Alexa Quiles  
Felix Homburg  
Théo Genetet

April, 2019

**POLICY PROPOSAL**

This policy proposal by the states of Greece and Italy aims to present a solution for the challenge of dealing with refugees entering the European Union. To ensure there will be a suitable strategy in the future, this paper first compares possible concepts and subsequently selects the option that is most suitable keeping in mind the various positions on that topic by different member states. Eventually, it provides all relevant arguments supporting our choice in the last section. We are sure that this best option is a system alternative to quotas to be established involving all member states.

**1. Available alternatives.**

* Conditionality.
  + Linking the compliance with the quotas system to the availability of Cohesion Funds could serve as a deterrent to deviating from Member States’ responsibilities regarding refugee relocation, especially when Eastern states like Poland and Hungary are considered. The Cohesion Fund was set up in the early 90s to assist those Members whose national income per capita is less than the “90% of the EU average” (European Commission, n.d.) with the objective of financing trans-European network and environmental projects and serve as a platform for leveling these countries with the rest of Europe in terms of infrastructure and employment (Michelot, 2018) --currently, Poland is the most benefited member from the allocation of this Fund (Michelot, 2018).
    - Benefits: both Poland and Hungary are large benefactors of the Cohesion Funds, and conditioning their ability to access them would provide an incentive not to diverge from their obligations.
    - Shortcomings: ultimately, the most affected by conditionality would be these nations’ citizens, who do not have direct access to political decisions regarding the matter and are not responsible for their politicians’ actions. Furthermore, there are other Members who do not comply with the quotas system and are not subject to Cohesion Funds (Michelot, 2018). Finally, the likelihood of conditionality being accepted in the upcoming MFF is low.
* Sanctions.
  + Establishing a scheme in which Members are required to pay a fee if they do not comply with their quota.
    - Benefits: like in conditionality, it would deter Members from not abiding to their responsibilities, regardless of their eligibility for the reception of Cohesion Funds.
    - Shortcomings: low likelihood of being accepted in the upcoming MFF.
* Reform of Dublin III Regulation.
  + The Dublin Regulation establishes that the country responsible for administering an asylum-seeker’s claim is the one the claimer reaches upon first entry in the European Union, which has derived in an unfair financial and organizational load on nations like Greece and Italy --both undergoing remarkable unemployment issues-- because of the outlet these territories have to the Mediterranean sea where immigrants from North African and Middle Eastern countries undertake travels to enter the EU. Other Member States have not actively or entirely adhered to their replacement obligations. This regime is not fair and provides an unequal distribution of a burden that should be commonly and collectively confronted by the Union, as one of the most fundamental basis for the Union is that of solidarity. Moreover, the reception capacities of the border states have seen themselves completely overwhelmed, as a number of refugee centers in both Italy and Greece --for instance, the island of Lesbos-- have overcrowded their maximum capacity and are facing severe administrative hurdles (The Local, 2017).
    - Benefits: reforming the Dublin Regulation would provide a platform for the negotiation of a fairer distribution mechanism that could potentially lead to an agreement that deals effectively with the immigration issue. Additionally, it could usher in pressure-relief on border countries like Italy and Greece, which are both tackling economic difficulties.
    - Shortcomings: members that are benefiting from an unequal share of the weight may oppose the reform.
* Alternative to quotas system based on standardized criteria for the processing of claims and an allocation formula that ensures the proportionality of refugee distribution, making a clear division between asylees and refugees and economic immigrants.
  + A common policy that is focused on standardization of the procession of asylum claims --such as the procession time, the information available regarding the claimer’s registration and status, transparency on the stage of the application and the protocol to follow at each level-- would provide a common alternative to a system that has demonstrated to be inefficient and particularly unequal. The formula to allocate claimers should be based on the country’s economic performance (unemployment rate, GDP per capita, sovereign debt), the claimer’s particular preference, population density and number of asylum applications previously accepted and under process. Furthermore, this common policy should also aim to enforce nations’ reception ability with the building of capacities to deal more efficiently with refugees --appropriate staff and infrastructure, strong internal control in centers, sufficient funds from AMIF --especially for border countries--, early-warning systems that effectively aid in forecasting activities and availability of expertise to respond to short-term and long-term needs on the side of the refugee and on the side of the hosting nation (Kegels, 2016). Lastly, more emphasis should be placed on the distinction between refugees and economic immigrants when negotiating this alternative, as any setup that could furnish an opening for Human Rights violations is deeply undesirable.
    - Benefits: a unified approach that standardizes practices, protocols and criteria would undoubtedly conduct to an environment with more certainty as to where and who a claimer is, what is their status, what stage are they in in terms of their application, and the measures to take once a claim is approved or rejected. It would also lead to pressure-relief for those members who have been unequally affected by migration flows and to a more secure space for claimers. A common policy, aligned with the work the EU has been doing regarding the protection of borders, would be more efficient than the current distribution mechanism.
    - Shortcomings: negotiating an alternative to the quotas system could take a long time, which would increase uncertainty for a period of time. As in the previous options, this alternative may face antagonism from states that seek to keep the status quo.

**2. Selection of best alternative.**

After thoughtful assessment of all strategic alternatives, we came to the conclusion that the best option for the European Union and its member states is a alternative system (hereafter AS) to distribute refugees, standardize and streamline the migration process and providing legal certainty for both, migrants as well as member states. This alternative is particularly interesting because it can be inclusive to all member state and once established, provide long lasting security.

**3. Arguments supporting choice.**

As mentioned above, there can be some difficulties when establishing an AS. But these can become strengths. It might take time to discuss the details of this strategy, but in the end we will have a solution that is long-lasting and comprehensive. It can include all member states and their opinions and thus, lead to an inclusive solution instead of fights and idleness of the past (Guardian, 2017). There have been calls of those states opposing conditionality and distribution quotas for a new mechanism in the past (Reuters, 2016). With the pressure on Europe being less dramatic than 2015 and 2016, it is the perfect timing to develop this mechanism. Another crucial aspect is legal certainty. The status quo right now is that neither asylum seekers nor states know exactly what to expect under the current system. This makes it incredibly difficult for the Mediterranean states such as Italy to tackle the current migration overflow and the resulting challenges. At the same time, Eastern European states such as Hungary and Poland have faced legal issues in the past (Guardian, 2017 [2]). Hence, it would be in the interest of all states to work together on a solution that incorporates everyone’s interest to avoid these problems in the future.

Another crucial issue is to comply with international Human Rights regarding the state of refugee centers, the processing of unaccompanied minors and the principle of non-refoulement when dealing with claimers and refugees. Therefore, a clear legal framework is needed to ensure this compliance. Furthermore, this framework can provide a differentiation between a person to be granted asylum and a economic migrant as this has led to discussion within the EU in the past. The framework can build a flexible and intelligent distribution mechanism based on macro-economic factors instead of quotas that might be perceived as arbitrary by some states. This way, a fair solution adjusting to possible crisis can be provided for the future.

**Sources**

Edwards, C. (2017, March 09). The Local. Italy's overcrowded migrant centres leave children vulnerable: Council of Europe. Retrieved from https://www.thelocal.it/20170309/italys-overcrowded-migrant-centres-leave-children-vulnerable-council-of-europe

Cohesion Fund. (n.d.). European Commission. Retrieved from https://ec.europa.eu/regional\_policy/en/funding/cohesion-fund/

Michelot, M. (2018). HOW CAN EUROPE REPAIR BREACHES OF THE RULE OF LAW ? Notre Europe.  
Kegels, M. (2016). Getting the Balance Right. Integration Policy Institute.

Rankin, J. (2019). EU could 'scrap refugee quota scheme'. [online] the Guardian. Available at: https://www.theguardian.com/world/2017/dec/11/eu-may-scrap-refugee-quota-scheme-donald-tusk [Accessed 12 Apr. 2019].

Rankin, J. (2019). EU court dismisses complaints by Hungary and Slovakia over refugee quotas. [online] the Guardian. Available at: https://www.theguardian.com/world/2017/sep/06/eu-court-dismisses-complaints-by-hungary-and-slovakia-over-refugees [Accessed 12 Apr. 2019].

U.K. (2019). Slovakia wants EU to draft alternative plan to refugee quotas, PM says. [online] Available at: https://uk.reuters.com/article/uk-europe-migration-slovakia/slovakia-wants-eu-to-draft-alternative-plan-to-refugee-quotas-pm-says-idUKKCN1271KD [Accessed 12 Apr. 2019].