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Forced migration and the EU in the XXIst century

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Plan

- Introduction
 - Forced migration – definitions
 - Who counts as a forced migrant in the EU
 - Forced migrants in numbers
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Definitions

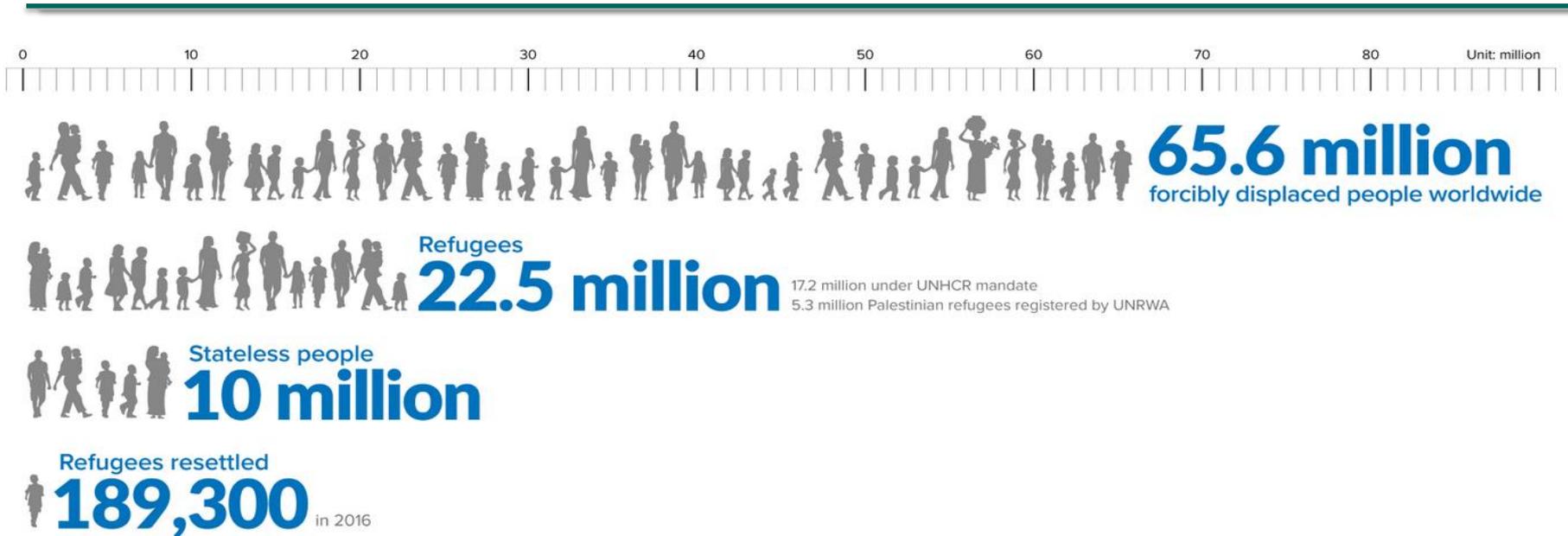
*„A migratory movement in which an element of **coercion exists**, including threats to life and livelihood, whether arising from **natural or man-made causes** (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).” [IOM, **Glossary on Migration, 2011**].*

“A general term that refers to the movements of refugees and internally displaced people (people displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects.” [IASFM].



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Numbers



UNHCR, *Figures at a Glance*, <http://www.unhcr.org/figures-at-a-glance.html> (14.10.2017)



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Who counts as a forced migrant in the EU

- So far, the **EU *acquis* does not offer an official definition** of ‘forced migration’ or ‘forced migrant’. Operational definitions are invoked by the EMN in its *Asylum and Migration Glossary 3.0* [2014, p. 131], based on the **IOM approach**.
- **TEU and TFEU** do not explicitly mention the terms such as ‘forced migrant(s)’ or ‘forced migration(s)’, and consequently **they do not define them**.
- **But ‘forced migration’ is mentioned in many EU preparatory acts**, including communications, staff working documents, own-initiative resolutions, opinions, reports, impact assessments and others mostly published by the European Commission (EC), the European Parliament (EP), the European Economic and Social Committee (EESC) and other EU bodies.
- With reference to the above-mentioned documents, the phenomenon of forced migration is discussed in **the context of different subject matters**, including:
 - EU external relations and foreign policy,
 - EU immigration and asylum policy,
 - EU development cooperation and assistance,
 - environment and climate change,
 - human rights.



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Who counts as a forced migrant in the EU

- The EU has been devoting much attention in its law and practice **not to forced migration *per se***, but to **the persons involved in forced migratory movements** for various reasons.
- In this way, different groups of people could be **considered as forced migrants**, e.g.:
 - refugees,
 - asylum seekers,
 - people in need of international protection,
 - person eligible for subsidiary protection.
- All these terms are **widely used by the EU**, some of them have their legal or operational definitions and even dedicated acts of law in the EU legal system (e.g. directives or regulations).



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Who counts as a forced migrant in the EU

- This is the case of a term ‘**refugee**’ which is mentioned both in the TFEU (art. 78, par. 1) and in the *Charter of Fundamental Rights of the European Union* (CFREU) (art. 18) when the full name of the *Geneva Convention of 28 July 1951* and the *Protocol of 31 January 1967 relating to the status of refugees* are invoked.
- This notion is explained in the Directive 2011/95/EU (**Recast Qualification Directive**):
 - *“a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply”* [EU, 2011, art. 2(d)].
- This definition is based on the one taken from Art. 1A of the **UN Geneva Convention of 1951**.



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Who counts as a forced migrant in the EU

- Another form of international protection available for asylum applicants in one of the EU countries under the Common European Asylum System (CEAS) is a **subsidiary protection**.
- A person is eligible for it if he or she is:
 - *“a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country”* [EU, 2011, art. 2(f)].

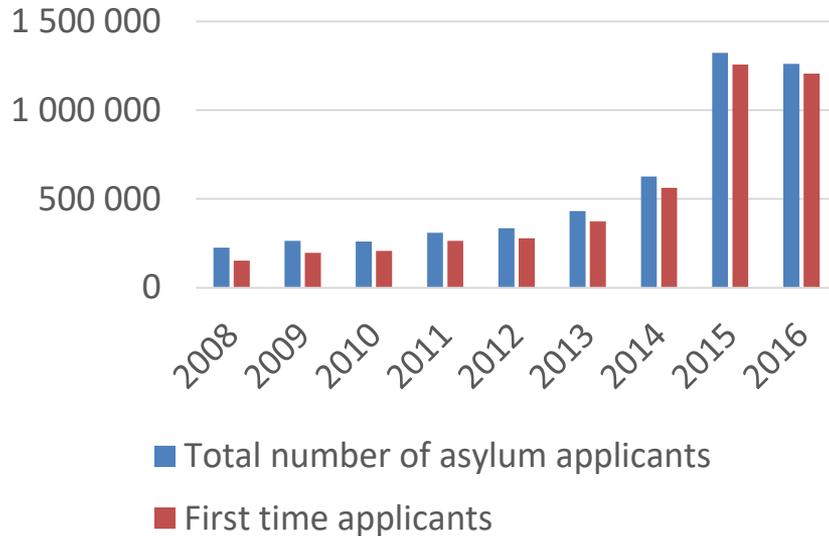


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Who counts as a forced migrant in the EU

- The EU approaches forced migrants mostly through the prism of the issues of **international protection and asylum** what is well reflected in the terminology in use.
- The EU asylum-oriented activities are implemented by the **European Asylum Support Office (EASO)** operating since 2011 as an EU agency in accordance with the Regulation (EU) No 439/2010.
- Consequently, the EU develops its asylum policy in the framework of the **Common European Asylum System**.
- The **Directorate-General for Migration and Home Affairs (DGMHA)** of the European Commission (EC) is in charge of this field both in internal and external dimensions.
- EU does **not provide any overall statistics on forced migration**, but rather it collects the data on selected groups of those potentially falling into the category of forced migrants.
- **EU asylum statistics** (data on international protection collected by Eurostat **since 2008**):
 - Asylum applications and decisions on asylum applications,
 - Dublin statistics.

Figure 1. Non-EU asylum applicants in the EU-28 Member States in 2008–2016



Source: own elaboration based on: Eurostat, Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyappctza] (14.10.2017).

Forced migrants in numbers

- Between 2008 and 2016 the total number of **asylum seekers** from outside the EU in 28 Member States **increased from 225 thousand to 1.25 million** (Figure 1).
- The peak year was **2015** when **1.32 million asylum claims** were lodged in the EU (→ migration and refugee crisis).
- Both in 2015 and 2016, the top three nationalities of applicants for international protection were **non-Europeans**, i.e. Syrians, Afghans and Iraqis.
- A significant rise in **first instance decisions** issued under asylum procedure from **214 thousand in 2008 to 1.12 million in 2016**.
- The share of **positive decisions** more than doubled from **27% in 2008 to 61% in 2016**.
- Those officially recognized beneficiaries of international protection in the EU-28 were mostly granted a **Geneva Convention refugee status** (> 50% since 2014).

Thank you!

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