

# EU BORDER MANAGEMENT

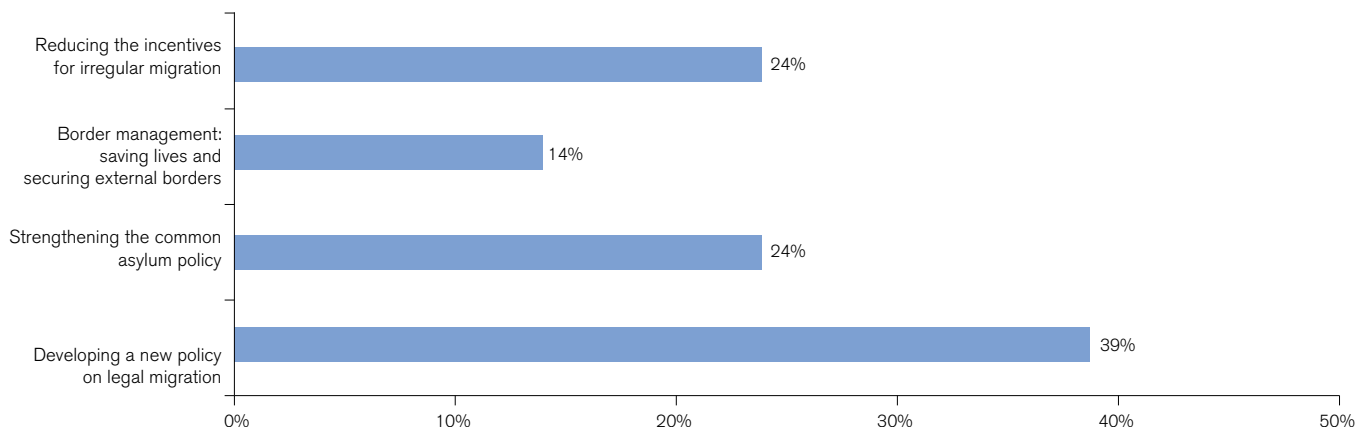
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**Overall, border management is not seen as the most pressing priority of the European Agenda on Migration.**

The strengthening of EU border management was prioritised in the EU response to the refugee crisis. Member states decided to launch the European Border and Coast Guard Agency, boosted support for frontline states, launched operations in the Mediterranean and tried to impose on transit countries the need for better border control. Yet, even though migrant waves were scaled down and EU operations led to saving many lives, efforts in this area face numerous constraints. This is illustrated by Survey results. In terms of the general assessment of the European Agenda on Migration (EAM), only 14% of respondents prioritised border management: saving lives and securing the external borders (see Graph 1). The open answers shed some light: numerous respondents explained that the only solution to manage migration is to improve the situation in sending countries through cooperation, development aid and opening legal migration channels, while current EU solutions are short term and have a security and control angle. In some cases, the respondents found it perplexing to link the goal of saving lives with border management as it belongs to a different category and controlling borders might even lead to increased fatalities.

**Graph 1: Ranking European Agenda on Migration (EAM) proposals according to what should be prioritised.**  
(First European Agenda on Migration proposal to be prioritised in %)

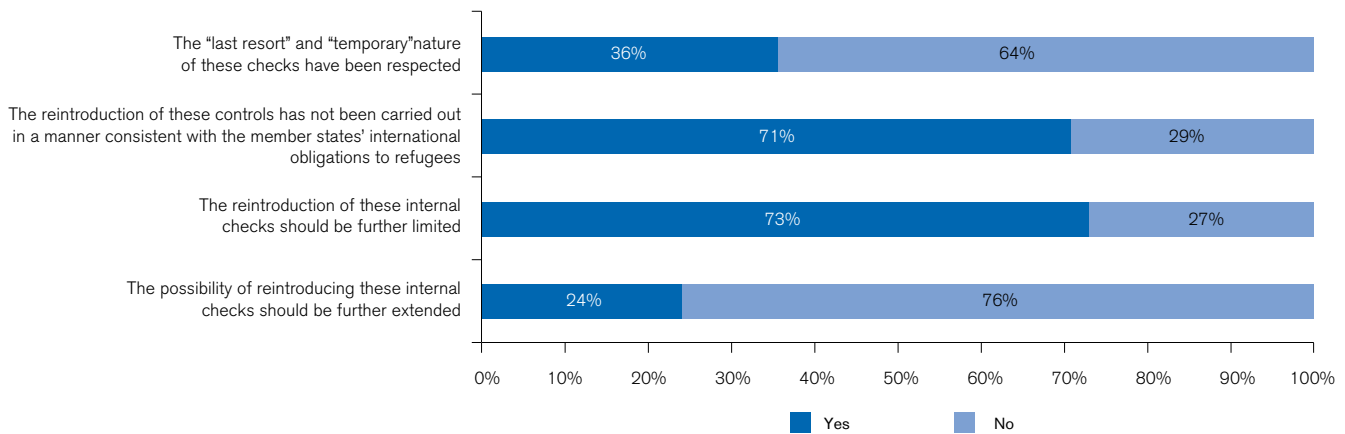


Source: Compiled by the IEMed based on the results of the 7th Euromed Survey/Question 12

**Among concrete EU measures in relation to border management, the most questioned solution was the reintroduction of temporary border controls.**

In terms of respondents' assessments of concrete EU measures in relation to border management, the most questioned solution was the reintroduction of temporary border controls within Schengen. Starting in September 2015, Germany, Austria, Slovenia, Hungary, Sweden, Norway, Denmark and Belgium began performing border checks with a duration of up to eight months on the so-called Balkan route. In May and November 2016, five countries, Germany, Austria, Denmark, Sweden and Norway, obtained European Council approval to prolong internal controls on parts of their borders for nine months in total (until February 2017) due to exceptional circumstances caused by the failure of Greece to manage the external Schengen border.

**Graph 2: Some Schengen countries reintroduced controls at internal Schengen borders in autumn 2015: do you agree with the following statements?**



Source: Compiled by the IEMed based on the results of the 7th Euromed Survey/Question 17

First, the respondents questioned the legality of temporary checks. Almost two thirds of them (64%) assessed that the "last resort" and "temporary" nature of these checks have not been respected, while only slightly more than one third (36%) said it was respected (see Graph 2). Regardless of the geographical location and profile of respondents, the majority of them (around 60% and more in each group) remained critical (see Graph 3). Astonishingly, the exception was the Mashreq region (52%). Indeed, in reinstating border controls, the countries acted in accordance with the provisions of the Schengen Borders Code (SBC), based on Articles 25-29 (EC, n.d.), but the fulfilment of the criteria posed by SBC is questionable. The majority of countries argued that unexpected migratory flow was causing serious threats to public order and internal security and it stretched the reception capacities for asylum seekers. None of the notifications had satisfied the criterion in Article 26 of the SBC in terms of proving proportionality and the need for such decisions and giving relevant evidence and statistics (Guild et al., 2016). Moreover, prolongation of controls by some countries in May and November 2016 remained questionable due to a significant decrease of asylum applications (UNHCR). Notably, in the open answers the temporary controls were frequently linked with the risk of the end of Schengen and the EU as well as limitation of freedom of movement. However, the recent experiences show that such fears are exaggerated as the controls have not hampered the freedom of movement of EU citizens and the integrity of the internal market (Kaca, 2016).

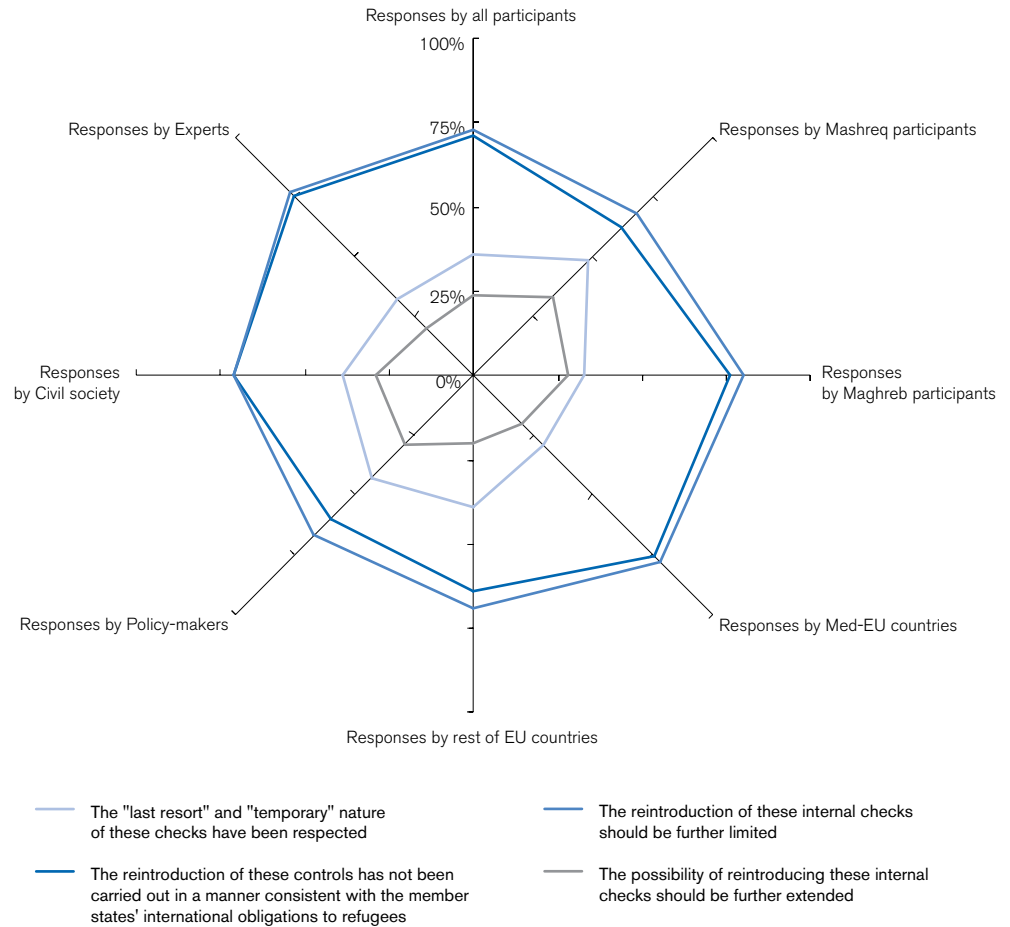
Second, the overwhelming majority of respondents (71%) assessed that the reintroduction of border controls has not been carried out in a manner consistent with the member states' international obligations to refugees (see Graph 2). Irrespective of the profile of respondents, a high level of criticism prevailed and ranged between 60% and 76% (see Graph 3). The lowest level was in the case of policy-makers (60%), but is still high for this group, which is partly responsible for creating such policies. Indeed, such opinions are well-founded. The decision of member states to close down the Balkan route in January 2016 coupled with the controls was one of the factors leading to a decrease of secondary movement of migrants (the majority of whom were refugees) and the redirection of their routes through the Central Mediterranean (Frontex, 2016a), a much more dangerous path. However, during the first months of implementation, the controls had not impacted on migrant movements (Frontex, 2016c; EC, 2015). The other factor, which might have limited refugee rights, was the presence of police patrols during controls coupled with border guards (Frontex, 2016a). The risk of "militarisation" of controls making refugees feel like criminals was highlighted in the open answers. The systemic use of police patrols is questionable in light of the SBC and the Refugee Convention (Guild et al., 2016).

**Regardless of the geographical origin and profile, respondents questioned the legality of temporary checks.**

In consequence, bearing in mind the aforementioned deficiencies of temporary border controls, around three-quarters of respondents opted for limitation of internal checks (73%) and are against their further extension (76%), as illustrated in Graph 2. In spite of the various profiles of respondents, the opinions were pretty stable (see Graph 3).

**Graph 3: Some Schengen countries reintroduced controls at internal Schengen borders in autumn 2015: do you agree with the following statements?**

(The "yes" answers by profile of respondents)

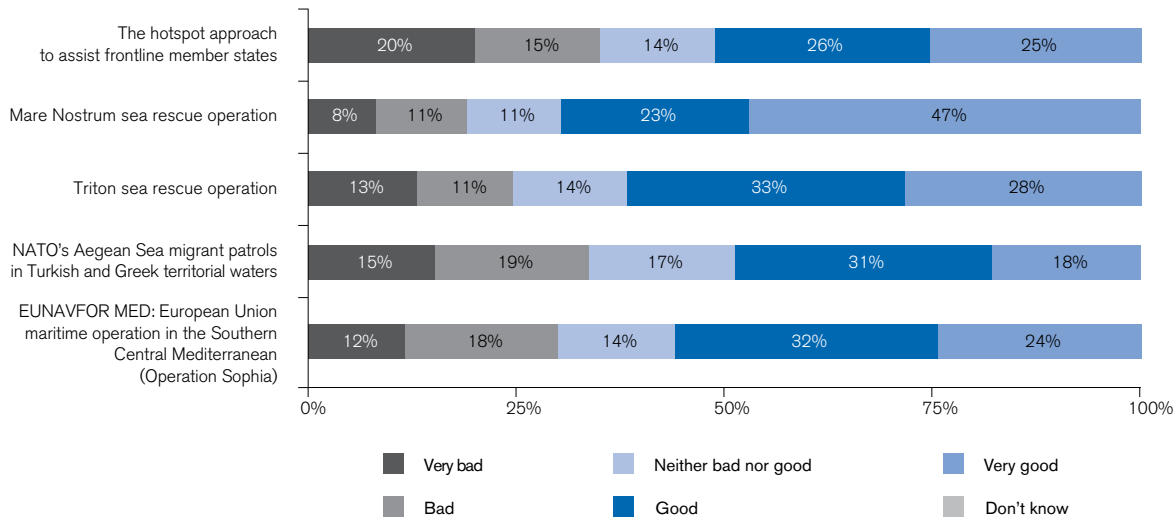


Source: Own compilation based on the results of the 7th Euromed Survey/Question 17

Despite concerns among respondents with regards to the reintroduction of temporary border controls, the other EU measures related to border management received more approval. The highest level of positive opinions (good and very good answers) was on EU and member states' sea and rescue missions acting in the Mediterranean Sea: Mare Nostrum (70%), Triton (61%) and EUNAVFOR Med – operation Sophia (56%), as illustrated in Graph 4.

**EU measures related to external border management received more support, in particular the IT led operation Mare Nostrum.**

**Graph 4: How would you assess the performance of the following instruments in dealing with the inflow of refugees and migrants?**

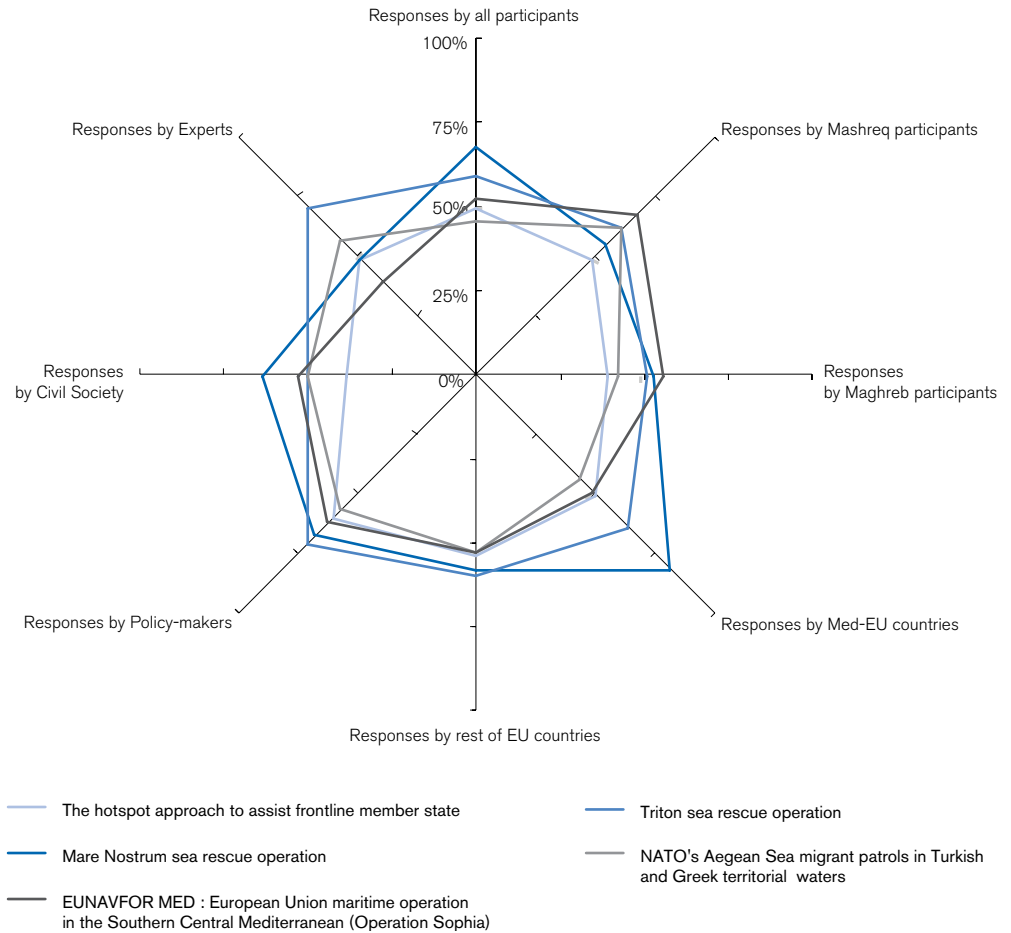


Source: Compiled by the IEMed based on the results of the 7th Euromed Survey/Question 19

Indeed, each operation led to the saving of many lives. Bearing in mind the fluctuating pace of migration on the Central Mediterranean route during the first year of missions, Triton rescued almost 50% of estimated numbers of migrants passing the route, Mare Nostrum – 45.5%, and Operation Sophia – 26.5% (UNHCR, Frontex 2014).

**Graph 5: How would you assess the performance of the following instruments in dealing with the inflow of refugees and migrants?**

(The % of good and very good answers)



Source: Own compilation based on the results of the 7th Euromed Survey/Question 19

The assessment of operations varied depending on geographical location and profile of respondents (see Graph 5), which may in turn reflect various degrees of knowledge about the missions (see Graph 6). The respondents' recommendations included in the open answers suggest increasing funding for rescue operations, improving coordination between various missions and completing them by the agreements with third countries.

**Graph 6: EU Operations in the Mediterranean.**

	Mare Nostrum	Triton	EUNAFOR Med - Sophia
	October 2013 - October 2014	November 2014	June 2015 - 27 July 2017
Time and Territory	The Mediterranean Sea to the coast of Libia	Italy and Malta waters; international waters around 40 nm off Libyan coast; territorial waters of Libia on its request	International waters
Budget	114 million EUR	38 million EUR (in 2015)	11.82 million EUR (June 2015 - July 2016)
Personnel	900 military	300 - 500 guest officers	1,771
Equipment	32 naval units (plus 2 submarines)	15 vessels and several helicopters and planes	7 naval units (plus 4 helicopters and 3 air assets)
Migrants rescued	150,810	155 (in 2015)	65,343 (October 2015 - October 2016)
Smugglers arrested	330	900 (with operation Poseidon in 2015)	89 (October 2015 - October 2016)

Source: Own compilation based on EC, Frontex and Ministry of Defence of Italy data (EC 2016c, Frontex 2015b, d, e, f, Ministry of Defence n.d., Tardy 2015)

In the light of positive opinion on sea and rescue missions, it is somewhat surprising that the NATO mission in the Aegean Sea, launched in February 2016, got the lowest score (49% positive answers and 34% negative ones with no greater differences with regards to respondents' profiles) out of all measures mentioned in question 19, as illustrated in Graphs 4 and 5. However, this operation has limited scope and is restricted chiefly to conducting surveillance of illegal crossings and passing information to Turkish and Greek authorities as well as Frontex (NATO, 2016). Moreover, due to the recent launch of the mission, no results have been available publicly.

The respondents were also invited to assess the hotspots approach, which is different in nature as maritime operations. Hotspots refer to the points at which most migrants enter Schengen, and where EU experts help with the identification, registration and fingerprinting of individuals. Migrants admitted as refugees should be sent to regional hubs, and irregular migrants deported. The hotspots received more positive answers (51%) than negative ones (35%), as illustrated in Graph 4. The lowest support of around 40% was recorded in the case of respondents from Maghreb countries and civil society. The mixed opinions might result from numerous practical constraints to the functioning of hotspots, which hamper quick prosecution of asylum claims. This was highlighted in the open answers together with the need to increase funding for hotspots. Indeed, according to EC estimates, their reception capacity is not sufficient and the EU faces problems with the efficient allocation of support personnel to problem areas (EC, 2016a, b, e, g).

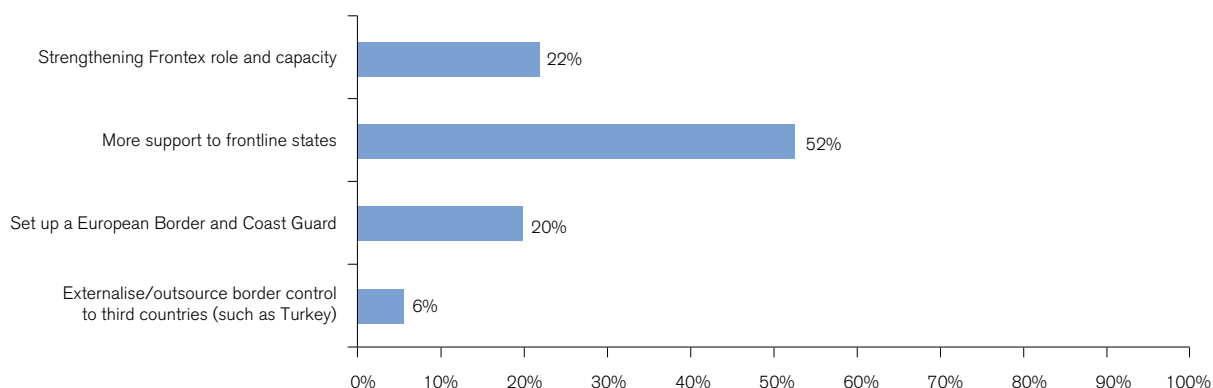
**Mixed opinions on the hotspots approach might result from numerous practical constraints to their functioning, which hamper the quick prosecution of asylum claims.**

**Even though Frontex supports frontline member states, it is evident that such control-oriented measures will not be sufficient to prevent future migration pressures.**

The Survey also included a question related to views about what aspect should be promoted in order to improve Schengen. A majority of respondents (52%) opted for more support to frontline states (Graph 7). The solution obtained the highest score within all groups analysed in the Survey, with some slight differences in scoring (Graph 8). The relative low support among the rest of the EU participants (31%) and policy-makers (43%) might result from the fact that member states had to release financial assistance for such purposes. Even though the crisis has been largely contained, the inflow of migrants is still steady and the EU aid is crucial to secure shelter and accommodation, health care for migrants as well as to fund hotspots and forced returns. For example, despite the fact that Greece obtained over €352 million of emergency assistance (on top the €509 million already allocated to Greece for migration and border management for 2014-2020) from the EC (EC, 2026f), its reception capacities and human resources are still in shortfall, according to EU estimates (EC, 2016e).

Around one fifth of the respondents supported strengthening the role of Frontex and its capacity as well as setting up a European Border and Coast Guard Agency, which can be treated as similar measures (Graph 7). In fact, the European Border and Coast Guard Agency, officially launched in October 2016, is the renamed Frontex agency slightly strengthened in terms of capacities, which was not a given at the time the Survey was conducted. According to the reform, the Agency's budget and staff will be more than double by 2020, towards €322 million, and approximately one thousand personnel in addition to the creation of a permanent reserve of 1,500 national experts. However, even though Frontex supports frontline member states, it is evident that such control-oriented measures will not be sufficient to prevent future migration pressures. Though its joint maritime operations led to the interception of 217,776 people in 2014, and 972,422 in 2015 (Frontex 2014, 2015b), it did not prevent the crisis.

**Graph 7: In order to restore the full functioning of the Schengen area, including the protection of the Schengen external borders, what measure should be promoted as a matter of priority?**



Source: Compiled by the IEMed based on the results of the 7th Euromed Survey/Question 18

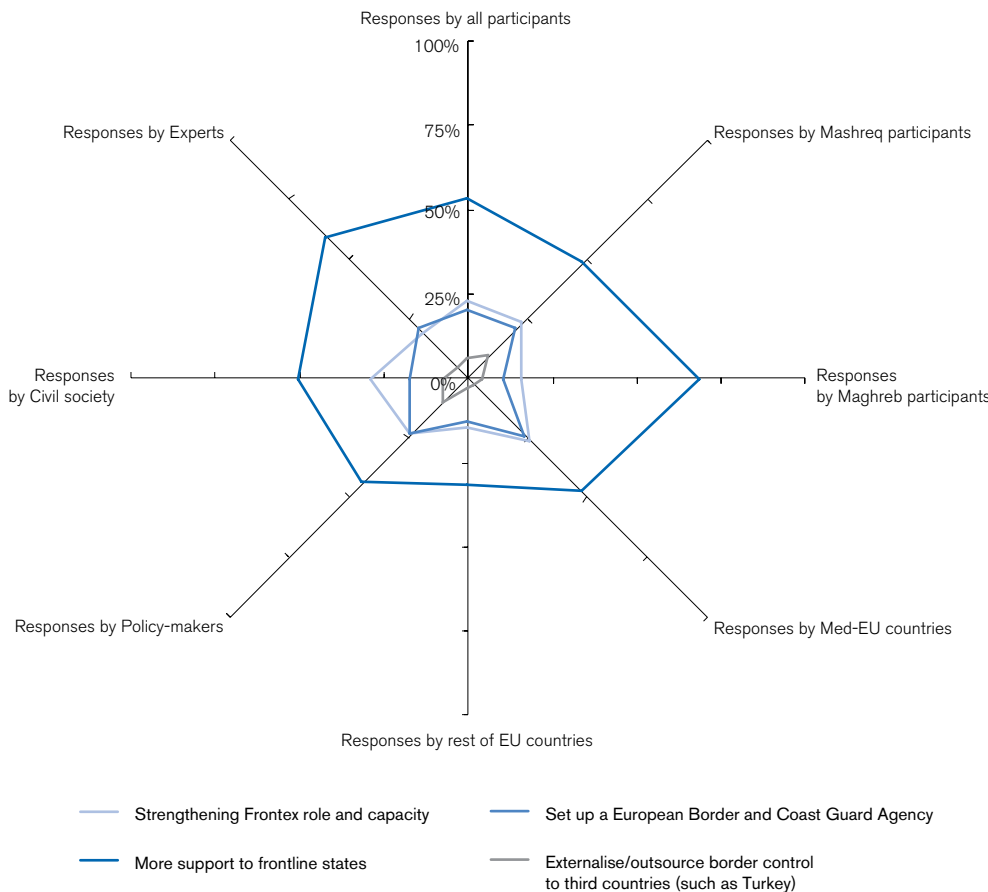
**Outsourcing border control introduces transactional relations in the sphere of migration by making the EU pay transit countries for better migration controls. This option was not popular among respondents.**

The measure involving outsourcing border control to third countries (such as Turkey) received the least support among respondents (6%)<sup>1</sup>. Irrespective of geographical location and profile of the respondents, the assessment remained low (see Graph 8). This might be the consequence of a negative perception of the EU deal concluded with Turkey in March 2016, according to which Turkey was obliged to increase border controls in exchange for €3 billion of EU aid, visa liberalisation and progress in accession negotiations (European Council, 2016; EC, 2016d). Such an approach was met with criticism in the media as it introduced transactional relations in the sphere of migration by making the EU pay transit countries for better migration controls. The deal seemed controversial, especially in light of political developments in Turkey

1. More on border control with Turkey in Üstübici, A., "EU-Turkey Cooperation on Migration" (p. 54).

and uncertain conditions for refugees in this country. The consequence of the agreement was a massive drop in the number of migrants reaching Greece (according to Frontex even lower than before 2008, around 9,000 entries a month), but, at the same time, some migrants shifted to the Central Mediterranean route (around 51,450 entries between April and June 2016) (Frontex, 2016a).

**Graph 8: In order to restore the full functioning of the Schengen area, including the protection of the Schengen external borders, what measure should be promoted as a matter of priority?**  
(Answers by profile of respondents)



Source: Own compilation based on the results of the 7th Euromed Survey/Question 18

In summary, while strengthening border management is not a key solution to EU migration problems, the following recommendations might be formulated to improve border management on the basis of the Survey results. The highest priority should be the EU's support for frontline states and boosting EU and member states' sea and rescue operations; the EU should further develop its own capacities to control borders via the European Border and Coast Guard Agency and improved functioning of hotspots. In future actions, however, the EU should avoid the use of longer periods of reintroduction of temporary border controls.

**The EU should avoid the use of longer periods of reintroduction of temporary border controls.**

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