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How Europe Can Reform Its Migration Policy
The Importance of Being Sustainable
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Three years since the start of the European refugee crisis, the continent's politics are still convulsed by disagreements over migration. This is despite the sharp decline in the number of people crossing the Mediterranean [1] into Europe—60,000 between January and August 2018, compared with over one million in 2015 and 350,000 in 2016. The crisis, in short, is not one of numbers but one of trust: European publics believe that migration is out of control and that their leaders have no real plan for handling it.

Among the new arrivals, some are refugees with no choice but to flee to Europe, while others are refugees who might have found protection closer to home. But many are aspirational migrants, leaving poor but not necessarily dangerous countries, such as Morocco and Tunisia [2], for better jobs and opportunities in the EU. Europe's problem is that it currently has no effective way of distinguishing between these groups or of forcing EU member states to share responsibility for legitimate refugees. And with some countries, such as France and the United Kingdom, which return less than half of rejected asylum seekers, migrants without a real claim to asylum have an incentive to apply for it anyway, knowing they will probably be able to stay regardless of the bureaucratic outcome [3]. The absence of rule of law in the admission of migrants, coupled with haphazard integration policies, undermines public confidence [4], in turn fueling a populist backlash with devastating consequences for both migrant welfare and European democracy. From Brexit to the rise of the populist Alternative for Germany party, divisions relating to migration have poisoned politics.

The populists grossly exaggerate and distort the socioeconomic impact of human migration, which is often beneficial. The primary source of public anxiety is structural economic change, in particular the collapse of labor-intensive manufacturing. Yet even if migration is not the root cause of discontent, migration policies must enjoy democratic legitimacy if they are to remain sustainable.

European politicians, however, have neither the effective policies nor the unifying narrative necessary to regain voters' trust. The Common European Asylum System (CEAS) is in tatters. Under it, EU member states are supposed to adopt common standards for recognizing and assisting asylees. This has become a fiction: last year, France recognized 86 percent of asylum claims [5] from Iraqis; the United Kingdom, only 19 percent. The Dublin Regulation, an EU law requiring migrants to apply for asylum in the first country in which they are processed, has also proven dysfunctional, requiring frontline countries such as Italy and Greece to shoulder the burden of mass inflows. Stopgap measures by the European Commission (EC), such as its September 2015 plan to reallocate 160,000 refugees among EU member states, remain unimplemented. And the EU's latest emergency summit, on June 28–29, produced a largely symbolic agreement whose core proposals—the voluntary creation of processing centers within Europe and the exploration of "regional disembarkation platforms" outside the EU—are inadequate to the task of reform.

An alternative vision is urgently needed, one that can provide Europeans with a humane, economically sound, and democratically legitimate framework for dealing with the challenge of migration. On June 21, the authors, working in collaboration with the Norwegian government and the EC's European Migration Network, launched the Sustainable Migration Framework in Oslo, our proposal for reforming the EU's asylum and immigration policy. Here, we outline our framework and its implications for Europe.

SUSTAINABLE MIGRATION

To begin to reform, Europe's politicians and policymakers must reach agreement on their desired endpoint. We suggest that a new discourse of "sustainable migration" can offer a unifying language for debate. A sustainable migration policy will need to satisfy three simple conditions: it must meet widely accepted ethical obligations, enjoy broad democratic support, and avoid decisions that people (whether migrants, receiving societies, or sending societies) will later come to regret. If a policy deviates from these criteria, it is liable to come unstuck.

Europe's migration and refugee policy since 2015, however, has been the opposite of sustainable: chaotic, reactive, and ad hoc. Nowhere was this more apparent than in the shift in Germany's migration policy between September 2015, when Chancellor Angela Merkel threw open Europe's doors to refugees, and March 2016, when she led the push for an EU deal with Turkey that attempted to slam the doors shut. Much of the support for Merkel's initial policy came from a widely shared sense that the rich countries of Europe have an ethical obligation to accept refugees and migrants from poor countries, regardless of how they entered Europe, whether they had a legitimate claim to asylum, or how European citizens felt about the matter.

Europe does indeed have ethical obligations to the rest of the world. At the same time, a well-intentioned but ill-considered policy is likely to produce results such as the ones we have seen in Europe over the last three years: collapsing public trust, political backlash against migration, and bitter disputes between EU member states. A sustainable migration policy must therefore distinguish between Europe's reciprocal ethical obligations, which arise from transactional relationships of mutual gain, and its nonreciprocal [6] ones—those it has a duty to fulfill regardless of whether it gains anything in return. Rich countries have nonreciprocal obligations to help poor societies develop and to assist refugees fleeing from conflict and persecution. They do not have nonreciprocal obligations—other than humane treatment—to aspirational migrants.

STAYING HOME

Europe's clearest nonreciprocal obligation is to help refugees who may be at imminent risk of harm. For some, asylum in Europe is the only way to ensure their safety. Yet most refugees are neither in Europe nor attempting to come to Europe. Eighty-five percent of the world's refugees find sanctuary in low- and middle-income countries. Currently there are nearly three million Syrian refugees in Turkey, more than one million in Lebanon, and over 650,000 in Jordan, compared with about one million in Europe as a whole. Refugees are not natural migrants: they are people who chose to stay home until they were forcibly displaced by crisis. What they need is not permanent migration per se but safety and normality until they can either go home or become accepted as productive citizens in their regional haven or elsewhere. If the EU can give refugees adequate assistance and development opportunities, it will be fulfilling its ethical obligations and leaving most with little need to move on to Europe.

Assistance and development opportunities, however, cannot come in the form of indefinite humanitarian aid, which acts as a drain on rich countries' resources and does little to put the refugees on a sustainable, self-sufficient footing. These opportunities must instead help refugees restore a sense of autonomy, community, and dignity within the non-European countries where most reside. This means jobs in their host countries—a policy with the added benefit of offering host countries an economic incentive to keep their borders open. The best way for Europe to meet its obligations to the vast majority of the world's refugees is to provide them with jobs in their host countries, from which both the refugees and the hosts can profit.

Examples abound of progressive policies for the economic inclusion of refugees in developing countries. In 2016, Jordan [7], supported by trade concessions from the EU and finance from the World Bank, gave refugees the right to work. Virtually since independence, Uganda [8] has allowed refugees relative freedom of movement and the right to work. In 2016, Kenya opened its Kalobeyei [9] settlement, which is the world's first designed, market-based settlement in which both refugees and host community members live side by side. That same year, Ethiopia committed to move from an encampment policy to one that will gradually give refugees the right to work and move. With international support, these countries are creating sustainable models that both protect refugees and simultaneously benefit host communities. Recent studies by the World Bank [10] and the International Finance Corporation [11], for instance, provide evidence that host communities in Kenya have benefited from a market-based approach to refugee assistance.

Organized resettlement schemes, which enable refugees to move onward to a third country, should be made available when refugees are trapped in limbo for long periods of time, unable to either return home or integrate with the host community. But these schemes should have clear criteria and involve greater international coordination than at present. Organized resettlement can also be made more sustainable by introducing options for private sponsorship. Canada, for instance, has had a successful system for the private sponsorship [12] of refugee resettlement since the 1970s, enabling communities with progressive values to take on the costs of integrating refugees who most need safe haven in Canada. Although this system has not been widely adopted in Europe, Germany and the United Kingdom are currently exploring implementation.

ASPIRATIONAL ALTERNATIVES

Europe's other main nonreciprocal obligation is to help poor countries develop. This is an important part of a sustainable migration policy, since a significant proportion of the people coming to Europe are not refugees but aspirational migrants. Those crossing the Mediterranean from Libya, for instance, are disproportionately young, educated men, often driven on by an idealized vision of Europe. The EU does not need to accept aspirational migrants as refugees—a status that should be reserved for those in genuine danger—but this does not mean that Europe has no obligation toward them at all.

Traditional forms of development assistance, such as simply giving aid to poor-country governments, are inadequate to the task. Moreover, they cannot stop aspirational migration: modest increases in income actually make people more likely to emigrate, since they are better able to afford it. What is needed from Europe is more profound and requires a nuanced understanding of the relationship between migration and development. Young Africans must come to believe that Africa itself will provide opportunity and promise, just as young Chinese now look confidently to their country's future. Every year ten to 12 million young Africans enter the labor market, yet only one to two million new jobs are created. At the moment, emigration is the de facto solution to this employment gap.

Africa needs jobs, but it also needs a transformed narrative, one that no longer identifies Europe as the default outlet for youthful aspirations. To help this transformation, Europe must support empowered production rather than entitled consumption among Africa's young people, specifically by creating opportunities for meaningful work and entrepreneurship on the continent.

Doing so will also mean helping African governments create a sense among their citizens of shared belonging based on common purpose, which should in turn be linked to a credible economic strategy. Rwanda, for example, has in recent years combined [13] nation building, good governance, and job creation for its young citizens. Here, international financial institutions such as the European Investment Bank, the International Finance Corporation (the business arm of the World Bank), and the newly reconstituted Overseas Private Investment Corporation have a central role to play. The core competence of such organizations is bringing international firms to countries that desperately need job growth, yet they are barely known within Europe's interior ministries—a reflection of the regrettable lack of policy coherence across development and home affairs.

As a general rule, it makes more sense to bring jobs to people than to bring people to jobs. Even so, many economic sectors in Europe need migrant workers, at least in the short term. Circular migration [14]policies, in which

migrants work for a short time before returning home, have been successfully used for agricultural labor by Canada and the United States, and Europe should begin considering them as a means of providing mutually beneficial labor migration.

ASYLUM IN EUROPE?

Once the EU has met its responsibilities to refugees outside of Europe, the issue of asylum within Europe should become a minor one. But it will still need to be addressed. If the EU is to have a rules-based system, this will mean maintaining a clear distinction between refugees and aspirational migrants. And because Europe is such a tempting destination for poor people, a sustainable European asylum policy will also need to distinguish between those refugees who can find safety closer to home and those who absolutely need to move to Europe. To be sustainable, EU asylum policy needs to address five main questions.

First, how should asylum decisions be made? EU policy for distinguishing between refugees and aspirational migrants must be consistent across time and space. Inconsistencies and unpredictability undermine public trust, incentivize migrants to gravitate to the countries with the least demanding asylum standards, and contribute to arbitrary and unjust outcomes for refugees. Although geographic consistency has been a core aim of CEAS,it has been misinterpreted as referring merely to common criteria for granting asylum in European courts. This misses a much more important aspect of geographic consistency, which is that the outcome of an asylum (or other migration visa) decision should be identical regardless of whether asylees have applied within their country of origin, a regional safe haven, a transit country, or the EU. Currently, this is not the case. The business of people smuggling will continue to thrive as long as reaching European soil greatly increases one’s chances of settlement in Europe.

Second, where should asylum decisions be made? Decision-making for asylum cases should still be available within the EU, and indeed the process should be simplified and sped up considerably. But it makes sense for the bulk of asylum and migration procedures to be undertaken outside of Europe, thereby reducing the need for people to embark on dangerous journeys. Europe’s unrivaled network of consulates and embassies should be empowered to operate under European jurisdiction in both haven countries and migrants’ countries of origin. These decisions should not, however, be concentrated in the countries currently being used for transit, such as Libya.

Libya is not a haven country, and people should not be induced to go there. Creating processing centers there, as some EU states have proposed, risks both inhumane outcomes and attracting more people.

Third, how should responsibility be shared? Europe will also need to reform its system for distributing refugees within the EU. The Dublin Regulation is manifestly inequitable. A sustainable system requires a clear separation between responsibility for assessing a claim—which can be done by whichever embassy or consulate an asylum seeker chooses to use (or within the first European territory in which a person arrives)—and responsibility for the settlement and integration of refugees whose claims have been accepted. Refugees should be distributed across EU member states based on mutually agreed-upon criteria.

European countries have different histories, demographics, and degrees of diversity, which could make agreement hard to reach. Yet a solution is not impossible as long as distribution criteria respect citizen preferences. For instance, a preference matching system [15] could be used to link the preferred destinations of refugees to the states and communities willing to welcome them. This approach can contribute to sustainability because it respects both citizen and refugee preferences while leading to a fair distribution of what should be small numbers of refugees. Yet once a match has been made, refugees should stay in the country to which they have been assigned. The Schengen Agreement, which largely abolished Europe's internal borders, was intended to confer reciprocal rights of frictionless movement on European citizens, not on refugees or temporary migrants. Enforcement of this provision need not require border checks as long as there are effective controls on access to employment, benefits, and public services.

For migrants who are already living in Europe but have yet to receive an asylum decision, claims should be assessed by the countries in which they are currently living—as long as there are common criteria for deciding claims, there is no need for the migrants to move between countries. This should be accompanied by EU financial assistance to frontline states such as Greece and Italy, where unprocessed asylum seekers disproportionately live.

Fourth, how should Europe deal with the boats still attempting to cross the Mediterranean? The EU, of course, must absolutely commit to saving lives at sea. But in addition, it must establish clear procedures for disembarkation after migrant ships have been intercepted or migrants have been rescued at sea. Disembarkation points—places that can house migrants while their asylum claims are being processed—should be close to Europe, but they should not

themselves be a potential destination. One location that meets these criteria is Malta, although there are many other islands in the Mediterranean that could work.

As with the frontline states, Malta and other islands should be financially compensated for serving as disembarkation points. To cooperate, they will need assurances from the EU both that claims will be decided quickly and that unsuccessful claimants will be returned. Initially, it may be necessary to back these assurances with a default procedure, such as transfer to an alternative safe haven country for cases in which no decision has been reached after a determined period.

Fifth, how can Europe make returns work? Europe also needs to develop an effective and humane mechanism for returning unsuccessful asylum claimants, either to a regional haven country (for those who can receive effective protection there) or to their country of origin (for those determined to be aspirational migrants). Currently, the rate of deportation for failed asylum seekers is low, and it is far too easy for rejected asylum seekers to disappear into the informal economy. This system, in which official asylum decisions are de facto ignored, is unsustainable, illegitimate, and a subversion of the rule of law. To reform it, Europe will have to reduce disappearances. It should not do so through draconian detention policies, however. Instead, identity cards and biometric information, policed by employers and welfare agencies, can help identify illegal migrants. And countries in which it is currently easy to disappear, such as Italy, will need to raise their standards of transparency and enforcement.

But there may also be innovative alternatives. For difficult cases in which third country agreements, diplomatic assurances, or nationality identification systems are unavailable, one possibility would be to identify a group of willing third countries prepared to participate in an alternative labor migration routes pool. For countries with a demand for labor migration, rejected asylum seekers might have the option to express a preference between participating alternative destination states, while those participating states could similarly rank preferences about the profiles of prospective migrants.

MAKING MIGRATION WORK

Migration policy will shape Europe’s future. The continent’s leaders have lost the trust of their citizens, and that trust will not be restored by acrimonious disputes over illusory quick fixes, which is what Brussels has largely offered so far. The EU urgently needs to change its approach. Its overarching priority in

this should be to reassure citizens by adopting a refugee and migration policy that gains sufficiently wide support, meets Europe's ethical obligations, and is sufficiently prudent that it will not leave a legacy of regrets. Sustainable migration can offer a common and unifying language through which politicians can reconnect with citizens. More, it offers policies that are principled yet pragmatic enough to endure the migration challenges it will inevitably face in the future.

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