



Intra-EU: A Path By Asylum Seekers

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Abstract:

In 2015, the European Union (EU) was confronted by the biggest inflow of refugees since World War II (OECD, 2015). There was a gradual increase in the number of asylum applications within the EU which created Humanitarian crisis and overwhelmed the resources and institutions across Europe. A phenomenon emerged with the influx, called as **Intra-EU migration or secondary movements**. This occur when refugees move from the country in which they first arrived to other country for protection and permanent settlement. While the Member States of the EU have long been accustomed to the mass migrations of people from outside EU's border, but the current flow of secondary migration is within the EU at an unprecedented level. This phenomenon is multifaceted has various factors driving it – from socio-economic factors to other procedural and policy related factors. The secondary movements have far reaching implications on the individual, family, community, system and in general on the European Union itself. The research paper deals precisely with the Secondary movements of refugees, which has attracted widespread public and scholarly attention, the challenges such movements pose, the multifaceted implications and the real question as to Who are these people on the move and Why are they moving.

Keywords: Intra-EU, Secondary Movements, Migration, Refugee, Asylum.

Introduction:

Migration has turned out to be the biggest challenge of 21st Century, from forced migration due to Natural Calamities, Political instabilities, war-torn societies to voluntary migration in pursuit of better living. In case of Europe, the episodes of migration from the last decade were quite peculiar in terms of number of people, reasons and new form of challenges that posed the European Union (EU). It is one of the most contentious topics in policy arena as it has far reaching implications on Political, Social, Economic, Cultural aspects of Europe in general and member Countries in particular. The new challenge faced by the EU was the **secondary movements** refugees took from the source country to the destination country as soon they reach European Countries or during their transit in the asylum System. Given that, this phenomenon is multifaceted has various factors driving it – from socio-economic factors to other procedural and policy related factors which influence the decision to settle in a particular country. These include the time and reasons for departure; entry, exit and transit requirements in the countries concerned; personal circumstances; material resources; historical or cultural ties to specific countries; family or other social networks; and rumours and chance. ⁱ It all started when the turmoil in Syria and surrounding areas compelled mass population to migrate across Mediterranean Sea and reach safe havens in Europe. This continued for year on year, overwhelming the system with thousands of applications for asylum. In 2019, 676 300 asylum seekers applied for international protection in the 27 current Member States of the European Union (EU-27), up by 11.2 % compared with 2018. This was the first time the number of asylum applications increased year-to-year since 2015. With such influx of refugees seeking asylum, the potential for secondary movements got manifold. The authorities and experts began to gauge these movements through irregular and multiple

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registration of asylum seekers crossing borders and infiltrating the asylum system of one or two desired destination countries. Incidents of Multiple registration were evident from 2016, when Eurodac Report came out with data showing the ratio of **multiple asylum applications** increased from 27 % in 2014 (137 737) and 22 % in 2015 (273 701).

Europe is accustomed to migration and has welcomed it with free movement policies such as Schengen Visa Agreement. The European Union from time to time had initiated and implemented policies to regulate, manage and resolve the issues around migration, but this time the circumstances were unique and the group of people were not some regular migrants, but refugees running to save their lives.

The research paper deals precisely with the Secondary movements of refugees, which has attracted widespread public and scholarly attention, the challenges such movements pose, the multifaceted implications and the real question as to Why these people are moving.

What is Secondary Movement?

The phenomenon of migrants, including refugees and asylum- seekers, who for various reasons move from the country in which they first arrived, to seek protection or permanent resettlement elsewhere. Such secondary or onward movements are often done in an irregular manner, that is 'without the prior consent of the national authorities or without an entry visa, or with no or insufficient documentation normally required for travel purposes, or with false or fraudulent documentation.

Secondary movements of asylum seekers in the EU+ is not a new phenomenon. Even as early as in the 1990s, it gave rise to discussions and distrust between Member States.

One of the reasons for this was concern among north-western European Member States (in particular, Germany) about Italy's willingness and capacity to effectively control its external borders and prevent the transit of asylum seekers and other irregular migrants into the EU.ⁱⁱ

Who is moving?

In the EU context, regular migrants' inflow, outflow and Intra-EU mobility for economic reasons is familiar, while the refugees and asylum seekers moving from one member state to other is quite unusual for the authorities and member states. The Definition of Refugees according to Geneva Convention relating to the Status of Refugees, Art. 1, are those who, owing to fear of persecution on the grounds of race, religion, nationality or membership of a particular social or political group, are outside of their country of nationality and cannot seek protection in that country or, owing to fear, are unwilling to return to it.ⁱⁱⁱ An asylum-seeker is a person who has left their country and is seeking protection from persecution and serious human rights violations in another country, but who hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim.^{iv} Asylum related migrants move on as soon as possible after their initial arrival at the external border, because they anticipate a better future ahead of them elsewhere in the EU, seek refugee status, in need of aid and support.

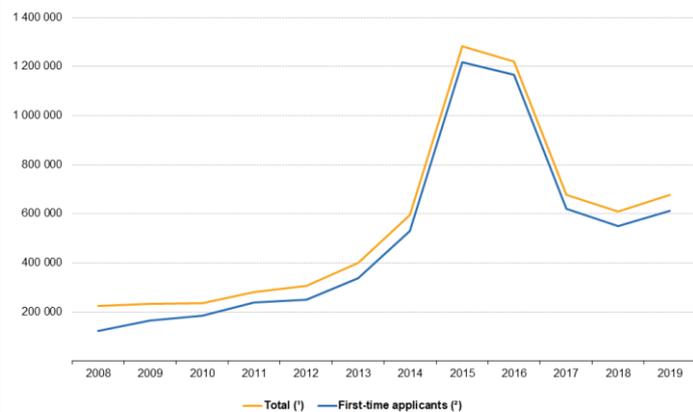
When it started?

The surge in mass movement of migrants fleeing conflicts in Syria, Iraq and Libya for European lands has been described as the second largest movement of people since the end of World War II. Most of those fleeing has crossed into Turkey and then risked waterways into either the nearest European Greek Island or Austria in Europe. The situation reached an escalating point when thousands began arriving at European shores. It was not until late August 2015, when thousands of migrants continue to spill across Europe causing major stand-offs with national authorities in Hungary, Greece and Austria, European nations began to realize the intensity and urgency of the situation.^v

The situation aggravated with time, as number of people entering into Europe increased manifold, thus overwhelming the entire Institution. As Figure 1 presents, between 2008 and 2012 there was a gradual increase in the number of asylum applications within the EU-27, with 40,0500 applications in 2013, 59,4200 in 2014 and around 1.3 million in 2015. In 2016 the number levelled off at around 1.2 million. In 2017, the number of asylum applications marked a significant decrease of 44.5 % in comparison with 2016, and continued a downward path also in 2018.

In 2019, 676 300 asylum seekers applied for international protection in the 27 current Member States of the European Union (EU-27), up by 11.2 % compared with 2018. This was the first time the number of asylum applications increased year-to-year since 2015.^{vi}

Number of asylum applicants (non-EU-27 citizens), EU-27, 2008–2019



(*) 2008–2014: Croatia not available.

(†) 2008: Bulgaria, Greece, Spain, France, Croatia, Lithuania, Luxembourg, Hungary, Austria, Romania, Slovakia and Finland not available. 2009: Bulgaria, Greece, Spain, Croatia, Luxembourg, Hungary, Austria, Romania, Slovakia and Finland not available. 2010: Bulgaria, Greece, Croatia, Luxembourg, Hungary, Austria, Romania and Finland not available. 2011: Croatia, Hungary, Austria and Finland not available. 2012: Croatia, Hungary and Austria not available. 2013: Austria not available.

Source: Eurostat (online data code: migr_asyapctza)

eurostat

This Mass Migration urged the member countries to stand up to their duty on Humanitarian grounds and international obligations. After entering, Asylum seekers may move onwards immediately after arriving in the EU, during an asylum procedure, or after rejection of their asylum application, this makes the potential for irregular movements across EU and for inefficacy of system in place.^{vii} To understand how secondary movements cause inefficacy for the member countries and authorities to place a refugee/asylum seeker under a particular country's system, here's an example:

Giorgi, a Georgian national holding valid identity documents, submits an asylum application in the Netherlands in mid-2017. Eurodac shows that he has previously applied for asylum in Austria (mid 2008), Germany (early 2009), the Netherlands (early 2010), Sweden (mid 2010 and mid 2012), Lithuania (late 2013), Austria (early 2014), the Netherlands (mid 2014), Lithuania (late 2015), Austria (mid 2016), Belgium (late 2016) and Luxembourg (late 2016). The Netherlands has submitted a request to Germany in 2010, Germany has accepted this request, and based on this Giorgi has been transferred by the Netherlands to Germany at the time. When Giorgi applies for asylum in the Netherlands for the second time in 2014, the Netherlands submits a request to Lithuania. This request is also accepted and the Netherlands hands Giorgi over to Lithuania, who then deports him to Georgia. When Giorgi submits his third asylum application in the Netherlands in 2017, it appears that shortly after his transfer to Lithuania and deportation from Lithuania to Georgia, he has travelled to Austria and again applied for asylum. The Netherlands submits a request to Austria. The request is accepted and a date is agreed for the transfer. Shortly before this date, the Netherlands reports that the transfer cannot take place because Giorgi has left for an unknown destination.^{viii}

Such cases of multiple registration and frequent movement of an asylum seeker, makes the transit from one state to another cumbersome and the individual remains in a loop of statelessness and finally unable to be tracked by the authority. Since the sharp increase in the number of asylum applications in 2015, the secondary movement issue has been the subject of renewed political and policy attention. The **Schengen Agreement** which allows free movement of people across the signatory member states facilitated the secondary movements and easy transit of asylum seekers without facing border control. To suffice this argument, the 2016 Eurodac report shows that out of 1 018 074 asylum applicants recorded in Eurodac in 2016, 30 % (307 421) had already made a previous application in another Member State. Compared with previous years, the ratio of multiple asylum applications increased from 27 % in 2014 (137 737) and 22 % in 2015 (273 701). The Eurodac report also shows that, from a total of 252 559 persons found illegally present in Member States in 2016, 49 % (124 558) had lodged an application in another Member State.^{ix}

The Intra migration in EU is correlated to the happenings in West Asia, Northern Africa to some extent. While there are other reasons triggering this intra-mobility with far reaching implications.

Why are they Moving?

This section attempts to gain a comparative overview of the main categories of factors influencing the migration within the EU. The Secondary movement is a multifaceted phenomenon and is probably motivated by work, family, education and other general factors.

According to the United Nations Refugee Agency (UNHCR), asylum-seekers frequently move onward for justifiable reasons, including limits on availability and standards of protection; family separation; obstacles to the means of securing documentation; lack of comprehensive solutions; barriers to access to asylum procedures, which

creates risk of refoulement; desire to join extended family and communities; lack of access to regular migration channels; and desire to find opportunities for a better future.^x

There is consensus regarding the fact that political and socioeconomic factors and circumstances in the country of origin play a dominant role in asylum-related migration in a general sense. There is also consensus over the fact that perceptions regarding the countries of destination, the availability of social networks and the activities of smugglers also play a role.

The migration policy in their Member State is also an important factor for the arrival of asylum seekers.^{xi}

A study (2015) on secondary migration of asylum-seekers in Europe concludes that differences among living standards, labour-market conditions and access to government support in Member States motivate asylum-seekers to move on from the first country of asylum to other EU countries with better conditions.^{xii} While experts point out to factors other than economic, such as the presence of other migrants from their country of origin, the reputation of the destination, existing social networks, language and culture.

After their arrival, the intensity of regulations and frequency of surveillance and enforcement are factors that determine their behaviour, because these are the aspects that influence the opportunities for onward transit. The asylum seeker sometimes, has no detailed knowledge of rules, procedure and has no clear picture of the desired destination or a future plan.

Similarly, a study (2015) on onward movements in Europe concludes that decisions to migrate onward within Europe do not just depend on asylum procedures, outcomes and standards of reception and waiting conditions, but especially on future opportunities.

So, these factors may change during an individual's journey as these factors are subjective in nature and change person to person. If possible, individuals will consider all factors known to them and choose their destination based on an evaluation of the particular circumstances, perceived risks, costs and benefits.^{xiii}

What are the implications?

The Secondary movements not only has consequences upon the state, but it trickles down to the individual himself as such movements also involve additional protection challenges, as asylum-seekers who are in an irregular situation can be exposed to violence and different forms of exploitation. There is a possibility of rejection from the destination country and the asylum applicant would have to re-enter the countries she/he already has passed. This could lead to applicant being left in limbo or 'orbit', meaning that they are shifted from one country to another without having their asylum claim assessed. Another aspect is emotional well-being, the applicant is already stressed and finds it difficult to cope up with not being among her/his family and community, such movements do apart the family members and pressurises sometimes to abandon the family and doing economic hardships for survival only on the male member. Education, nutrition, medical aid and all that individual needs to nurture her/his family barely get satisfied during the movement. The individual, family both suffers during such movements especially Women and Children who are at the lowest rung and most vulnerable during such movement.

Secondary movements of asylum-seekers can put pressure on host countries, including their reception capacities, asylum systems, economy and security. Multiple asylum applications lodged in different countries can lead to inefficiencies, administrative duplication, delays and additional costs. They may be perceived as a form of misuse of the asylum system and may thus reduce political and public support for refugee protection.^{xiv}

Irregular secondary movements can also create security and law-enforcement concerns. While such movements feed human smuggling and trafficking networks, countries have more difficulties in managing their asylum systems. This often leads to conflict between countries who have divergent views and interest. Some Countries respond with deterrent measures, such as building walls and other barriers, increased border controls, visa requirements, prolonged detention and deportation.^{xv}

Conclusion:

If we look at the factors that influence secondary movements of asylum seekers, it is clear that the potential for this can be reduced by addressing, first and foremost, the root causes of asylum-related migration in a sustainable and credible manner. This could also help reduce the socio-economic pressure to migrate, which would have an effect on the number of arrivals of asylum seekers and other irregular migrants in the EU. To provide humanitarian assistance and make a contribution to improving reception conditions in the region of entry. To set up an effective cooperation with the countries that are hosting large numbers of refugees for a longer period of time for the resettlement of refugees from third countries; the creation of legal and safe routes to the EU for asylum seekers; and a further intensification of the cooperation with third countries for the return of asylum seekers who have exhausted all legal remedies.

With this, it is also important to counter the root causes of secondary movement within the EU. In 2015, it indicated that asylum seekers should be able to rely on receiving equal treatment for their asylum application in each Member

State, where the outcome of the procedure should not be dependent on the Member State where the application is being processed.^{xvi} Without a level playing field in the area of asylum procedures, reception and recognition, it is difficult to expect asylum seekers to accept the decision that their asylum application will be processed in a Member State that does not enjoy their preference, and this increases the risk of secondary movements. To maintain trust between member states and asylum applicants, the member states must work effectively and convincingly, committed to faithfully implementing the EU laws and regulations.

Intra-Eu Migration of Refugees is complex but it is possible to manage this better, with reforms, integrated approach, some values upholding humanity, solidarity, harmony, curbing inequalities and at last providing refugees/applicants a home as right to asylum is a basic human right.

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