

DAAD Meeting „Setting Out for the Future – How can we Drive Europe Forward?“

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Workshop „Forced Migration to Europe“ – Policy Paper’s Draft

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Introduction

The tragic events surrounding the invasion of Ukraine by Russian armed forces has - unfortunately - once again confirmed that forced migration to Europe is not only a prevailing, but also crucial topic. The migrant crisis from Ukraine is, however, only the latest in a long series of migratory movements that bring individuals seeking protection to the EU. Despite the tragic events, we also perceive the current crisis as an opportunity for the EU to review and improve the way in which it manages migratory phenomena in the future. Our group has come up with two proposals: in legal as well as in educational context.

1. The EU Temporary Protection Directive as a Model

We are fully aware that reform efforts of the Common European Asylum System (CEAS) have been slow-moving for the past years. Even the New Pact on Asylum and Migration proposed by the European Commission at the end of 2020 has so far proven ineffective. However, the Russian war of aggression against Ukraine has shown that Europe can act effectively in the field of migration policy. This has been demonstrated by the Council’s Decision of 4 March 2022 to enact for the first time the so-called Temporary Protection Directive of 2001 (Council Directive 2001/55/EC). We propose to use this Directive as a blueprint for a new start in European asylum policy.

To achieve this, we propose several legislative amendments to the Temporary Protection Directive. Firstly, it should be amended to the legislative form of a Regulation instead of a Directive for it to be binding in its entirety and directly applicable in all Member States (cf. Art. 288(2) TFEU). Secondly, the definition of “mass influx” in Art. 2 lit. d) of the Directive, which constitutes the central criteria for its application, should be adapted to changed conditions. For example, it should be clearly established what a “large number” of displaced persons means and whether their nationality is relevant. As can be seen now from the situation in Ukraine, third-country nationals residing legally in Ukraine are also in

need of protection. Lastly, we suggest that a revised version of the legislative text should encompass a mandatory distribution mechanism for refugees among all Member States.

We hope that with these changes all EU Member States, including countries usually critical towards CEAS like the Viségrad-Group, would see anew the advantages of a common migration policy that will facilitate real burden sharing among Member States according to the principle of solidarity (cf. Art. 80 TFEU). Such a revised European approach would benefit Member States and refugees at the same time.

2. Efficiency of support in educational context

We further suggest strengthening asylum seekers' and refugees' opportunities with regard to education. Often the implementation of political demands in the realm of education fails due to legal status requirements and bureaucratic obstacles. Therefore, it is important to ensure that refugees' stay in the host country is not hindered by excessive bureaucracy. First aid policies must be followed by effective integration policies. Once asylum seekers enter EU territory, they already deserve access to certain services and forms of assistance, e.g. to educational services. Once they have been granted asylum, the success of their social integration is largely based on the possibility of having access to education in the receiving country's facilities. It is now recognized by all scholars and experts on migration phenomena that education is the major key to integration for migrants settled in a foreign country. Not only the access to language and culture of the host country is crucial, but also further development of know-how and professional skills are essential to access the labor market.

In order to render support services more efficient, we suggest establishing effective procedures to involve migrants in decision-making processes on policies that directly affect them, and in related topics as a whole. To achieve this, adequate support for migrant organizations and advisory councils should be provided, and effective instruments of participation and codetermination should be established. In order to facilitate access to political education for refugees and strengthen a continuous democratic clarification of their possibility of political and societal participation, the conception of support offers should be managed and controlled by people with refugee experiences who know about the real needs of the target group. Otherwise, there is a risk that underlying post-colonial and intersectional approaches will be imposed on refugees who are less privileged than members of the host society.

Moreover, political discourse about migration and integration should be reinforced to increase awareness and democratic education of the receiving society. This should involve the Re-Learning of the perception of who is a "refugee" in order to resolve stigmata and stereotypes and to prevent xenophobia that may result from it.