The Roadmap to get a grip on the refugee crisis

28 January 2016

All policies to get a grip on the refugee crisis have so far failed. The Dublin Regulation has proved to be unsustainable, the agreed relocation mechanism is not applied by the Member States, the deal with Turkey has not shown any results yet and the situation of the refugees in many camps is appalling. Furthermore, no decisions have been taken on the setting up of a European Border and Coast Guard, a European Blue Card for legal migration or a joint European asylum approach.

The only solutions Member States have shown so far is closing their borders, deterrent tactics to discourage the refugees and installing national refugee quotas. It is also very unfortunate that the Temporary Protection Directive has not been activated over half a year ago despite this Directive having been elaborated precisely to deal with such an eventuality of mass influx of third country nationals. Today, however, the situation is spiralling out of control. The projected figures for the upcoming spring and summer months are alarming. Almost 37,000 people arrived in Italy and Greece in the first 21 days of this year, 10 times more than the same period in 2014. Of those, 36,000 arrived on the Greek islands alone. The European project is stranded on the shores of Greece.

Business as usual should end. The Dutch Prime Minister Rutte, Commission President Junker and Council President Tusk have all stated that Schengen comes to end in the next couple of weeks if nothing is done.

We agree with this assessment. Europe is in a state of emergency. We need a fast-track emergency approach to get grip of the refugee crisis. To save the European Union, The European Liberals and Democrats propose seven urgent measures to be adopted during the European Council meeting on the 18th of February.

1. Create a European Rapid Refugee Emergency Force (ERREF) invoking article 78.3

The European Union is in a state of emergency and Schengen will become defunct in a couple of weeks if no action is taken. The only way to save Schengen is by setting up a European Border and Coast Guard. However, due to the inaction of the Member States this is not going to happen in the weeks to come. Urgent action is needed.

The European Commission should – temporarily - get more tools to manage the crisis. The Council should therefore decide on 18 February to invoke Article 78.3 of the Treaty to create a European Rapid Refugee Emergency Force (ERREF) to manage all European external borders and oversee the implementation of previous agreements. The first priority of the ERREF should be to manage the borders between Turkey and Greece, stopping the current onward movements from Greece towards Macedonia and the Balkans, and improve the living conditions of the refugees in the refugee centres in Turkey and the refugee centres in EU. In a second stage the ERREF should also be deployed to other frontline states faced with large migrant flows.

The ERREF has to ensure that all refugees are fingerprinted, migrants are screened and reception centres are set up.

ERREF should be the responsible authority for the screening of refugees at the first point of entry into the Union, both in Schengen and non-Schengen Member States, and it should assess if the migrants have the perspective to successfully achieve refugee status. Following a positive assessment, the refugees will then be sent on to the country responsible for their final claim for international protection, while migrants that have failed to obtain a positive assessment will be returned to their country of origin.

The Rapid Refugee Emergency Force of 2000 civil servants should be composed of national civil servants and European officials and should be under the authority of the responsible European Commissioner.

The ERREF will be integrated in the European Border and Coast Guard once it is established and operational.

Immediate action

The European Council should agree to invoke Article 78.3 to set up a **European Rapid Refugee Emergency Force (ERREF) of 2000 civil servants** under the leadership of the responsible European Commissioner composed of civil servants from national ministries and the European Commission.

This Rapid Refugee Emergency Force should help the Member States to **manage the fingerprinting, security checks, the setting up of hotspots and ensure decent living conditions** for the refugees.

The **first task of the ERREF is to start the management of the border between Turkey and Greece**.

Article 78.3 TFEU: In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals from third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefits of the Member State(s) concerned. It shall act after consulting the European Parliament.

2. Establish a European Coast and Border Guard (ECBG)

The European borders are a Swiss cheese. Therefore, the priority for this year should be the upgrading of Frontex to a full-fledged European Coast and Border Guard. The European Rapid Refugee Emergency Force will be integrated in the ECBG once it is established and operational.

A budget of 600 million euros should be allocated to make it work, which means that the current Frontex budget will have to be multiplied by five.

This year the Member States should find the financial means to set up the European Coast and Border Guard, but during next year's mid-term review the **European budget should be overhauled to prioritise** the freeing up of money for the refugee crisis.

A Schengen zone without a joint external border is a *contradictio in terminis*, that's why the ALDE Group believes that Member States who do not support the Coast and Border Guard should leave Schengen. However, we also believe that Member States that have a frontline role on the Union's external border but that are outside Schengen should also be able to benefit from the setting up of the ECBG.

The Union also needs to set up a mechanism for the successful fight against people smuggling and crack down on organised crime.

Immediate action

The European Council must agree on **transforming Frontex into a full-fledged European Coast and Border Guard (ECBG)** along the lines of the European Commission proposal.

A **fast track procedure** in Council and Parliament will expedite the setting up of the ECBG.

Multiply the budget of Frontex by five. A **European Budget of 600 million** should be allocated to the European Coast and Border Guard.

During the mid-term review the **European budget should be overhauled** to free up money for the refugee crisis.

Member States that **vote against the European Coast and Board Guard must leave the Schengen** Zone.

3. **Use the three billion euros of the Turkey deal differently, among others for direct financial assistance to refugees**

The deal concluded with Turkey has not reduced the number of people crossing the border. Unfortunately, negotiations with Turkey are difficult and the EU has put itself in a vulnerable situation open to blackmail. Moreover, Member States have as yet not agreed who will pay the three billion euros and how it will be spent.

In order to ensure that the refugees do not undertake the dangerous journey to Europe by boat, they should receive direct financial support within the camps and have the possibility to apply for humanitarian visa in the refugee camps in third countries or take part in the existing UNHCR resettlement procedures.

One third of the three billion euros should therefore be used to help the United Nations Refugee Agency (UNHCR) to improve the living conditions in the camps. The other two billion euros should be used as direct financial aid to the refugees so to be used for basic needs such as food, education and health.

A single European asylum procedure should be applied to assess if the refugees have the right for asylum in Europe.

A similar programme needs to be elaborated for Lebanon and Jordon, two countries currently providing significant shelter to a huge number of refugees.

Immediate action

A new deal with Turkey in which two billion euros is used as **direct aid to refugees in the refugee camps** by giving them **financial assistance on a monthly basis**.

One billion euros should go to the UNHCR to **improve the living conditions in the refugee camps**.

To **take away the incentive to undertake the dangerous journey to Europe**, refugees should be able to apply for a **European humanitarian visa and resettlement** in the Turkish refugee camps.

4. Upgrade hot spots to reception centres managed by the ERREF and later by the ECBG

The idea of the hot spots makes sense, but does not function in practice. Many of the frontline countries are overburdened and not capable of dealing with the massive influx. The result is a lack of coordination, a lack of control on who enters Europe and poor living conditions for the refugees.

The idea of the hot spots should be maintained, but elaborated. The hot spots should become reception centres and would function as a transit zone until the status of the migrant is assessed. In these reception centres the migrants should be fingerprinted, a security assessment undertaken, a health check conducted, the distinction made if someone is an asylum seeker or an economic migrant and the necessary paperwork filled out. As an immediate measure, this work should be done under the responsibility of the European Rapid Refugee Emergency Force. In the longer term, this will be done jointly by the European Coast and Border Guard and EASO.

Migrants stay in the reception centre until it is clear in which category he or she belongs. After that he or she will be sent to the country where he will stay during his asylum procedure. This procedure would ensure a better management of the refugee influx.

All Members States have to participate or leave Schengen.

Immediate action

Upgrade the hot spots into European reception centres to better manage the influx and improve the living conditions of the refugees.

Reception centres in all Member States with the help of the **European Rapid Refugee Emergency Force** and the ECBG in a later stage.

Member States within the Schengen area that do not participate should leave Schengen.

5. Replace the Dublin Regulation with a new single European Asylum Procedure

The implementation of the Dublin Regulation has failed, asylum procedures are applied in many different ways and it has become clear that the individual Member States don´t effectively manage the influx of migrants. A race to the bottom has already started in which Member States compete to become the least attractive for migrants. They would rather send them to their neighbouring countries instead of agreeing to a common European solution.

Today, we have 28 systems who apply similar criteria in very different ways. The last months have shown that the asylum procedures of the Member States are not applied in the same manner. An asylum seeker has much less chance to receive asylum in Hungary than in Germany.

This discrepancy has created a lot of tensions between Member States and has started a situation in which the lowest common denominator prevails in order to deter asylum seekers.

The only way to stop this chaotic situation is for the Commission to re-examine the possibility of using the temporary protection instrument that was created especially for such crisis situation after the Kosovo war; and secondly Member States must agree on a new EU Asylum system based on a fair distribution scheme of refugees between all Member States.

This new system would need to be applied progressively once the measures outlined above to secure the external borders and manage migration flows are effectively implemented and bear fruit. Applications for asylum should be made to the EU and not to a specific Member State.

The new system should be based on a fair sharing of responsibility between Member States. The country of first arrival criteria should be removed from the Dublin regulation and replaced with a fair and mandatory distribution mechanism between Member States. This relocation mechanism should be based on objective criteria such as population and GDP.

When the new European Asylum Procedure has entered into force, the European Asylum Support Office (EASO) together with the ECBG should be the responsible authority for the screening of migrants at first point of entry and the decision on whether their claim is valid or not. For those whose claim is without perspective of receiving international protection, the ECBG and EASO will be responsible for their return. For the others, the EASO and ECBG will determine the country responsible for continuing the procedure. The responsibility for processing the application should remain the competence of the respective national authorities in the Member State responsible for a particular asylum seeker.

In order to give Member States who do not have a large tradition of receiving asylum seekers appropriate time to put in place the necessary administrative practices to ensure good reception conditions and high quality asylum procedures, in accordance with international and European law, a transitional rule should be envisaged.

A key element for the success of the new European Asylum Procedure will be effective integration programmes at the country level that will both mitigate possible secondary movements of asylum seekers and increase public acceptance in the host countries. Integration programmes could build on existing practice of countries such as Finland with cultural classes and information on what is considered as criminal behaviour. Any criminal activities carried out by asylum seekers could jeopardise their asylum applications without excluding the possibility that the perpetrators could be returned. Finally, any integration measures that form part of the European Asylum Procedure should involve swift access to the labour market.

Immediate action

The European Council should decide to **replace the Dublin Regulation** with a **European Asylum Procedure** based on the UNHCR criteria.

The progressive application following a successful implementation of the measures outlined above **of a fair mandatory distribution of refugees between Member States**.

Refugees will go to the country they are allocated to. Only after their asylum permit is processed are they allowed to establish themselves in any country of the EU.

A **European list of safe countries** should go hand in hand with the European Asylum Procedure to fast track the asylum procedures.

The European Asylum Procedure replaces 28 national procedures.

6. **Create a new European Blue Card for economic migration**

The last couple of months have also shown that a better distinction has to be made between economic migrants and refugees. The only way to make the distinction between asylum seekers and economic migrants is by setting up a functioning European Blue Card. It will allow migrants to cover EU's needs for skilled and unskilled workforce.

We call for an extensive revision of the EU Blue Card making it possible to obtain for both skilled and non-skilled workers based on objective criteria, that if fulfilled allow a Blue Card to be issued. The new EU Blue Card also needs to be a realistic equivalent to the US Green Card to attract innovation and innovative businesses and to facilitate start-ups hiring non-EU workers.

To make the Blue Card work we need a fundamental revision of the European Job Mobility Portal EURES, which should become a real cooperation network designed not only to facilitate the free movement of workers within the EU 28 countries, but also of non-EU citizens.

This means a centralised data collection system needs to be created. This system would show the total number of positions to be fulfilled in the Member States, and it will allow non-EU citizens to register and apply from their home countries. Their data could be checked by companies willing to hire.

Immediate action

European Blue Card to manage economic migration for skilled and unskilled workers facilitated by the EURES network.

Fast track the new European Blue Card procedure to be proposed by the European Commission in March.

7. A European Peace Plan plus Marshall Plan for the region

The situation in Syria is deteriorating every day. If the situation does not improve, it is estimated that another three million refugees will try to make the journey to Europe. Europe is nearly alone in facing the consequences of the war in Syria and should take the lead to try to end the war.

The Vienna process with all global and regional powers around the table has brought hope for a negotiated solution.

However, all countries who committed to the Vienna process must now deliver and force their proxies to stop hostilities. The UNSC Resolution 2254 adopted at the end of 2015 clearly calls for the immediate end to attacks against civilians, an end to indiscriminate bombing and allowing for immediate humanitarian access throughout Syria. It also calls for a progressive ceasefire as a confidence building measure.

Russia and the Assad regime must also abide by this UNSC Resolution and stop their bombing campaign against opposition forces. The EU and the US must work for the implementation of the UNSC Resolution and the ceasefires agreed, so that the Geneva talks on transitional government can advance, engaging all forces willing to commit to non-sectarian, inclusive government and delivering a future for Syria without Assad. The High Representative/Vice President of the Commission Federica Mogherini should obtain a mandate from Member States to engage in proactive shuttle diplomacy with a view to overcoming divisions between participants in the peace negotiations.

Also, the EU must work to engage the US and the international community to develop a coherent strategy to defeat ISIS. This should be the start of a European Defence Community to protect Europe against future threats from other regional blocks or terrorists.

Once peace has been established, a European Marshall Plan to rebuild the infrastructure will be essential and contribute to assisting refugees to go back to their country of origin.

Immediate action

Intensify the European efforts at the Geneva talks and give full **support to the democratic Syrian opposition forces.**

More **European coordinated military efforts to defeat ISIS**.