

Dilemmas in the migration debate

The word crisis is all over.

Everybody speaks about the migration crisis.

But what is that crisis?

What are we referring too?

We use the same word: crisis

But do we mean the same

Do we value the situation in the same way?

Before looking for answers we should at first agree on the facts

Because if you don't know what you are talking about, or at least agree on what we are talking about, how can we agree on answers and solutions?

On the basis of the facts as we value them, we should agree on a joint assessment of these facts

After that we can try to look for solutions

It might seem strange to discuss the facts, but the reality of migration shows a multifaceted situation.

A situation in which there is a choice of between different facts as well as a denial of reality and facts.

There are many facts.

What are the relevant facts?

Mostly there is more than just one.

This confronts us with dilemmas.

Here are some of the dilemmas we are facing in the actual discussion on migration:

Dilemma of definition:

We are using the same words, but are we speaking the same language?

What do we mean when we speak about the migration crisis?

Let's have a closer look

Let's realise that we do not speak about the same things

Let's see how we actually speak about very different things.

By using the word crisis some mean:

- Migration crisis, large numbers of people knocking on the door of the EU
- Refugee crisis, people fleeing from persecution and conflict
- Humanitarian crisis, all people that need help
- Border crisis, people entering the EU without proper registration and identification and thus posing a threat to the EU
- Security crisis, uncontrolled flows of people that can jeopardize our security

- Solidarity crisis, unequal distribution of the large numbers of migrants between the Member States
- Integration crisis, how to manage the integration and safeguard the social cohesion
- Conflicts and crisis outside of the EU

Let's be clear about the nature of the actual migration situation.

The real crises are the conflicts outside of the EU.

It is not primarily an EU crisis.

It is an accumulation of conflicts in the world outside of the EU.

Conflicts from the Ukraine to Afghanistan, from Pakistan and Bangladesh to the Horn of Africa, from Nigeria and Mali to Libya and Egypt, from Syria and Iraq to Yemen and the Gulf, from IS or ISIS to acts of terrorism.

Conflicts taken together that give a situation comparable to what we would call a world war.

The EU is a relatively quiet place that has to cope with the consequences of all these conflicts occurring at the same time.

Dilemma of facts and figures

Numbers matter.

Not only for the amount of work they create.

Also for the impact on society

And the psychological and emotional effect they have on the general public.

Speaking about migration we use numbers.

For example the number of one million asylum seekers that came to the EU last year.

But here is something strange.

When we speak about social security, or income support or housing support, we refer to the number of people that are entitled to this kind of government support and to those who actually receive this support.

That is the same for all sorts of entitlements.

Except in the case of asylum.

Here we use the number of people that ask for asylum,

Not the number of people that is entitled to asylum.

And that makes a big difference.

Taken over a number of years only about 35% of the people that ask asylum is actually entitled to it and gets asylum.

Those are the people that will eventually impact our societies.

That means that 65% (of one million) are not entitled to asylum and will not get it.

That makes a real difference.

That provides a totally different perspective.

By doing so we are increasing the actual problem,

We are frightening the general public,

And we are blocking possible solutions.
Don't misunderstand me.
The number that will receive asylum is still a large number.
And the people on the ground, our administrations, have to cope with the total number.
But it makes a difference and we have a responsibility to the public at large
And for the public support for real refugees as well.
Why don't we use the real numbers?

Dilemma of solidarity; North – South and East – West,

We have a natural inclination to point the finger at the other.
There is a general feeling of a division between North - South and between East - West.
Border States stress the fact that they are the gate-keepers of the EU
And as such are confronted by large numbers of migrants arriving.
North-Western States stress the fact that they most migrants move on to their countries.
Let's just look at some facts.
Bulgaria has been facing major influx for a number of years now.
Hungary has faced a large influx for some time.
Italy has been in the top 5 asylum countries for several years.
Greece has built an asylum system that can be compared to the other systems in the EU.
Finland has seen recently a major influx.
From time to time it is stated that five or six Member States take about 70 % of all asylum seekers in the EU, implying that the rest of the Member States is not taking its share.
But realise that those Member States are also about 70% of the total population of the EU, as well as of the total size of the EU and of the total Gross National Product of the EU.
Is it fair to expect Estonia to take as many asylum seekers as Germany or France?
Comparing is about what is equal and comparable.
In this respect not all animals are equal in the EU.

Dilemma of equality and harmonization

In the EU we are keen on equality.
Similar cases, similar procedures, similar outcome wherever you apply.
That is the aim of the Common European Asylum System.
As a matter of fact we have been able to realize this aim to a larger extent than most people believe.
The harmonizing effect of a common EU legal framework on asylum has created similar opportunities in similar cases.
But this in itself poses a dilemma.
The more we are able to create the same opportunities in the asylum process;
The more we are confronted with differences as the final consequences are concerned.

Once people are accepted as genuine asylum seekers and receive an asylum status they are faced with a different situation as their position and future is concerned.

According to the equality-rules they receive the same treatment as other inhabitants of the Member State that granted their asylum status.

But those rights are very different from one Member States to the other.

For example: social security rights and benefits in Sweden are very different from those in Rumania or Bulgaria.

So the harmonization of the asylum rules creates a distortion in the field of social rights.

Dilemma of safety

The EU is a common undertaking,

A joint area with joint external borders.

It is the legitimate right of any country or international entity to safeguard the wellbeing of their citizens.

Even more so, it is their duty to protect their inhabitants.

Protection is the essential function and obligation of any state-entity or common undertaking of states.

That is why we have borders.

At the same time we have common values.

If people who are in real need of protection come to our borders it is also our duty, our moral obligation to help them.

Putting these two elements together, to protect our citizens and to protect those who are in real need, we have to strike the balance.

That balance means making a – not always easy - choice between those who are in real need of protection and those who are not.

Dilemma of borders

People arrive at borders before entering the common EU areas.

This means a special burden on Border States.

This seems to create a different situation between the south and more and more the east states in comparison to the north and west states.

Reality shows a more nuanced picture.

Many who cross the south and east borders continue to the west and north.

It is an essential part of our system that people who wants to enter the EU can do so if they have a legitimate entry-title, e.g. a visa.

If they don't have such a title, they can only enter if they register and ask for asylum.

But what if they don't want to register and don't ask for asylum?

In principle they can be refused entry and send back.

But what if they come from a country in war?

International law prevents sending back in such situations.

This is a new dilemma.

UNHCR now pleads to a new approach and to take them into detention to persuade migrants to register.

Is this in accordance to our humanitarian laws, or should we adapt our rules to a situation that was not foreseen before?

Dilemma of integration

The arrival of large numbers of newcomers in a society has an undeniable impact on our social fabric, our labour market and on social cohesion.

Can we speak in this respect about the absorption capacity?

And if so, how to define it?

What is the absorption capacity and capability of a society?

Dilemma of the concept of asylum

What is asylum?

What is the reason behind the concept of asylum?

The reason is: out of humanitarian motives we want to offer protection to those who have a well-founded fear of persecution.

Let's go back to 1951.

Let's recall the basics of how the Geneva Convention came about.

The Geneva Convention was a sign of solidarity of post-war Europe to help those in need.

A war-torn Europe committed itself to provide protection to those in need.

But in the course of time it seems as if our perspective has changed.

In 1951 we accepted the world as it is.

That is a fair and realistic concept in international relations.

We accept the world and its peoples are as they are.

Maybe other parts of the world are not as well organised, not as prosperous as the EU,

But that does not mean that they are unsafe from a persecution point of view.

We consider their situation as "normal" unless something unacceptable happens, a humanitarian crisis.

For those circumstances we activate our basic human values and provide support.

Now, in the course of time we seem to have changed into a different concept.

We have changed into considering the whole world as unsafe with the sole exception of the EU.

Maybe this is a sign of European arrogance.

Everybody is unsafe and only the EU is safe.

That is not only not true, but it also creates an unsustainable situation.

A situation in which everybody can come to the EU and asks for protection.

Not the whole world is unsafe except the EU.
That is an unsustainable concept and not true.

Dilemmas to help the answers

Can these facts and dilemmas help us to find answers?

I believe they do.

They can provide us with elements that can be used to seek answers.

First: let's start by using the net, the real numbers of those people who are in real need of protection.

That is important for a healthy public debate.

Second: let's define and elaborate the safe-country concept.

There are many third countries that show a rejection rate of far over 90% sometimes even close to a 100% rejection.

Let's be realistic and stop pretending those countries are not safe.

Let's design a different approach for those countries.

Third: let's try to combine the real goal of the asylum concept to the migration situation.

We have created a harmonised EU asylum system with equal treatment and equal outcome in all Member States.

That means that it does not matter in what Member States migrants are asking asylum.

What they are asking is protection according to the EU rules.

Why not acting in this spirit and establish regional EU-application centres for EU asylum protection.

In those centres the applications can be examined according to EU rules.

If there is a well-founded claim the EU-centre can direct the applicant to an EU Member State for further dealing with the application.

This would most certainly dissuade migrants who know they stand no chance of getting asylum.

Furthermore if the application is manifestly unfounded, the applicant can be returned by EU common action instead of the inefficient process of Dublin we have right now.