surroundings self-evidently require special attention.**² Taking the situation in the countries neighbouring Syria into account, it is no exaggeration to say that the approximately four millions of Syrian refugees mostly residing in Turkey, Lebanon and Jordan have undoubtedly put a large burden on those countries – a burden which they have seemingly been totally unprepared to deal with.³ The factors leading to the spread of the violent conflict and civil war in Syria are visible in the surrounding countries.⁴ At the same time, it has been a known and a proven fact that over the past four years these refugee camps have become hotbeds of radicalisation and jihadist recruitment,⁵ that they provide refuge for rebel fighters and that they are centres for the trafficking of young women and girls, human organs, drugs and weapons.⁶ Furthermore, the countries neighbouring Syria lack legal employment opportunities. Men can work in the black market, where working conditions range from poor to degrading and exploitative. Children must go without an effective education system.⁷ Women are often forced to turn to prostitution.⁸ In brief, life

**IN THE LONG RUN
COUNTRIES
NEIGHBOURING
SYRIA ARE UNABLE
TO PROVIDE
SUSTAINABLE
SOLUTIONS ON
THEIR OWN**

¹Thierry Baudet: The Significance of Borders – Why Representative Government and the Rule of Law Require Nation States (2012).

² Eurostat 2015.

³ UNHCR: Total number of Syrian refugees exceeds four million for the first time. Press release 9th of July 2015.

⁴ RAND Corporation: Spillover from the conflict in Syria (2014).

⁵ <http://www.naharnet.com/stories/en/122983>; <http://www.worldbulletin.net/news/124962/ikhwan-and-salafis-unite-to-help-syrian-refugees>; <http://carnegieendowment.org/sada/2014/01/09/syrian-conflict-and-sunni-radicalism-in-lebanon/gxw8>

⁶ <http://www.buzzfeed.com/sheerafrenkel/young-syrian-girls-are-being-sold-into-forced-marriages-to-s>.

⁷ <http://www.theguardian.com/world/2015/sep/06/the-choice-for-young-syrian-men-leave-or-learn-to-kill>

⁸Le camp de Zaatari entre mafias et detresse, Le Figaro, October 22, 2013;

Syria Exclusive: The Western-Armed Insurgents Who Executed POWs and Captured UN Peacekeepers, EAWorldview, March 11, 2013; L'hôpital militaire français, ouvert en 2012, pourrait fermer avant la fin de l'année, Le Figaro, October 22, 2013;

in the camps (or even outside them) is often no less dangerous for the refugees than back home, with conditions which can generally be described as inhuman. This situation also triggers the westward movement of people, even if their original intent was to await the end of the conflict as close as possible to their homeland.

Some leaders of the European Union have placed a disproportionately large emphasis on Syria in relation to the current large-scale irregular migration to Europe. Undoubtedly the situation in Syria is one of the most pressing issues to be addressed, but

**TODAY'S CHALLENGE IS JUST A
FORETASTE OF THE PEAK
PERILS TO COME**

again it is merely one country out of many that are potential sources of mass migration towards our continent. For instance, according to current figures from Germany and Sweden, which are the countries receiving most migrants, by the end of 2015 Afghan asylum-seekers have almost outnumbered Syrians.⁹ It is fair to assume that in the years to come Afghanistan will not stabilise and reach the level of social cohesion and human security which is sufficient to discourage people from migrating. And, in the same way, deteriorating economic, climatic or demographic situations in many developing countries on the African continent or in Central Asia still pose a real risk in terms of mass migration to Europe.

II. Challenges of migration from a policy perspective

There are several factors operating as catalysts for today's population movement. Some of them are linked to the level of policy and need to be discussed in a more general way. Regaining the power to confine migration to its source regions, measures to achieve effective border protection and the elimination of asylum discrepancies seem to be the most urgent measure which Europe should enact.

i. Less Europe where not needed

While protecting the Schengen borders is a common responsibility and obligation,¹⁰ it is important to emphasize that due to the wide diversity in the economic conditions and cultural contexts of the Member States a 'joint European asylum

**MORE COMMON BORDER
PROTECTION, BUT LESS
COMMON ASYLUM POLICY**

<http://www.globalresearch.ca/unhcr-refugee-camp-in-jordan-safe-haven-for-jihadist-rebels-and-arms-shipments-into-syria/5357816>.

⁹ Migrationsverket (Swedish Migration Board), 2015, Bundesamt für Migration und Flüchtlinge (German Migration Board), 2015.

¹⁰ Art. 67 and 77 of the Treaty on Functioning of the European Union



system’ remains illusory. Asylum policy has to remain a purely domestic issue, supervised by competent national authorities. Unfortunately the EU was not prompted to address irregular migration (and its asylum consequences) more effectively either by the so called “Arab Spring” – which was followed by a strongly intensified migratory movement in 2011 – or the first Mediterranean tragedy in October 2013, which claimed the lives of more than 300 people off the island of Lampedusa. A number of important programmes (e.g. Task Force Mediterranean in 2013) and initiatives (e.g. the European Agenda on Migration) have been launched from 2013 onwards; despite these the European Union still lacks sufficient operational cooperation – even within one of its most important competences (border protection) – and a major failure is that it is not returning without delay those people whose asylum claims have been denied.¹¹ **This clear inability to act in a united way according to its mandate demonstrates that sustainable solutions are unlikely to be found as urgently as the situation would require. This also underlines the fact that solution are not to be sought in the increasing of the powers of the centralised EU institutions.**

**THE WESTERN
BALKAN REGION
MUST REMAIN IN
FOCUS**

It should also be noted that new operations at sea – such as Mare Nostrum, Triton and Poseidon – resulted in immediate shifts in the main routes for irregular migration. While prior to 2013 the Western Balkan route had hardly been used by people smugglers, the aforementioned sea patrol operations forced them to find new strategies and **give preference to the fastest land route towards Western Europe, leading through the countries of the Western Balkans.** This resulted in an

¹¹ For further information on developments and state-of-play, please visit http://ec.europa.eu/priorities/migration/index_en.htm

unprecedented pressure on Schengen external border countries such as Hungary or Slovenia (*Chart 1*). Joint efforts by the Member States and the international community are inevitable and should be continued, in line with the 17-point action plan accepted in Brussels in late October last year,¹² to reach a sustainable crisis management policy in the Western Balkan countries in the long-run.

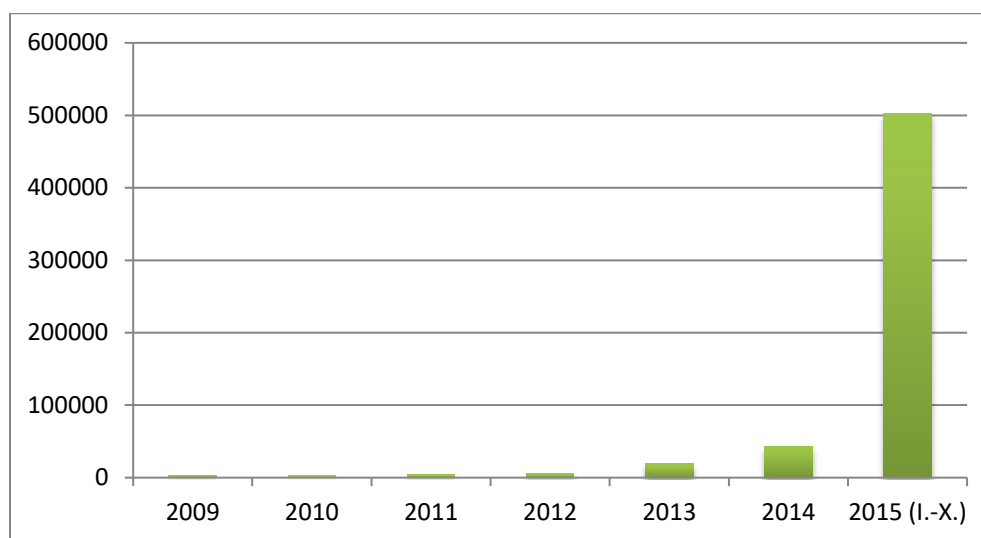


Chart 1: Number of illegal border-crossings through the Western Balkans route between 2009 and 2015; Source: Frontex

ii. Europe as a continent of various forms of immigration

The shift to becoming a continent of immigration (rather than a continent of emigration) was accelerated by EU integration measures, including – but not limited to – the expansion of certain supranational attainments such as the free movement of persons, the free movement of labour as well as the EU citizenship. These rights were not only available to EU citizens, but also to their family members, regardless of nationality. Taking into consideration what subsidiary rights such entitlements may imply, it may not serve as a surprise that **various techniques for taking advantage of and abusing EU citizenship rights** have also been evident from the very beginning (e.g. bogus marriages, fully enforceable paternity statement on a child with EU citizenship). It is regrettable that the EU has learnt less than it should have from such instances. The same applies to the field of asylum. Europe –

**INCREASING
IMMIGRATION BRINGS FAR
MORE CHALLENGING
FACTORS**

in addition to the United States, Canada or Australia – has over the past decades been one of the most attractive destinations for those searching for a better future. According to statistics a gradual increase of the number of asylum applications in Europe has been visible from 2006 onwards. A marked increase commenced in mid-

¹² For further information, please visit http://europa.eu/rapid/press-release_IP-15-5904_en.htm

2012, and this has further intensified in the years since (*Chart 2*). (Legal challenges stemming from asylum-related abuses will be discussed in detail in Section III.)

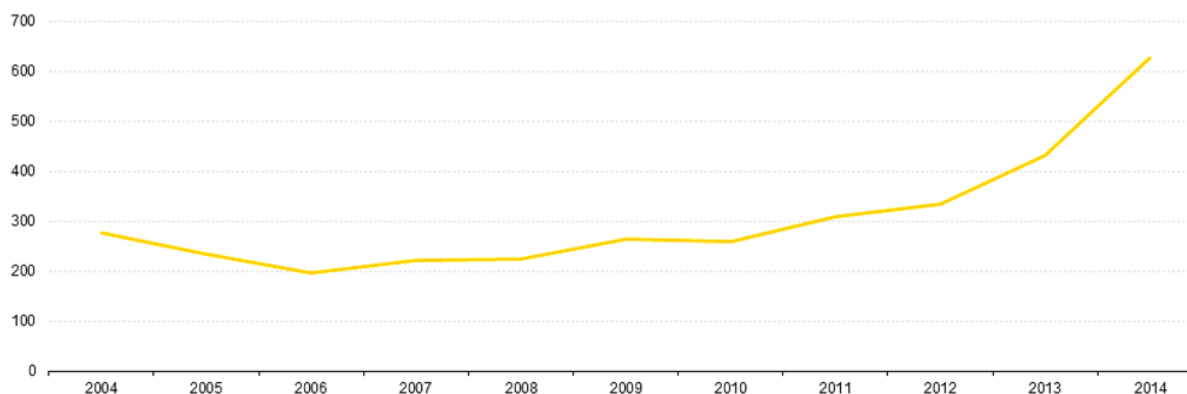


Chart 2: Number (in thousands) of asylum seekers in the EU 27+ countries between 2004 and 2014; Source: Eurostat

iii. Risk of losing the dominant negotiating position

The European Union has lately found itself in a precarious position when trying to find reliable partners of strategic importance, and establishing long-term agreements with them built on mutual trust and understanding. This sensitive balancing act is especially difficult in case of the EU's relations with the North African countries (not least Libya), but also with regard to the countries neighbouring Syria which are also severely destabilised by political turmoil in the Middle East and North Africa (MENA) region.¹³ Turkey plays a vital role in this regard, not least as a transit country for the Syrian refugees. It now has a very strong negotiating position in relation to the EU, and has been shamelessly trying to push through its own national agenda (EU membership, increased financial aid, visa liberalisation, the possibility for Turkey to attend visa summits, etc.), while showing no commitment whatsoever to the democratic values strongly demanded by the European Union. The EU has already agreed to grant Turkey large sums in order to stem the continuous flood of migrants,¹⁴ but it is **highly probable that Turkish leaders will continue to take full advantage of**

**EUROPE MUST
SAFEGUARD ITS
NEGOTIATING
POSITIONS**

¹³ Foreign Affairs: <https://www.foreignaffairs.com/articles/2015-12-17/demographic-bombing>

¹⁴ European Council: Meeting of heads of state or government with Turkey – EU-Turkey statement, 29th of November 2015. <http://www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/>

their position in the negotiations to push the European Union in a direction it does not desire. Hence the European Union must make sure not to willingly put itself in a weaker negotiating position, thereby increasing the risk of further blackmail from countries already breaking several mutual agreements regarding their own role in the migrant crisis, such as a considerable part of the African continent.¹⁵

iv. The EU as financial power with little political impact

As is known, the European Union is a major financial power in the international economic system. The same cannot be said of its political weight, however. In the global arena, the 28 countries remain a joint, but rather silent or hoarse voice weakened by a lack of common understanding on certain issues and their solutions. This is visible in EU foreign policy, which lacks an agreed strategy on the Middle East and North Africa.¹⁶ **It is highly doubtful that the EU is ready and determined to act as a third power in demanding a cut in the supply of arms and finance for hostile parties in the conflict.** (Even though there are certain highly welcome efforts made in this regard by France –

**THE LACKING EXTERNAL
POLITICAL APPEARANCE OF
THE EU IN THE
DEVELOPING REGIONS
PREVENTS IT MEETING ITS
OWN NEEDS**

and, the most recently, by Germany and the United Kingdom.) The Member States' visions, past and present economic and political relations and interests vary – or conflict – to a great extent in relation to the countries of the MENA region, and but also to other parts of the world (e.g. Central Asia and Sub-Saharan Africa) which are the origin of huge migration waves. However, without treating the root causes of the

current flow of migrants with a harmonised approach (for this topic see also Point V), no supplementary measures could be implemented with appropriate effect.

v. Assistance as close to the country of origin as possible

It is of vital importance for the European Union to shift its focus and **primarily provide support to asylum applicants as close as possible to their countries of origin.** As already touched on to some extent under Section I, countries of first asylum for Syrians – such as Iraq, Turkey, Jordan, Lebanon and Egypt – must be continuously provided with material as well as financial aid to ensure and stabilize reception conditions in full compliance with relevant humanitarian principles (e.g. food, shelter and education for those in the refugee camps). A similar developing approach should apply in the case of the main African and Asian source regions. This could be cost-efficient for

**EFFORTS TO PROVIDE
ASSISTANCE OUTSIDE
OF THE EU NEED TO
BE ENHANCED**

¹⁵ To the concept see also Kelly M. Greenhill: Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy (2010)

¹⁶ Vimont, Pierre: The Path to an Upgraded EU Foreign Policy, June 30, 2015
<http://carnegieeurope.eu/2015/06/30/path-to-upgraded-eu-foreign-policy/ib7p>

European countries and would also provide an answer to the problem that many who choose Europe as a final destination do so solely due to the lack of alternative locations providing an adequate existence until they can return to their countries of origin. Undoubtedly Europe must ensure proper compensation in return for these countries' cooperation, but it must also ensure consistent checks and safeguards for the implementation of the measures agreed with the local authorities, and the de facto utilisation of the assistance offered.¹⁷ It should also be noted that in the case of some receiving countries of the European Union significant parts of the international aid budget have been cut in order to be able to provide support for the large number of asylum-seekers arriving to their countries, respectively.¹⁸



¹⁷ For the European Agenda on Migration and its goals, see http://ec.europa.eu/dgs/home-affairs/e-library/multimedia/publications/index_en.htm#0801262490bfbb44/c_

¹⁸ <http://www.euractiv.com/sections/development-policy/sweden-considers-cutting-development-aid-budget-60-due-refugee-crisis>; <http://www.euractiv.com/sections/development-policy/finland-slashes-development-aid-43-315280>.

III. Legal challenges of migration

Another dimension of factors operating as catalysts in the population movement is of a legal nature. The international asylum system – with its weaknesses – has become the preferred and ultimate channel for hundreds of thousands of irregular migrants to legalize their stay in Europe. Experience shows that economic preferences in relation to the country of destination have not only been acted on by economic migrants, but lately also by refugees. This is a clear result of unequal European incentives, that in combination with incoherent legal practices on asylum decisions has led to the distortion of basic legal concepts (such as that of *refugee*) and to a hollowing out of international principles laid down in the 1948 Universal Declaration on Human Rights (such as *the right to seek and enjoy asylum*). If no joint solution is found to address this urgent situation, the loss of sovereignty in deciding who may enter EU territory (i.e. failed border control) will surely erode the right to free movement. In order to protect the latter's legitimacy, the EU as an entity and the Member States therein are firstly urged to protect their borders (which may also be Schengen borders) and impose border controls; this is precisely in order to preserve the notion of a Europe without internal borders. Following this, special attention should be turned to the protection of the free movement of labour.

i. *The abuse of the right to international protection*

Undoubtedly there are many individuals in need of international protection. However, the number of those who do not fulfil the criteria set out in the Geneva Convention of 1951 on the status of refugees (hereinafter the Refugee Convention) has increased dramatically; this has resulted in **unprecedented numbers of asylum seekers, embracing a confusing mixture of those who are entitled to international protection and those who are not.** Those entitled to international protection under the Refugee Convention enjoy nearly the same rights as nationals of a host country. To be granted this advantageous position, the Refugee Convention (Article 1) supposes that the person concerned has faced persecution (or, in practice, the threat of serious harm) in his or her country of origin. Thus, those whose migratory movements may be classified as voluntary and explained by purely economic factors are automatically excluded from the international protection set out in the Refugee Convention. It is important to note that the Refugee Convention does not in any circumstances provide refugees with the freedom to choose their destination.¹⁹ As a recently published French study showed, there are mainly three categories of asylum-seekers: the ones obviously abusing the international protection system, the ones in real need and the ones being a

**THE 1951 REFUGEE
CONVENTION IS
CLEAR AND
CONSEQUENT**

¹⁹ The Convention and Protocol on the status of refugees: <http://www.unhcr.org/3b66c2aa10.html>

combination of the two former.²⁰ The important similarity between the first and the third is the wilful breach of the laws, while the second category may also be in violation of the very same laws, but where there is no personal intent to do so.

As already stated, statistics clearly shows that the number of **“economic migrants”** – i.e. those coming with the sole aim of establishing a better life for themselves and for their families – is still considerable (e.g. citizens of Kosovo, Albania or Bangladesh).²¹ Experience shows migrants also **often turn to the asylum system as a last resort**, since the latter would ensure several guarantees that – even if temporarily – may grant them the right to stay in the EU until the end of the asylum procedure, and claim the social benefits which asylum seekers may enjoy under the law of the host country.

**INTENTIONAL OR
UNINTENTIONAL
CONFLATION OF
MIGRATION CATEGORIES
MAY LEAD TO SEVERE
CONSEQUENCES FOR THE
ENTIRE EUROPEAN
SYSTEM**

Such a system not only blurs the concept of a refugee, but also embeds a flagrant inconsistency within legal systems and practices. Reinforced by certain political narratives in Western Europe, it also functions as a tacit invitation to economic migrants. Europe urgently needs to eliminate this system malfunction. It is worth noting, however, that new challenges (e.g. the question of environmental migrants) may lead to the conclusion that in the future certain reasons for fleeing shall be recognized as “reasons to protect”, due to their severity and global importance.

Consequently, it is vital that the EU urgently **implements a consistent** and coherent strategy aimed at minimizing the existing pull factors (e.g. differences in national incentives) that pave the way for refugees to choose certain European member states over others (“asylum-shopping”). As the experience of the past months have shown, even those fleeing war and persecution are starting to act on economic preferences; this has led them to refuse protection offered by authorities in the first country of asylum – or

**REALITY, HOWEVER, IS ONE STEP
AHEAD OF THE LAW, REQUIRING
URGENT MANAGEMENT**

in extreme situations even refusing to cooperate with the authorities (e.g. at hotspots in Greece and Italy). To make it absolutely clear, **protection must only be granted those in real need based on the fear of persecution in their countries of origin; this, however, presupposes a clear and effective distinction being made between them and economic migrants.** Europe cannot afford to endanger the present and the future of its citizens as a community of interests with European values, simply because of the economic expectations of millions of third-country nationals. From a rational point of view, in its current form the large-scale influx of migrants in Europe cannot be said

²⁰ Nicholas Fischer: Justice for Immigrants – The Work of Magistrates in Deportation Proceedings, in At the Heart of State – The Moral World of Institutions, Pluto Press 2015.

²¹ Eurostat, 2015.

to be beneficial for any of the Member States, regardless of the pro-immigrant or anti-immigrant views among the public and the political classes.

Despite numerous comprehensive analyses by researchers²² and think-tanks across Europe predicting mass migration towards the continent, the extremely high numbers of asylum-seekers have seemingly taken the political leaders of the European Union by surprise. **In its present composition this has put the various legal structures under a severe test, during which the majority of them have proved to be ineffective**, utterly failing to process the number of applications in a coherent and predictable manner.

**EUROPE HAS TO
BECOME
UNIFORMLY STRICT**

ii. Positive discrimination in asylum processes may be counter-productive

As a continuation of the above, one of the pull factors must be examined separately due to its effect on migration flows. **The divergence in the recognition rates of certain categories of nationality at a given time may serve as a very good illustration of the discrepancy between the legal systems and realities on the ground.** Various factors serve to explain diverse asylum decisions: the de facto political evaluation of immigration, real-time necessities and interests of the labour market and the general capacity of the host society towards immigrants, to mention the most relevant ones. As these rates among the Member States of the European Union continue to be highly divergent, consequently nationality categories ought to be abolished. For instance, while Germany and Malta granted asylum to Syrians in 99 and 100 per cent of the cases in 2013 respectively, the recognition rate for the same category in Italy in the same period was only 51 per cent. The same discrepancy is present in the case of Afghan and Somali asylum seekers.²³ **Such discrepancies may also create definite pull-factors for those who migrate.** As a rule, supranational considerations (e.g. EU policies and recommendations) only have a very limited impact on the evaluation of the factors mentioned, since asylum policies are tightly linked to the jurisdiction of the Member States.²⁴ Reaching a manageable migration situation in the short term can move in only one direction: following a more restrictive practice, establishing a more gradual approach in terms of forms of recognition granted and trying to achieve better harmonisation among the Member States in this regard. (Some kind

**THE ABUSE OF THE RIGHT TO
ASYLUM IS NOT NEW, BUT STILL
SEEMS TO BE UNMANAGEABLE**

²² For instance the two researchers Gubicza, József and Laufer Balázs (2012) based at the Hungarian University for Public Service („Az illegális migráció rendészeti, kiemelten nemzetbiztonsági aspektusú vizsgálata keretében végzett interjúorozat megállapításai, kutatási eredményei”).

²³ Millbank A. (2000): Problems with the Refugee Convention. P. 1-26.

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0001/01RP05#major

²⁴ Nicholas Fischer: Justice for Immigrants – The Work of Magistrates in Deportation Proceedings, in At the Heart of State – The Moral World of Institutions, Pluto Press 2015.

of aggravation has already been launched in Austria, and then in Germany, in terms of those having been granted subsidiary protection.).²⁵

iii. The legal system does not correspond to reality

In addition to the above, by laying down rules which are inconsistent with current realities, there are **several supranational legal instruments (such as the Refugee Convention and the Dublin III Regulation) which exist as catalysts for the growing number of asylum claims.** The lack of applicable solutions for collective case management and the absence of alternative legal ways into the European Union are just a couple of examples of the unsuitability of EU legislation and practice. This inevitably leads to the recognition that it is our own legal regime which forces people in need to leave their country of origin and risk their lives in order to apply for asylum. However, in order to make an asylum claim, they first need to cross a border of one of the Member States of the European Union. Without a visa or other documents granting them the right to enter, this can only be done illegally. **This illegal entry can be retrospectively legalised through a granted asylum application.**²⁶ The chart below illustrates the inconsistencies in the legal system (*Chart 3*).

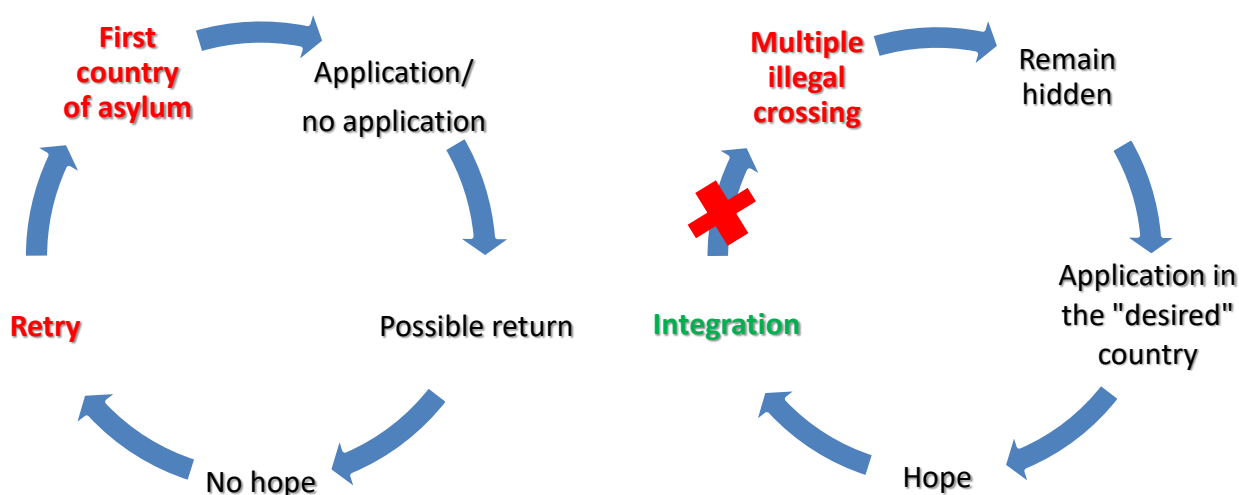


Chart 3: Typical consequences of personal behaviours when the current asylum rules are fully respected and when those are not

²⁵ Sources: <http://www.wsj.com/articles/germany-tightens-asylum-rules-for-syrians-1446838567><https://www.rt.com/news/320679-austria-toughen-laws-refugees/>

²⁶ Millbank A. (2000): Problems with the Refugee Convention. P. 1-26.

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0001/01RP05#major

Even if the importance of the EU's legal approximation achievements within the field of asylum are indisputable, it is fair to assume that achievement of a Common European Asylum System in the near future is almost entirely unrealistic. Regardless of this latter assumption, **it would be of pivotal importance to eliminate regulations which do not contribute purposively to addressing the current crisis** (e.g. the Dublin III system in its current form). The need of an urgent revision has also been recognised by the European civil society representatives as well as international human rights organisation.²⁷

**THE MALFUNCTIONNING OF OUR
LEGAL SYSTEM IS INTERTWINED
WITH THE EXACERBATING OF THE
MIGRANT CRISIS**

iv. The right to free movement at risk

In response to their enormous burdens, it is highly probable that **more and more European countries** (especially the main countries of destination) **will initiate legal restrictions** similar to those accepted in Germany on 1 November 2015 (i.e. expansion of the safe country list, acceleration of return procedures, providing in-kind benefits for those awaiting asylum verdicts).²⁸ These more restrictive measures clearly demonstrate that this new approach needs to be applied simultaneously to the asylum procedure as a whole: **the acceleration of procedures – including a clearer and more consistent distinction between economic migrants and real asylum seekers – has to be much more efficient; the system of support should be modified to give preference to in-kind benefits; there should be guarantees of faster execution of return procedures** for those whose asylum claims have been refused. Should one phase in the reform process be neglected, it may well result in the malfunction of the whole system and generate even more costs.

**THE GERMAN
PROTECTIVE MEASURES
SHOULD APPLY
CONSISTENTLY IN ALL
THE MEMBER STATES**

However, the large-scale arrival of migrants crossing the borders to the European Union illegally has forced several countries (e.g. Bulgaria, Hungary, Slovenia, or Austria) to go beyond regulatory restrictions and to impose stricter border protection, including – but not limited to – the building of razor wire fences to manage the uncontrolled influx to the EU territory. From one moment to the next the vision of a Europe without internal borders but protected by the Schengen borders has collapsed. One of the preconditions of a safe and stable Europe is that, while their applications are being processed, the regulations stipulate that asylum applicants shall not move

**GENERAL APPLICATION OF
THE “SECOND BEST
SOLUTION” MAY
UNDERMINE SCHENGEN**

²⁷ Source: <http://www.ecre.org/topics/areas-of-work/protection-in-europe/127.html>

²⁸ Source: <http://www.euronews.com/2015/10/15/germany-tightens-rules-for-asylum-seekers/>

freely across borders. This consensus was blown apart by certain Member States when they restored internal border controls – even if only on a temporary basis. Ironically, in this case stricter border control seems to be one of the favoured measures for protecting a notionally border-free EU area at the moment; this leads to the conclusion that, in the absence of establishing an effective common border protection programme in the near future, **the unprecedented number of migrants may in the long run undermine the right to free movement.**

The optimal response would be the **setting-up of an effective joint border control mechanism at the external borders of the Schengen area** – first of all in Greece. However, there seem to be several obstacles to this. The Greek stance is that such a measure would be a blatant infringement of its sovereignty, which has though started to soften at the Valletta Summit in November 2015, could only have limited effect due to the heavy geographical conditions of the Greek coastline. A potential solution encouraging Greece to cooperate would be to put this issue into the context of the financial assistance the country already is receiving. In this regard it is noteworthy that the V4 countries (Hungary, Poland, the Czech Republic and Slovakia) have already offered specific and firm support to Greece: 300 law enforcement personnel will be sent to strengthen protection of the southern Greek borders. Nevertheless, there is no alternative to further developing the capacities of Frontex and

**THE MOST REASONABLE
STEP SEEMS TO BE A
DIFFICULT ONE TO TAKE**

establishing a European Border Guard as soon as possible. Reaching an agreement with Turkey in late November,²⁹ the EU managed to open up a new – but rather slippery – area in the issue of “joint external border protection”. However, the execution of the EU-Turkish agreement remains an area to enhance and further strengthen.

v) ...and similarly the right to free movement of workers

The EU as an area without internal borders is not the only core value being seriously threatened by the recent flow of migration. **It is fair to assume that the next area potentially endangered by the current (and continuing) migration flow may be the freedom of movement for workers,** which also is one of the four fundamental freedoms of the EU. The integration of those whose asylum applications have been granted will definitely affect the labour market opportunities of guest workers arriving from inside the EU. In the absence of corrective measures, those already enjoying the right to free movement of workers will have to face the risk of possible exclusion from the wider European labour market. This risk is especially worrying for the countries of East Central Europe, who are already struggling with the question of providing jobs for all of their working-aged citizens. But it should also be seen in the light of Member States’ struggle in general with unemployment rates, especially among the youth. Seeing what has been happening to thousands of people coming from the Western Balkans region, who over the past decades strongly supported the German economy and are

²⁹ Source: <http://www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/>

now returning in large numbers, we suppose that similar “indirect market regulatory measures” may obviously be against nationals and economies of the East Central European countries. These measures would include: an upper limit on the number of workers; introduction of stricter rules on access to services; introduction of lower minimum wages, attracting key manufacturers back to Germany, etc. Receiving over a million asylum-seekers from countries far away from Europe cannot and must not destroy one of the key achievements of the EU, leaving considerable parts of the EU in a disadvantaged position.

**WORKERS FROM EAST
CENTRAL EUROPE WILL
BE THE BIGGEST LOSER
IF THE RIGHT TO FREE
MOVEMENT OF WORKERS
IS ABANDONED**

IV. Economic challenges of migration

Due to its paramount importance, we have to deal separately with the economic aspects of migration. The historically diverse labour market traditions of the European countries act as another obstacle to the management of the migrant crisis, and serve as an example of why common solutions are utopian. The hopes and arguments of certain Member States of the European Union that the migrants are needed in order to maintain economic progress and the pension systems in their countries appear to be both extremely deluded and cynical: they imply a view of migrants as cheap units of labour and a vision which is unconcerned about the risk of losing the continent’s cultural character. It also highlights the unequal economic conditions among the Member States, where there is a large mismatch between the demand for jobs and labour.

i. Immigration-based economies versus other protectable European interests

It is obvious for any of the countries both within and outside Europe that **policies aiming to increase the number of jobs or to facilitate economic growth and investment have to be given preference and sufficient support**. Hence, one of the prerequisites of such support is a strong cohesion policy at the European level. The European cohesion policy for the period from 2014 to 2020 has, in accordance with the goals of the Europe 2020 programme, introduced several relaxations for programme beneficiaries, aiming to further reduce regional differences between the European countries in terms of economic productivity and growth.³⁰ All external factors that may cause unforeseen, direct or indirect distortion of this system in a wider sense would be against the national interests of the Member States of the European Union. **It is unacceptable for certain European countries to threaten others – which**

**THE EU’S MIGRATION POLICY AND
ITS COHESION POLICY MUST NOT
OVERLAP**

³⁰ Source: http://ec.europa.eu/regional_policy/archive/what/future/index_en.cfm

fail to toe the line on mainstream approaches to migration management – with financial restrictions in fields related to cohesion policy.

However, this issue also needs to be examined from two angles. Germany, currently the main country of destination, may in the long run benefit economically from the current influx. This would be aided by integration efforts and the strong motivation of the target group. Based on these factors, Germany may balance its workforce shortfall – currently 2.5 percent of the total – and at the same time improve the situation of its state pension system. Moreover, as already mentioned under Point III/v., Germany may also turn to additional market regulatory solutions, putting the East Central European countries, which now provide cheap labour, in a severely disadvantageous position. As a reaction to developments in the German labour market, it is highly likely that countries in East Central Europe will seek to protect their labour markets, in order to avoid economic devastation. Such trends make it clear that **immigration-based economies (e.g. Germany) may easily clash with the interests of those countries which primarily need to provide jobs for their own citizens (e.g. Hungary)**, and whose citizens are strongly attracted by work opportunities in the more developed

**IS THERE AN ECONOMIC
CONFLICT OF INTEREST
BETWEEN THE WESTERN
AND EASTERN PARTS OF
EUROPE?**

countries of Western Europe. It may be illustrative of this to note that, while in Germany between 1990 and 2010 the number of immigrants exceeded that of the emigrants by an average of 50 percent, the corresponding figures for Hungary in the same reference period were minus 15 percent.³¹

ii. Migrants are not automatically suitable for labour markets

Immigrant-based economies give rise to several other questions, such as the number of migrants, their educational and professional background required to reach the desired outcome. **Current analysis cast doubt on the argument highlighting the expected economic gains from migration**, stating

**IMPORTING
UNSKILLED
WORKFORCE CANNOT
BE A SOLUTION FOR
EUROPE**

that the current influx of migrants is hardly capable of solving the problems threatening Europe's health care and pensions systems; even if the current undesirable migration trend continues, it may only result in an approximate 1-2 percent additional population growth in Europe, compared to total population figures.³² On the other hand, according to an estimate by the UN, Europe's working-age population will fall

by 6.5% between 2015 and 2030. Furthermore, the current influx is not only far from being the optimal response to Europe's immigration demands, but would also fall far short in terms of its composition. **It should be noted that the overwhelming majority of those now arriving are in need of further**

³¹ Source: <http://www.pewresearch.org/topics/immigration/>

³² E.g. European Economics: <https://www.capitaleconomics.com/european-economics/european-economics-update/immigration-won-t-transform-germany-s-growth-outlook/>

training and education in order to become suitable candidates for the labour market. Until that goal is reached, immigrants will remain dependent on the social welfare system of the host country. In summary, if certain countries try to mitigate their demographic problems through imported labour from outside the EU, they will not only need millions of them annually, but they will also need to select and choose those who are qualified enough to be able to start work immediately after their arrival. Confusing this issue with refugees fleeing from war-torn regions is not equivalent with reality according to the statistics³³ over the asylum-seekers, neither is it appropriate from a political or moral point of view.

THE MIGRANTS ARRIVING IN EUROPE ARE UNABLE TO PRODUCE THE EXPECTED ECONOMIC BENEFITS



This leads to the conclusion that the European Union is totally unprepared for managing such large number of migrants with generally low skills and with profoundly different working cultures. It is fair to assume that even if the “imported workforce” could ever provide economic benefits for certain parts of Europe, the process would still have serious consequences for other Member States. However, their integration into labour markets and host societies has so far proven to be a failure. If this tendency continues (and it is unlikely that what did not succeed with smaller numbers will do so with a flood of people), we need to admit that the current migration flow will put an even greater economic burden on the entire European Union. Hence, in terms of labour market in need of migrant labour force, Europe has to consider much more pro-active policies and measures to identify future labour and skill gaps.³⁴

³³ Eurostat, 2015: Asylum-seekers in Europe.

³⁴ Münz, Rainer: Migration, Labour Market and Integration of Migrants: An Overview for Europe (2008).

iii. Migration as large-scale issue in times of competing political interests

The issue of the perceived economic effects of migration is expected to receive much attention at times of competing political interests in the countries concerned. Large-scale political events, such as the referendum in the UK on its European Union membership to be held in June 2016 and the

**COULD POLITICAL
ACTORS CAUSE
CHANGES?**

Dutch referendum in April 2016 on the EU-Ukraine Association Agreement will certainly increase existing tensions and voices of discontent among the Member States. The debate on EU membership will definitely be dominated by the issue of immigration and asylum law, and is expected to contain proposals on renegotiation of the British position within the EU related to the situation of migrants within the British labour market. Furthermore, British political debate might easily take another turn and shift towards concerns about migration within the EU.

V. Security challenges

Large-scale population movements tend to be one of the roots to current tangible social tensions in the host societies. Matters of security – especially in relation to migration – need to be filled with objective content and not be reduced to political or ideological rhetoric and language. The nexus between migration and security has always been a much debated topic which requires objective, evidence-based analysis and due consideration of the changing geopolitical environment which triggers surges in international migration.

i. Fragile balance between migration and security

Investigating the nexus between migration and security requires a sound analysis of the sociological, historical, political and normative complexity of the issue, but must also shed light on the societal and political impact that such discussion may have. The definition of both migration and security inevitably is dependent on who defines them, but in any case both terms require a recognition of the complexity and multidimensional of their nature.³⁵ Treating migration as purely a security issue may in the long run lead to exclusion, inequalities and potentially violence, thus legitimizing extreme political solutions. On the other hand, neglecting the security aspects may lead to unnecessary risk-taking by host societies. It has to be noted that several European intelligence services have already raised

**RECONCILING
MIGRATION WITH
SECURITY IS A
DELICATE BALANCE
FOR GOVERNMENTS**

³⁵ Choucri, Nazli: Migration and Security: Some Key Linkages (2002):

warning flags over the past months, cautioning governments that, with such large numbers reaching the borders every day, they may be unable to fulfil their duty regarding early detection of potential security risks seeking to enter the country.³⁶ **For governments, the security policy discourse in relation to migration will always have to strive for a balance between an early recognition of the social process of human mobility (regardless of triggering factors) and governments' capacity to exercise control over migration flows.** This entails an analysis on a regular basis of the perception of migration (both among the political elite and the general public), as well as of the objective threat that migration may pose. But it should contain an analysis of the characteristics and the background of the migrants arriving to the country from an integration perspective, also aiming to reduce the risk of harmful behaviour in the receiving societies (as was demonstrated across several cities in Europe on New Year's Eve, whereby large groups of migrants and asylum-seekers, mainly from North Africa and Arab countries in the Middle East, committed extensive and seemingly well-coordinated assaults among the local population in public places).

Traditionally, security studies in relation to migration have primarily focused on the security of the state from a strategic perspective, and have in this regard ranged from the risk of migrants turning into violent actors in the country of destination to the potentially negative impact of certain groups of migrants on public order and security, as well as on overall social cohesion.³⁷ Hence, the security concept itself may also be categorised to differentiate between state, societal and systemic security, where the latter one refers to an integrative perspective on security in which individuals, state and the system all play a part.³⁸ In contrast to the foregoing, there are also important aspects of human security – i.e. the security of the individual – that should not be neglected in the security debate.³⁹ This includes

**A NUANCED AND
EVIDENCE-BASED DEBATE
ON THE SECURITY ASPECTS
OF MIGRATION IS NEEDED**

the security of the migrant itself (in relation to e.g. violent anti-immigrant atrocities and to the risk of sexual assaults and violence from other migrants), but also the security of the local population in areas close to refugee shelters. Current security debates continue to focus on what kinds of security risk migration poses, for whom and what the nature of the security risk may be.

ii. Security aspects more prevalent among certain groups of migrants

The assessment of the security aspects of international migration needs to begin with an analysis of **what kind of migrants the host country is receiving.** The question is whether it is purely economic

³⁶ E.g. The German intelligence service: <http://www.dailymail.co.uk/news/article-3290092/Germany-s-secret-service-warns-country-importing-Islamic-extremism-anti-Semitism-people-s-ethnic-conflicts-different-understanding-society.html>

³⁷ Huysmans, Jef: Migration and security (2009).

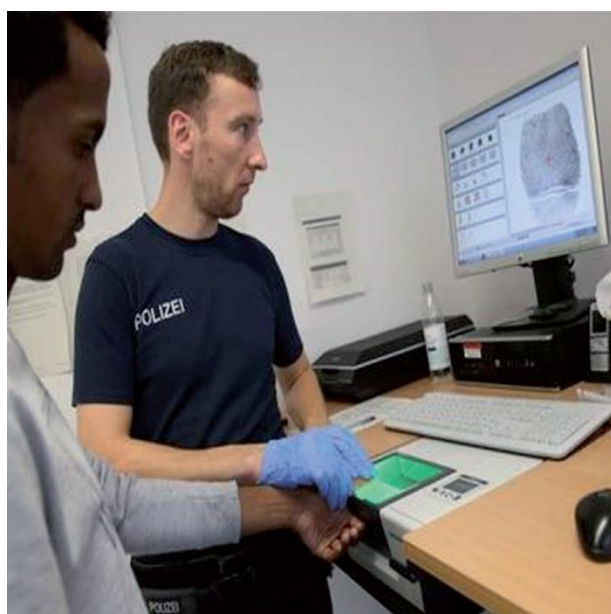
³⁸ Barry Buzan, Ole Waever and Jaap de Wilde: Security: A New Framework for Analysis (1998). Further: Marianne Stone: Security According to Buzan: A comprehensive security analysis (2009).

³⁹ Kleinschmidt, Harald (ed): Migration, Regional Integration and Human Security (2006).

**THE BACKGROUND OF THE
MIGRANTS IS VITAL FOR A
COMPREHENSIVE SECURITY
ASSESSMENT**

migration, or forced migration: i.e. the movement of refugees and internally displaced persons (those displaced by conflict), as well as people displaced by environmental disasters, famine and/or chemical and nuclear disasters. This is

important, as **the ethnical and religious make-up of the migrants as well as their level of education, experience of armed conflicts, persecution, functioning state structures and law enforcement inevitably have a large impact on the possibility for sustainable integration in the receiving society.** Other characteristics of the migrant groups must also be taken into consideration – e.g. demographic structures, the potential culture of violence in the country of origin, and the question of rights and freedom of women and girls. In some cases, also religion must be acknowledged as an important factor to explain acts of violence, without necessarily drawing an automatic equal-sign between religion and violence.⁴⁰



Inevitably, **certain individuals may pose an elevated security risk for the country of destination than others, purely on the basis of their past actions** (e.g. having participated in armed conflict, having been a member of violence-promoting radical groups using violence as a means of reaching political or ideological goals, experience with firearms and explosives, or a criminal record). Others may pose a threat to human security (to themselves and to other members of society) in the receiving country, based on long experiences of violence, persecution and failed state structures in their country of origin. Individuals from war-torn countries suffering from decades of armed conflict, indifference to justice and deeply entrenched cultures of impunity, in combination with human rights violations

⁴⁰ Sennels: Among Criminal Muslims: A Psychologist's Experiences from the Copenhagen Municipality (2009).

**THE INFLUX OF MUSLIM MIGRANTS IS
LIKELY TO LEAD TO MORE
ATROCITIES AGAINST JEWISH**

require a more comprehensive approach to their integration in the receiving society – including issues of mental illness and war-induced trauma. Others – as the mentioned recent cases of mass assault is

European cities – may pose a threat to public order and security, as well as to local population through a culturally different and violent behaviour.⁴¹ Therefore, **it is of vital importance that law enforcement and security services possess all the tools and competencies necessary to carry out comprehensive and in-depth security assessments already at the borders – but at latest during the asylum application procedure - as the migration pressure on Europe is not likely to decrease during the upcoming years.**

iii. Muslim diaspora in Europe and home-grown radicalisation

The integration of Muslim communities poses one of the most contentious issues in the immigration debate across Europe.⁴² Several West European countries are struggling with problems associated with large groups of unintegrated Muslims.⁴³ However, this fact does not inevitably lead to alienation and antagonism, but coupled with socio-political marginalization and isolation it does bring about tensions and acts of violence. The acts of violence have not only been prevalent in the fact that there are growing concerns on radicalisation into violence-promoting Islamist extremism in the disintegrated Muslim communities,⁴⁴ but also in the above mentioned events of large-scale assaults by asylum-seekers and immigrants with Muslim background. Apart from security concerns, this phenomenon raises two related issues: the socio-political marginalization of Muslims who have been living in Europe for about half a century, and the problem of cultural integration and compliance with democratic and liberal values – especially respect for the freedom of others.

Parallel to growing Muslim immigrant populations, in numerous countries across Europe we can observe a rising tendency for home-grown radicalisation and violence-promoting Islamist extremism.⁴⁵ Over the past years there have been several attacks and planned attacks by members of European Muslim diaspora groups, and according to current figures there are approximately 5,000 people from Europe (the vast majority of Muslim background) who have travelled to Syria to join the extremist

**UNINTEGRATED MUSLIM
COMMUNITIES PRESENT
SERIOUS CHALLENGES FOR
WESTERN EUROPE**

⁴¹ Politico: Europe's Man Problem (2016): <http://www.politico.com/magazine/story/2016/01/europe-refugees-migrant-crisis-men-213500>

⁴² Meghan Benton-Anne Nielsen: Integrating Europe's Muslim Minorities: Public Anxiety, Policy Responses (2013).

⁴³ Council on Foreign Relations: Europe: Integrating Islam (2011).

⁴⁴ Kristen E. Boon, Azis Huq, Douglas C. Lovelace (eds.): European Responses to Terrorist Radicalization (2011).

⁴⁵ Europol: Terrorism Situation and Trend Report (TE-SAT) 2015.

group called the Islamic State in Iraq and Levant (ISIL).⁴⁶ These so-called “foreign fighters” have been high on the agendas of security services across Europe, as upon return they inevitably pose a higher threat to society. They have received military training and possibly even participated in battle, they have been trained in the handling of arms and explosives and therefore are less inclined to reject the use of violence; such persons therefore continue to pose the largest threat to national security in several countries.

Following the lines of growing radicalisation a strong anti-Jewish sentiment is also visible, especially among the third generation of European Muslims, for whom – as experience has shown – religion and the Israeli-Palestinian conflict merely provide slogans and pretexts. Almost all West European countries with a significant influx of Muslim migrants have a record of violent attacks targeting

**HOME-GROWN FOREIGN
FIGHTERS POSE ONE OF
THE MAJOR SECURITY
THREATS FOR EUROPEAN
COUNTRIES**

local Jewish communities. A 2015 poll measuring Muslim attitudes toward Jews in six countries in Western Europe found that acceptance of anti-Semitic stereotypes by Muslims in Belgium, France, Germany, Italy, Spain, and the U.K was substantially higher than among the national population in each country.⁴⁷ The current influx of mainly Arab and Muslim migrants will, according to some intelligence services, also reinforce anti-Jewish attitudes in Europe.⁴⁸

iv. Anti-immigrant incidents and increasingly strong far-right

Another threat fuelled by the presence of Muslims, along with fundamentalist and occasionally aggressive behaviour, is **the increasingly stronger far-right/extreme right parties and groups**

**UNRESTRICTED
MIGRATION POLICIES
NEED TO TAKE
INCREASING ANTI-
IMMIGRANT
ATROCITIES INTO
ACCOUNT**

who claim that migrants and minorities pose threats to national identity, values and the economy. The popularity of such organizations is on the rise, as can be seen in the **growing number of anti-immigrant incidents, especially in the last quarter of 2015**. However, not all atrocities can be attributed to the far-right, mainly because the perpetrators remain unknown to the police. The two main host countries – Germany and Sweden – have experienced clearly growing anti-immigrant sentiment, resulting in arson, assaults on law

enforcement and government agencies dealing with asylum-seekers and mass demonstrations against continued migration.

⁴⁶ International Center for Studies on Radicalisation (ICSR), King’s College, 2015.

⁴⁷ ADL: An Index of Global Anti-Semitism (2015 update).

⁴⁸ The Jerusalem Post (2015), <http://www.jpost.com/Diaspora/German-intel-Migrants-will-bring-anti-Semitism-430058>

VI. Challenges of integration

Marginalization, fundamentalism and intolerance constitute a fateful triangle which confines the existence and attitudes of the younger Muslim generation in Europe. This predicament results from the lack of social, cultural and political integration. This is another area in which there are historically-rooted differences between Western and East Central Europe, but one feature is common to all: integrating marginalized groups of people pose serious challenges.⁴⁹

i. Integration of practicing Muslims into secular societies

It is empirically and scientifically proven that Muslims have great difficulties in adapting to secular norms⁵⁰, but several cases also show that they lack the intent to do so⁵¹. When measuring educational underachievement, average income, child poverty, residential concentration, percentage of the prison population and inter-ethnic personal relationships, some European societies are marginally better on

**IS A EUROPEAN MUSLIM
IDENTITY STILL ABSENT?**

some indices and worse on others. All have a small but significant, rootless, deeply alienated and aggrieved Muslim underclass which defines its identity in exclusively religious terms. **This group sees itself as**

Muslims in Europe, Muslims who happen to live in Europe but without any commitment to it. They do not see themselves as Muslims of Europe, for whom the continent is their home, and they are completely unlike Europeanized Muslims or those who share European culture and values. Islam is the sole basis of their personal and public identity, and is unrestrained by the moderating influence of other identities.⁵²

Undoubtedly these are real problems and challenges that West European societies have been facing for decades, without having been able to find solutions that accommodate the security of the local communities or successfully integrate newcomers. Despite generous social benefits in welfare societies, large numbers of the Muslim diaspora still live in what may be classified as ghettos: i.e. socio-economically deprived city areas and suburbs with an immigrant majority. These facts must be taken into consideration before deciding on new, large-scale resettlement of Muslim immigrants in countries already facing tensions as a result of ethnic segregation.

⁴⁹ McGhee, Derek: End of Multiculturalism: Terrorism, Integration and Human Rights. Open University Press, 2008.

⁵⁰ March, Andrew: "Are Secularism and Neutrality Attractive to Religious Minorities? Islamic Discussions of Western Secularism in the 'Jurisprudence of Muslim Minorities' (Fiqh al-Aqalliyyat) Discourse," Cardozo Law Review [Symposium Issue on Constitutionalism and Secularism in an Age of Religious Revival: the Challenge of Local & Global Fundamentalism] Vol. 30, No. 6, pp. 2821-2854.

⁵¹ Parekh, Bhikhu: Feeling at Home: Some Reflection on Muslims in Europe (2009). Harvard Middle Eastern and Islamic Review 8, pp. 51-85.

⁵² Parekh, Bhikhu: European Liberalism and "The Muslim Question", ISIM Paper 9, Amsterdam University Press, Leiden https://openaccess.leidenuniv.nl/bitstream/handle/1887/12641/paper_parekh.pdf?sequence=1

ii. Integration aspects in East Central Europe

Countries with significantly contracted labour markets and less stable middle classes have limited options in the search for best practice regarding the integration of a non-native population with a different cultural and religious background. Central and East Europe in general, and Hungary in particular, is still recovering from the mental and material destruction of decades of communism. This process is ongoing, both in the Government's efforts regarding integration of the Roma (approximately one tenth of Hungary's population), and in combating the populist rhetoric of certain political groups who strive to ignite hatred in parts of the population who may live in social-economically deprived conditions. The priority is still therefore the creation of a strong middle class, in parallel with the elimination of the already existing poverty that was worsened by the collapse of a

SOLVING NATIONAL CHALLENGES HAS TO GET PRIORITY

centralised socialist command economy. The endeavour is therefore to build a strong nation by supporting families and those

currently in great need, instead of opening the door to another large group of individuals with multiple disadvantages. Additional far-reaching requirements placed on member states currently struggling to support deprived groups within their own citizenries seem unrealistic. The economic disadvantages of the East Central European countries are also clearly reflected by many migrants' refusal to be transferred from Malta to any part of the region as part of the first EUREMA project.

The integration of newcomers presupposes steady economic growth, it requires the sustainability of social and health services, adequate housing, and the adaptability of the school system. This raises a two-fold **concern regarding the equal treatment and equal opportunities provided to the migrants and refugees whom it is aimed to distribute among the various European countries.** Moreover, once the gates of Europe have been opened, another question arises – as Dennis Prager has put it: “on what moral basis can the European Union object to bringing in the million and a half mostly non-Muslim Nigerians who have fled their homes because of Boko Haram terror and the Islamist government war in that country?”⁵³ An honest attempt to address these questions and concerns requires an in-depth revision of the implementation of Western democratic principles before any enforcement of a unified migration policy across each and every segment of the European Union.

DOES EUROPE HAVE THE COURAGE TO BE HONEST AND REALISTIC?

⁵³ Prager, Dennis: Should Europe take in a million Muslim refugees? jewishjournal.com, Sep. 24, 2015.
http://www.jewishjournal.com/dennis_prager/article/should_europe_take_in_a_million_muslim_refugees

VII. Summary and conclusions

- Europe has to recognize the severe and long-term consequences of the current challenges posed by population movement, as well as the fact that the present situation is just the tip of the iceberg compared to what is to come;
- The current influx of migrants into the European Union needs to be minimized urgently. To this end there is an immediate need for further developing a Common European Border Protection policy with the extended support of Frontex and Europol, as well as financial and/or in-kind contributions from the member states. (As part of the comprehensive approach needed, at the same time application/registration points have to be established outside the EU in cooperation with the EASO, the member states and neighbouring countries. Moreover, inside Europe, the member states must improve the effectiveness of asylum procedures, while the European Union needs to provide adequate and timely support to member states in intensifying their efforts for the execution of more effective returns);
- Europe as a continent of destination must stop encouraging migrants with tacit invitations, and redefine itself as a continent where legal migrants and those in need of international protection are welcome, provided that all necessary requirements are met;
- Due to the large economic, social and cultural differences among the EU member states, the mitigation of the challenges caused by the current migration answers cannot neglect national solution. Cooperation is to be boosted in certain areas, where needed and required – such as border protection – while national decisions must prevail in other issues, such as immigration policy;
- Blurred definitional boundaries between asylum and general immigration ought to be changed, as they hinder the appropriate enforcement of law and order;
- The European Union urgently needs to revise the Dublin III Regulation, based on the indisputable fact of mutual responsibilities of the member states, and with regard to its self-evident deficiencies. The application of the 1951 Refugee Convention must also be revised according to the changed circumstances;
- In failing to assert its sovereignty, the EU severely risks dismantling its core achievements, such as the right to free movement and the free movement of workers;
- At global level, the lack of a unified European stance corresponding to its economic power forces the EU to pay the price for the global miscalculations of others. Regaining sovereignty is hence also vital to starting negotiations with regions outside the EU on the merits of possible support and development;
- No country in the EU can truly profit from this population movement. Instead, legal migration preferences of the Western and East Central European states – especially in terms of labour market aspects – show remarkable differences which need to be mitigated;

- Migration and security should never be seen separately. Measures have to include more efficient early detection of security risks in relation to the migrants, as well as enhanced action against those who are already radicalised and prone to violence-promoting extremism. Also the rise of far-right and anti-immigrant movements needs to be combated.
- The lack of integration of large parts of the Muslim diaspora in Europe requires a more comprehensive and culture-focused approach. This is urgent and should be prioritised before Europe resettles down another large group with a Muslim background.
- The current analysis makes it clear that 2015 was merely about failed European border protection and the incapacity to avert and decrease the migration pressure.
- However, 2016 will expectedly circle around the complex challenge of integrating the ones who have been granted asylum, and to swiftly execute repatriations. The European discourse on



immigration will further be polarised among those who prefer a federalist solution to *all* European issues, in contrast to those who argue along the lines of stronger nation-states.



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