

EVENT REPORT

EU'S POLICY RESPONSE ON MIGRATION

EU POLICY MAKING: "IS THE EU'S MIGRATION POLICY CRISIS-DRIVEN?"

JOIN US IN A HIGH-LEVEL PANEL OF POLICYMAKERS, EXPERTS
AND MANY MORE GUESTS



02

JUNE

6PM

HYBRID ONLINE/ONSITE PARTICIPATION

2 PANEL DISCUSSIONS ON :

"From Syria to Ukraine – the Evolution of EU Migration Policy"
"The New Pact on Migration and Asylum adopted in 2020 – an operational
start?"

FOLLOWED BY A Q&A SESSION



epac@ihecs-academy.be



Rue de l'Etuve 58, 1000 Brussels
Auditorium VELGE (2nd floor)

FIND US



EPAC



2 JUN 22
18.00 - 21.00

EVENT REPORT

IHECS,
BRUSSELS

SEMINAR: "IS THE EU'S MIGRATION POLICY CRISIS-DRIVEN?"

On the 2nd of June, the EPAC Student Body-Class of 2022 held the hybrid seminar titled "Is the EU Migration Policy Crisis-Driven?" at the IHECS Building. The seminar gathered migration, policy and law experts and practitioners to share their views and bring their perspectives on the European migration policy. The seminar attendees sought to provide inclusive answers on whether the EU's migration policy is crisis-driven or the result of proactive policymaking.

The event was attended by around 55 participants, from an on-site and online audience, who were able to raise their questions to the speakers directly for those attending on-site or via zoom and Facebook for the audience attending remotely. The online event was held on zoom as well as web-streamed on Facebook.

The introductory remarks were delivered by two members of the EPAC Student Body, Mr. Andy Prevoo and Ms. Eleni Valnari, who briefly presented the seminar's scope and format as well as the speakers' profiles.

Henrik Nielsen
- DIRECTOR FOR INTERNATIONAL & HORIZONTAL AFFAIRS - DG for MIGRATION & HOME AFFAIRS - EUROPEAN COMMISSION -

Jose Antonio Moreno Diaz
- REPRESENTATIVE FOR THE EUROPEAN ECONOMY, & SOCIAL COMPETITIVENESS COMMISSION in the NEW Pact on Migration & Asylum -

Lucas Rasche
- POLICY FELLOW, JACOBS DESIGN GROUP -

Salvatore Petronella
- INDEPENDENT MIGRATION SPECIALIST -

Elisabeth Destain
- ATTORNEY FOR ASSOCIATION PRACTICE IN THE EUROPEAN STATES -

Dr. Luc Leboeuf
- HEAD OF RESEARCH GROUP, DEPARTMENT OF LAW & ANTHROPOLOGY, MAX PLANCK INSTITUTE -

Catherine Woolfard
- DIRECTOR OF THE EUROPEAN COUNCIL ON REFUGEES & EXILES -

EU POLICY-MAKING:
"Is the EU's Migration Policy Crisis driven?"

The New Pact on Migration and Asylum
Adopted in 2020 - an operational start?"

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EU POLICY-MAKING:
"Is the EU's Migration Policy
Crisis driven?"

EPAC IHECS
ACADEMY

Henrik Nielsen

Director for International and Horizontal Affairs, Directorate-General for Migration and Home Affairs, European Commission

The seminar was opened with a keynote speech by Mr. Henrik Nielsen, Director for International and Horizontal Affairs, Directorate-General for Migration and Home Affairs of the European Commission. The keynote speech focused on the historic and present states of the EU Migration Policy. He emphasised that EU Migration Policy per se is rather young, having started in the aftermath of the signature of the 1999 Amsterdam Treaty. Before Amsterdam, there were no common asylum and migration rules in place. Migration policy is an area of shared competences between the EU and the Member States. As such, there are still tensions between Brussels and national capitals in this regard, albeit a steady trend towards Europeanism can be observed. According to Mr. Nielsen, the 2015 crisis showed that the EU Migration policy was not up to date and needed upgrades. The EU had put in place a fairly solid system of asylum rules which can be viewed from a regional perspective as one of the most ambitious and protection-oriented regional asylum systems anywhere in the world. Therefore, the European migration policy can be considered a half-built house. Mr. Nielsen believes that recent developments in the area will lead to migration policy gradually being delegated to the EU, allowing for greater coordination.

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Dr Luc Leboeuf

Head of Research Group, Department of Law and Anthropology, Max Planck Institute

The remainder of the seminar was divided in two thematic panels, after which a questions and answers session was held. Both panels were moderated by Dr. Luc Leboeuf, Head of Research Group at the Department of Law and Anthropology of the Max Planck Institute.

The first panel, titled “From Syria to Ukraine – the evolution of EU Migration Policy”, counted on the participation of four speakers, in addition to the moderator: Elisabeth Destain, Attorney for the Association pour le droit des étrangers, José Antonio Moreno Díaz, Rapporteur for the European Economic and Social Committee’s opinion on the New Pact on Migration and Asylum, Lucas Rasche, Policy Fellow at the Jacques Delors Centre and the Independent Migration Specialist, Salvatore Petronella. The speakers sought to present a comparison between the approach the EU took towards Syrians and other migrants and refugees during the 2015 migration crisis and the current approach towards Ukrainian migrants. Ms. Destain emphasised that the approach in the two cases differs due to the choice of the legal instrument by the EU: for the Ukrainian crisis, the Temporary Protection Directive (TPD) was triggered, allowing for the granting of temporary protection to all Ukrainian citizens arriving in the EU Member States. In 2015, the EU opted not to do so, instead of following the conventional asylum procedure, in which each case is reviewed individually. The Temporary Protection Directive is a longstanding instrument of EU policy, having as its background the aftermath of the refugee flows deriving from the Yugoslav Wars. Mr. Petronella argued that the reasons for such a decision are twofold: firstly, there is the geographic element of each conflict: while Ukraine is directly on the border of the EU, Syria was not. The Temporary Protection Directive is explicit in the restriction of its application to “mass influxes” of people, which, in the Ukrainian case, is justified by the presence of a land border. Secondly, there is what he referred to as the “emotional” aspect of each crisis: different circumstances and different populations generate different emotional reactions from the public, which, in turn, lead to different actions by the Institutions. As such, it could be argued that the EU’s migration policy is not crisis-driven, but rather “emotion-driven”.

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In his intervention, Mr. Jose Antonio Moreno Diaz mentioned the so-called EU Pact on Migration and Asylum of 2020, which was supposed to overcome the Dublin system. Such an interpretation, in his view, is erroneous, since the “pact” is more of a roadmap and a list of proposals on the area. In his view, the Pact on Migration is neither a pact, since nothing was actually decided through it, nor is it on migration per se, but rather about border controls, since it mostly focuses on matters related to border procedures, and returns, among others. Regarding the Ukrainian case, the temporary aspect of the TPD was emphasised. Mr. Moreno Diaz argued that the Dublin system was in a way overcome by the current situation, due to the application of the TPD and the granting of free movement to Ukrainians, and that such a line of action may represent a “point of no return” to the EU regarding the Dublin provisions. He further emphasised that the decision not to extend the TPD to non-Ukrainian citizens represents a double standard from the Council of the EU.

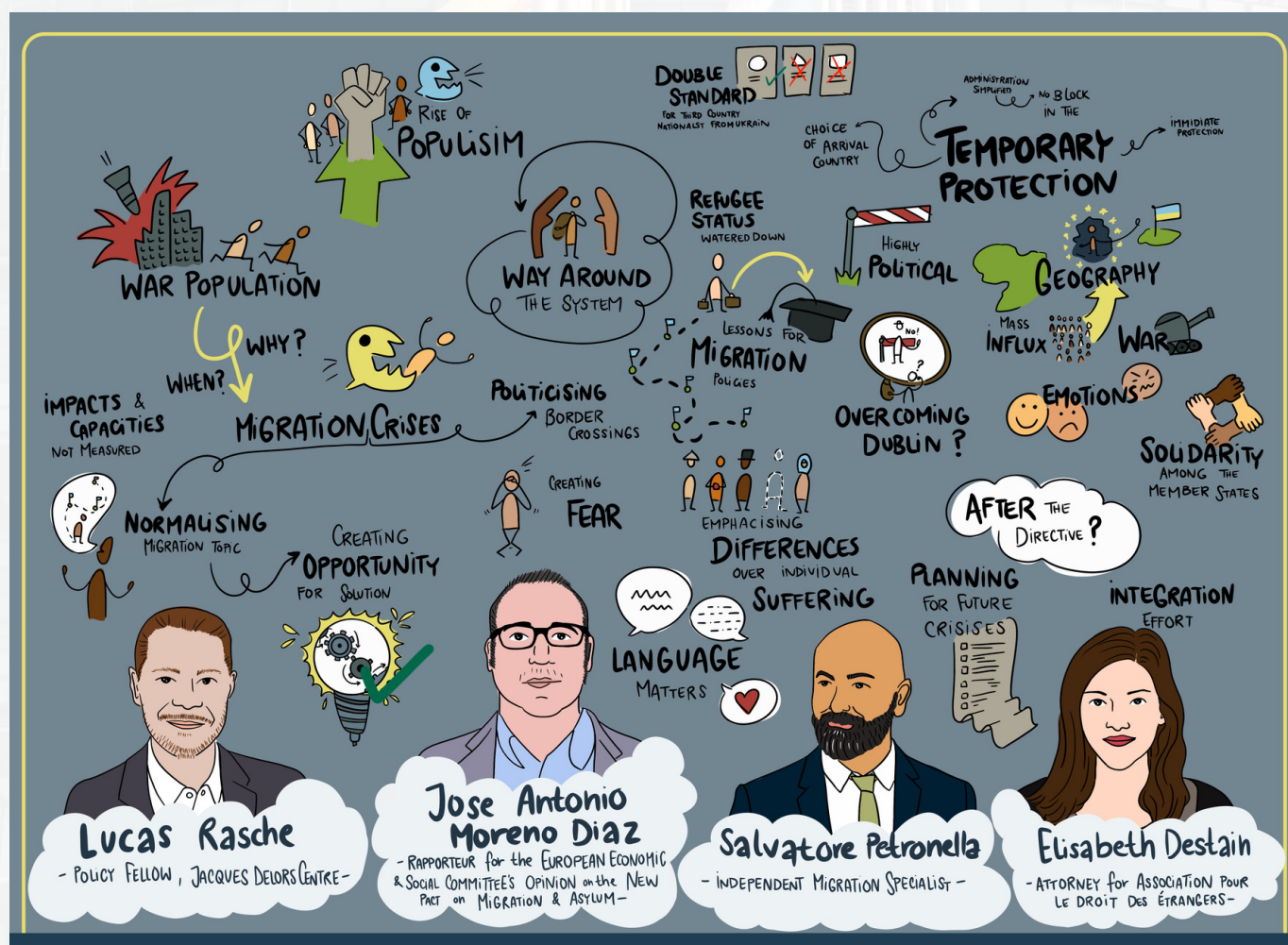
Mr. Rasche expressed a disagreement on characterising the activation of the TPD as a “point of no return”. He believed it is a singular event that will have little effect on the negotiations of the migration pact and on any potential changes to the current system. By activating the TPD, States have chosen to act in a sui generis system, making sure there was no precedent for any other refugee flows that may happen. Furthermore, Poland and Hungary made sure that no formal relocation mechanism would be set up. A concrete proof of the sui generis nature of the Ukrainian case is the different approaches toward migration on the Polish-Ukrainian border and in the Polish-Belarusian one. Regarding the post-TPD future for Ukrainians in the EU, Mr. Rasche argues that it is possible that the absence of a “crisis narrative” may lead to a “more forward-looking migration policy” by the EU, which would further “prepare for challenges that may come in the future”. In this sense, it is important to start discussions at the EU level and to compensate States that are disproportionately affected, as well as plan an integration policy for Ukrainians. Regarding the question of whether the EU could have activated the TPD in 2015 and whether such activation would lead to further solidarity between the Member States, Mr. Petronella argued that such an outcome could have led to important lessons on its applicability and implementation. Nevertheless, the geographic and demographic aspects of the 2015 crisis likely led to the decision not to trigger it. In this sense, Ms. Destain, replying to a question on the rhetoric and politicisation of migration, mentions the creation of a division in public opinion between migrants defined as “good”, i.e. those fleeing from war, and those defined as “bad”, i.e. economic migrants. Such a division, in the view of the speaker, should be overcome.

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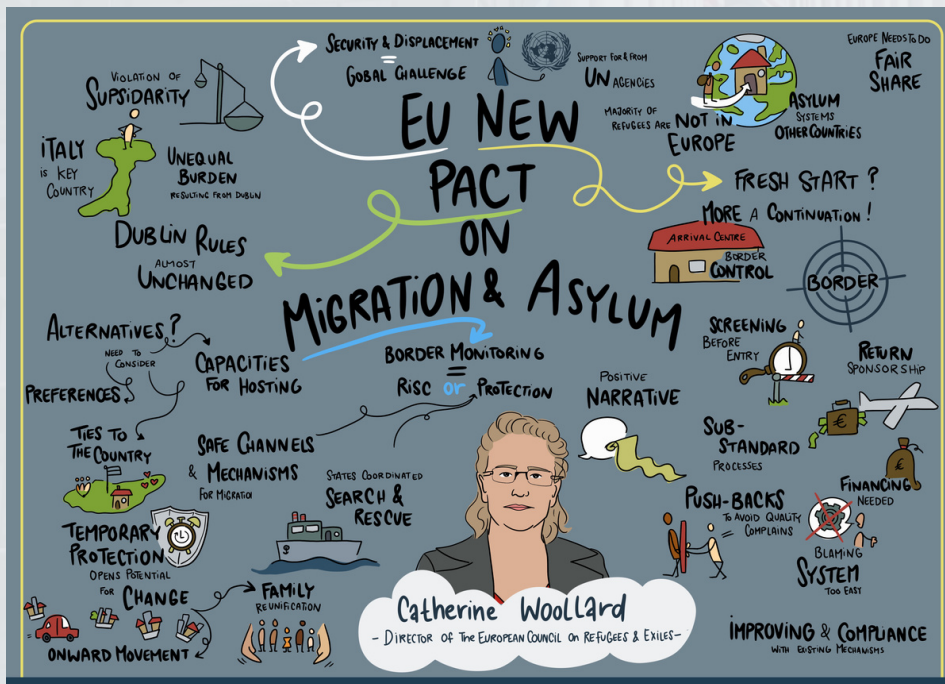
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The second panel, titled "The New Pact on Migration and Asylum adopted in 2020 – an operational start?" counted on the presence of Catherine Woollard, Director of the European Council on Refugees and Exiles and took the format of an interactive discussion with the audience. Dr. Leboeuf initiated the panel by asking what had happened since the EU announced a "fresh start" for its migration policy, upon the announcement of the 2020 Pact on Migration and Asylum. Ms. Woollard argued that the 2020 Pact is not a fresh start, but rather an institutionalisation of policies that were already in place, whose focus is on avoiding mass entries of people into EU territory. She summarised the pact with the sentence "Dublin is dead. Long live Dublin", indicating that such a proposed pact would overcome the Dublin regulations de jure, while de facto preserving the most dysfunctional aspects thereof. The new pact adopts a new concept of solidarity as well: relocations become only one of the possible forms of solidarity, alongside assistance in returns of migrants and capacity-building initiatives. According to Ms. Woollard, some of the provisions outsource what are EU responsibilities in the welcoming and processing of asylum seekers, refugees and migrants to other regions, outside EU borders.

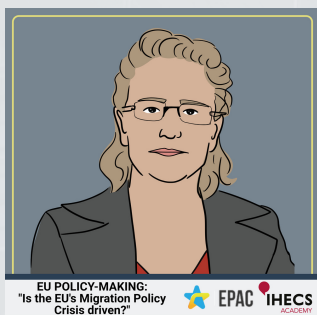


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Catherine Woollard

Director of European Council on Refugees and Exiles

The Ukrainian crisis led to actions and decisions that were the exact opposite of what was proposed in the 2020 Pact. Borders were opened and people were not only allowed in but also given free movement rights, due to the TPD. For Ms. Woollard, the aftermath of the Ukrainian migration wave may mean that the Pact is "dead" even before its implementation. Nevertheless, according to Ms. Woollard, there remains a difference in narratives and treatment between Ukrainians and other refugees and migrants, which may lead to an increase in xenophobia against non-Ukrainian and non-European migrants. Ultimately, the pact is unfair to migrants, refugees, asylum seekers and other vulnerable people who are trying to reach the EU.

In this sense, Ms. Woollard argued that a number of changes ought to be made to EU migration policy in order to make it fairer for these populations. Among the proposed changes is the possibility to apply for asylum where one's family lives (if one has relatives living in Europe), the greater right of choice of country to apply for asylum. She also argues that the EU should have triggered the TPD in 2015, complementing that the fact that it was activated now makes it more likely for it to be activated in future migration crises. Ms. Woollard concluded her remarks by raising awareness of pushbacks and other punitive measures being implemented on the Croatian and Greek borders with non-EU States while arguing that EU Migration policy should focus on putting resources in the asylum system rather than in keeping people out of its borders.

The event was concluded with a networking cocktail.

Additional Materials

- If you wish to watch the full recording of the event click [here](#).
- A teaser from the day of the event can be found [here](#).

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