

# Listen to Us, Too!

Flight, Migration, and Integration from the  
Perspective of NGOs in the Visegrad Region

FRIEDRICH-EBERT-STIFTUNG BRATISLAVA (ED.)





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# Foreword

About a year and a half ago, street graffiti popped up in Bratislava stating “Refugees Welcome – Utečenci vitajte”. The graffiti underlined the fact that the opinions on migration communicated by political representatives were not shared by all Slovak citizens. Moreover, that there are parts of civil society – just like in other Central European countries as well – that are in favour of welcoming refugees.

Though there are expressions of solidarity with refugees and European partners, the contributions made by civil societies of the Visegrád Group (V4), which consists of Poland, Czech Republic, Slovak Republic and Hungary, to solve the crisis of European migration policy, remained widely unknown/unrecognized. Across Europe the political mainstream of these countries is mainly perceived negatively; consequently, the populations in the V4-region are judged as “not in solidarity” with and “inhuman” towards refugees.

However, civil society of the V4 has gathered in ad-hoc initiatives (grassroots initiatives) supporting with different means its European partners in humanitarian actions along the refugee route from Greece to Germany. Moreover, there are well-established NGOs that offer various services to refugees and migrants and additionally advocate in their countries for the rights of refugees and migrants.

Against this background, the offices of the Friedrich-Ebert-Stiftung in Bratislava and Prague, in cooperation with the online portal Social Europe, launched a series that featured between May and November ten articles written by representatives of NGOs from the Visegrád countries capturing different migration topics from each country’s perspective. Hence, their views on refugees, asylum, migration and integration and as well their ideas on how to tackle these current problems will be presented to a European audience.

As the contributions are published on the online portal in English, this collection is bilingual (English-German). The articles were published between May and November 2016 and refer partly to future events, which, however, have already happened at the time of this publication. The articles are not in chronological order.

The collection of articles starts with a contribution made by Claire Sturm and Milan Nič in which they describe – based on concrete examples like a field hospital along the refugee route or food donations to refugees in Austrian camps close to the Slovak border – the solidarity expressed by Slovak civil society towards Europe and refugees – as does the Hungarian civil society providing humanitarian aid.

At the same time, Hungarian activists try to shape as well the public discourse through a joking counter-campaign in response to the dominating anti-refugee campaign of Prime Minister Viktor Orbán, as Lídia Balogh outlines with plenty of humour. Also the following article written by Márta Pardavi focuses on Hungary.

She discusses how the Hungarian government has systematically violated the rights of refugees and how humanitarian aid is “outsourced” to civil society and UNHCR. By doing so, the government spreads the clear message that migrants and refugees are not welcome in Hungary.

Zuzana Številová refers in her article to the kind of messages that reach migrants but as well as to the country’s own population and other EU-countries and she analyses, among other issues, the self-perception and perception by others in Slovakia and other Central European countries, as transit countries, and highlights how important it is to change this narrative.

Masha Volynsky deals with the dilemma of Czech migration policy, demonstrating that with reference to the demographic and economic developments in her country there is already a shortage of labour, but that politicians still cling to a cyclic and temporary migration model. Against this background, allies evolve, like between NGOs and the Czech Chamber of Commerce.

Marek Čaněk discusses how ambivalent Czech policy can be. While on the one hand the Czech Republic appreciates labour migration from Ukraine, it strictly rejects on the other hand taking in asylum seekers of Muslim origin.

At the same time labour unions are crucial players in the field of labour migration and can become like-minded partners of NGOs against racism and xenophobia – but as well strict opponents (keyword: social dumping).

Against the Polish background, Teresa Teležýnska deals with the interaction of different players and highlights that collaboration between NGOs and the private sector could have the potential to create synergies fostering integration of migrants.

The fact that NGOs play a crucial role in integration processes on a local level is the subject of two contributions: Marta Siciarek reports on an integration strategy that was elaborated by the city of Gdąnsk together with diverse stakeholders. By doing so, she outlines that – with regard to the current political development on a national level – many mayors have the courage or dare to act as they have nothing to lose anymore; and Elena Gallová Kriglerová and Alena Chudžíková talk about their support provided to five Slovak municipalities in order to elaborate local integration strategies.

The closing paper discusses how the Common European Asylum System can be reformed. The concept was developed by Zuzana Številová (SK) and Martin Rozumek (CZ) who were granted an award for their paper in Prague. The two human rights lawyers discuss how the current – and in principle not working – asylum system could be centred upon solidarity, fairness and respect of human rights – improving and serving the interests of European citizens as well as asylum seekers.

In a synopsis of the various articles it becomes pretty clear: the homogeneity of V4-societies that circulates in the public discourse cannot be found in real life as there are already migrant communities living among the local populations.

A lack of exchange, however, fosters among “native citizens” fear and anxiety of the “unknown” and then crucially shapes – likewise for the self-perception of the transit country – public opinion.

At the same time expertise and strong commitment can be seen among parts of civil society that want to contribute constructively to the solution of the current crisis of European migration policies.

While this crisis has led on one hand to a political polarisation within the EU, European civil society – in the “old” as well as the “new” EU – has contributed significantly through its commitment to maintain important social democratic values, like freedom, solidarity and justice.

This collection of papers will contribute to making these constructive voices from the Visegrád countries heard, so that they will be considered as Europe searches to find sustainable solutions.

Prague and Bratislava, 19.01.2017

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# Solidarity With Refugees Is Not Exclusively Reserved For The “West”

by Milan Nič and Claire Sturm

on 19 May 2016

In recent months, the Slovak government has been strongly criticized by EU-member states for its anti-migration attitude and European media have commented on the refusal to take in 800 refugees via the EU relocation scheme. Slovakia – along with other Visegrad (V4) countries – has been accused of failing to show solidarity with other member states and standing by in this crisis. In all this rhetoric the recent parliamentary elections on March 5 have played a crucial role as the re-elected Prime Minister Robert Fico based his election campaign on a strong anti-immigrant rhetoric and fear-mongering against Muslim migrants; “We protect Slovakia” was the slogan posted on billboards across the country.

The ‘politics of fear’ has substantially shaped public discourse on this issue. In effect, Fico’s populism has marginalised pro-EU and pro-refugee voices, and opened the door to radical extremists. An extreme-right group, the People’s Party – Our Slovakia, entered parliament for the first time, with 8% of the votes and 14 of its 150 seats.

While Slovakia (and the V4 in general) were pictured in this very negative way, neighbouring countries like Austria and Germany were praised for their “*Willkommenskultur*” underlined with pictures of individuals handing over food and clothes to refugees arriving at the railway stations.

But is this really the whole picture? Are Slovak and V4 societies ignorant and without any empathy for people escaping war?

A closer look reveals a growing grassroots movement in Slovakia’s civil society demonstrating solidarity and goodwill and offering practical assistance to European partners overwhelmed by high numbers of asylum-seekers. The main actors are a diverse mix of civil society leaders, Catholic organizations and charities, artists, liberal media and – as the most visible political figure – the Slovak President Andrej Kiska. President Kiska – à la Václav Havel – has repeatedly warned attitudes to refugees ‘will define the heart and soul’ of the future Europe and Slovakia. He has also emphasised that tens of thousands of migrants from different cultures and continents have smoothly integrated into Slovak society in the last two decades. To highlight a positive narrative that can be built upon, he even invited migrant families from Afghanistan and Africa to his office.



A galvanizing incident for solidarity was reports in August 2015 of a refrigeration truck (purchased by traffickers in Slovakia) found just beyond the Slovak border in Austria with the bodies of 71 refugees suffocated to death – the country was profoundly shocked. An online petition titled “Plea for Humanity” was set up and within a week gathered over 10,000 signatures in support of refugees. Moreover, a coalition of religious groups organized a network of volunteers around the country called “Who helps?” offering housing for 2000 refugees. The organizers of the “Plea for Humanity” petition were later received by PM Fico and, without much publicity, invited by the Ministry of Interior to join talks about a new national strategy for integration of asylum-seekers into Slovak society.

While advocacy campaigns were launched, volunteers based in the Slovak capital – close to the border between Hungary and Austria – began effective grass-root efforts to support refugees passing nearby with humanitarian assistance. Coordinated through Facebook, groups of volunteers, doctors and ambulances were at first hand helping at the border crossing between Hungary and Austria at Hegyeshalom, (only 35 km from Bratislava), working alongside Hungarian NGOs and thus filling a gap left by an indifferent Hungarian government. Initially, donations in kind and in cash kept up the momentum. When the Hungarian government closed the country’s borders, many of those grass-root efforts followed the refugees’ route and re-organized.

One remarkable initiative is the field hospital that is operated by volunteers from the Health Care College of Saint Elisabeth in Bratislava, who moved to the Croatian-Slovenian border at the beginning of early December 2015 providing health-care to several thousand refugees until the closure of the “Balkan route”. With its closure the activists will now move with their field hospital to Greece, where plenty of their fellow countrymen and women have already been delivering donations in goods and provide voluntarily aid to refugees for several months. The hospital is financially supported by private donors, Catholic organisations, as well as the Slovak government, that earmarked special funding for immediate humanitarian assistance for this purpose.

Meanwhile, many volunteers from Bratislava contribute to supporting refugees located across the border in Austria, focusing on refugee camps that are only 20 or 30 minutes’ drive away. Since January 2016, in the Austrian village of Potzneusiedl, the grassroots group “cook4refugee” delivers hot meals every Saturday. In so doing, the volunteers support the Austrian welfare organisation Samariterbund that is running the camp as it allows them to save costs on food delivery from Vienna (almost an hour away by car) and moreover, the volunteers also offer a variety of activities to the inhabitants of the camp. For the time being, all these signs of solidarity with refugees have been hardly reported in the media outside Slovakia. Nevertheless, on March 29 the director of the Slovak Human Rights League, Zuzana Števelová, was one of 14 women worldwide to be awarded the Women of Courage Award by the US State Secretary, John Kerry, for her long-term commitment to integration and legal aid for refugees.

Interestingly enough, behind closed doors their efforts and activities are even supported by the Slovak government. Moreover, it has quietly been preparing for some 'voluntary' relocations as part of the recent EU – Turkey deal. Without much fanfare, the Fico government also arranged a bilateral deal with Austria to receive 500 Syrian asylum-seekers (registered in Austria) for temporary housing in an empty asylum centre in Gabčíkovo, while their applications are processed in Vienna. The Austrian Ministry of Interior calls this a positive example of cooperation between EU neighbours in the treatment of refugees. On a permanent basis Slovakia – in cooperation with a private Catholic initiative – has just recently accepted a group of 150 Iraqi Christians from areas near Mosul controlled by the Islamic State (ISIS).

### **Beyond the West**

As the above outlined examples (and many more could be added) of civil society engagement clearly illustrate, solidarity with refugees is not exclusively reserved for "Western" European civil societies. Just like anywhere else, there is also in Slovakia an active civil society that expresses solidarity and humanity with those in need. However, their efforts are overshadowed in the country and abroad by a strong negative political discourse that does not acknowledge the efforts and contribution Slovaks are making to their European partners.

This, and the fact that many Slovaks face a very demanding socio-economic situation – the minimum wage is just €400 which many don't even get and there is an average wage of €800 in Bratislava and one of €600 in the rest of the country with grocery prices as high as in neighbouring Austria – would deserve not accusations from fellow Europeans but acknowledgment and respect. What's more, when you walk with sharp eyes through the streets of Bratislava one can see here and there bilingual street graffiti with a very clear message: "Refugees welcome – *Utečenci vítajte!*"

# The Hungarian Government Is Ultra-Concerned About The Safety Of Women – And Roma...

by Lídia Balogh

on 2 November 2016

“Did you know that since the beginning of the migration crisis, harassment against women in Europe increased dramatically?” This slogan popped up during the summer of 2016 on posters along Hungarian roads, during a governmental campaign. The other five thematic messages were: “Since the beginning of the migration crisis more than 300 people died in terrorist attacks in Europe;” “Last year more than one and a half million illegal migrants arrived in Europe;” “Brussels wants to settle a whole city’s worth of illegal immigrants in Hungary?;” “The Paris attacks were carried out by migrants;” “Nearly one million immigrants want to come to Europe from Libya alone.”

The government’s campaign was aimed at persuading voters to say “No” to the referendum question of 2 October: “Do you want the European Union to be able to mandate the obligatory settlement of non-Hungarian citizens in Hungary without the approval of the National Assembly?” The wordy and vague question refers to the EU plan to relocate 160,000 asylum seekers in Europe, requesting Hungary to receive 1,294 refugees. Eventually, while nearly 98% of those who cast valid ballots rejected the quota proposal, the referendum was rendered invalid due to the low (44 per cent) turnout; moreover, the proportion of invalid ballots (225,000) was remarkably high.

Before the referendum, a joke political party, Kétfarkú Kutya Párt (Two-tailed Dog Party) launched a massive counter-campaign, poking fun at the governmental propaganda posters, and some smaller left-wing parties also started initiatives against governmental discourse. Social media served as a prominent platform for satirical counter-actions: users created (with „poster-generator” applications) and posted hundreds of their own versions of the “Did you know that...?” posters. Some of these messages reflected on gender issues: “The Paris attacks were carried out by men. All the members of the Hungarian government are men. Are you afraid?” or “One woman per week is killed by her partner in Hungary” or “Roma women are placed in segregated maternity wards in Hungarian hospitals”.

However, references to violence against women as a major threat linked to migration became part of governmental discourse. Prime Minister Viktor Orbán mentioned at a public event that Western countries “with large numbers of illegal immigrants experience dramatic increases in crime... According to UN statistics ... Sweden is second only to the southern African state of Lesotho in terms of figures for rape.” (The analyst of the Hungarian Spectrum blog emphasised that “comparative criminal statistics are full of pitfalls” due e.g. to the differences between legal

definitions of rapes, law enforcement and crime reporting rates.)

In July 2016, State Secretary for Family and Youth Affairs, Katalin Novák, mentioned at a press conference the cases of mass sexual harassment committed by migrants in Cologne and other German cities and declared: “We must put an end to illegal migration” because “Hungarian women and children cannot be subjected to this danger”.

Beyond political rhetoric and campaign visuals, there is plenty to do for women’s safety in Hungary – according to critical experts. In May 2016, the UN Working Group on the issue of discrimination against women in law and in practice completed a country mission to Hungary, meeting with Hungarian decision-makers, advocacy experts and activists. The chair of the Expert Group, Frances Raday, later delivered a statement, recommending among other things that “the positive legislative and institutional measures taken to prevent domestic violence should be accompanied by the development and implementation of a comprehensive national strategy, a unified data base for analysing numbers of complaints, restraining orders, prosecutions, convictions and sentences, in cases of gender based violence, and should bring about the ratification of the Istanbul Convention as soon as possible”.

When the Hungarian government launched its poster campaign, including the piece referring to the alleged increase in harassment against women, a columnist of the leftist blog *Kettős Mérce* (‘Double Standard’) shared his disapproval of the shortcomings of governmental efforts to combat gender-based violence, emphasising also the lack of reliable data in this field. He concluded:

What’s really outrageous here is that the government, instead of handling the plentiful serious problems, chooses again to blame others, and good governance is replaced by poster politics.

At the level of rhetoric, the all-male and all-white Hungarian government is concerned nowadays – in the context of the current migration crisis – not only about women, but also about the country’s most populous and most disadvantaged national minority, the Roma. (Note: the overwhelming majority of the Roma in Hungary has been living a settled style of life and holding citizenship for many generations.)

In May 2015, Justice Minister László Trócsányi claimed that Hungary was not in the position to take in refugees or economic migrants because the government should focus on the social integration of the Roma minority. In September 2015, Orbán told ambassadors at a conference in Budapest that „it’s a historical fact that Hungary must live with a few hundred thousands of Roma”, and also that “[we] cannot ask anybody else to live with a large number of Roma”.

In September 2016 (one week before the relocation quota referendum), Human Resources Minister Zoltán Balog told the *Frankfurter Allgemeine Zeitung* in an interview that the social inclusion of the Roma population was a huge enough task for the country so it would be just too difficult to deal with migrants at the same

time, because “Hungary’s resources for the social integration of different communities were limited”. However, answering a question from the interviewer, Balog still claimed that he was not trying to “play off against each other” Roma and migrants.

The referendum and the related governmental propaganda cost Hungarian taxpayers a lot: the campaign was estimated to have cost around 11.3bn HUF (approx. €36.8m) according to an MP of the Hungarian Socialist Party – while the Head of Cabinet of the Prime Minister, Antal Rogán, referred to a campaign budget of 3.9bn HUF (approx. €12.7m). The administrative costs amounted to a further 4.5–5bn HUF (approx. €14.6–16.3m). Let’s imagine the number of female and Roma citizens (not to mention female Roma citizens), whose lives could have been improved if the government had chosen to use this money more wisely – for relevant social purposes – instead of trying to persuade the electorate to reject just 1,294 refugees.

# How Hungary Systematically Violates European Norms On Refugee Protection

by Márta Pardavi  
on 31 August 2016

In 2015, Hungary became one of the main entry points to the European Union for migrants and refugees. The police registered 400,000 irregular migrants and more than 177,000 of these applied for asylum. With at most 4,000 people with international protection status living in Hungary and one of the lowest rates of immigrant populations in Europe (1.4%), most people were faced with an unknown phenomenon, one that had hardly featured in Hungarian media or on political agendas before.

Confronted with a variety of very uncomfortable domestic political issues and the challenges posed by the number of arrivals, the government suddenly elevated migration to the number 1 topic on the political agenda. Right after the Charlie Hebdo terrorist attack in Paris in January 2015, it announced that migration posed a dangerous threat, from which Hungary and Europe must be protected. Moreover, it put the blame on “Brussels”, primarily the European Commission, for failing to keep refugees and migrants out of Europe.

In May 2015, the government launched a “National Consultation on Immigration and Terrorism”, in which 8 million Hungarian adults were asked to respond to a set of biased questions that portrayed migrants as abusers of European welfare systems and economic opportunities: ‘a new type of threat that we must stop in its tracks’. The consultation was accompanied by a nationwide billboard campaign, which featured xenophobic messages in Hungarian.

Over the summer, thousands of refugees arrived across the Serbian border each day, only to be met with a government-induced humanitarian crisis in Hungary. To everyone’s surprise, informal groups sprouted up instantly and hundreds of ordinary Hungarian citizens in towns all over the country spent their summer helping refugees. Thousands of Hungarians donated clothing, food and money to help where the state refused to do its part.

Later on, the legal and practical framework of refugee protection in Hungary was practically dismantled. The combined and intended effect of these steps was to deter and limit people who need international protection from accessing it in Hungary, by:

- rejecting all asylum applications from people who had entered Hungary from Serbia, which was declared a safe third country, without a real inquiry into the reasons why Syrians, Iraqis, Afghans and others had to flee their countries,

- introducing new and unfair procedural rules that result in genuine refugees being denied access to a proper asylum procedure and to the possibility of finding protection,
- sealing the borders with Serbia and Croatia with razor-wire fences,
- criminalising the crossing of the border fence and trying migrants in expedited criminal trials lacking many important due process guarantees,
- reducing the Hungarian reception system's capacity to offer shelter to asylum-seekers by closing the largest camp and instead opening smaller, temporary tent camps,
- opening four small 'transit zones' on the southern border where people who wish to seek asylum in Hungary should apply and be registered, but not all would be let in the country.

Although the government is determined to keep migrants and refugees away from Hungary, wars and instability have not ended and people keep on coming via the Balkan route, though in lesser numbers than in 2015.

Since early spring, would-be asylum-seekers have to wait for long periods in front of two of the transit zones at the Serbian border to be allowed to enter and be registered as an asylum applicant in Hungary. At first, their number was in the dozens every day, but for many months now, it is hundreds of people waiting, many children and families among them. The Hungarian immigration office only lets in 30 people each day, giving priority to vulnerable families. The conditions are dire, because the Hungarian authorities provide only a water faucet and one food package each day. Despite the fact that the people wait on Hungarian land within arm's reach of the authorities, it is UNHCR and NGOs and volunteer groups who struggle to meet all other needs: medical assistance, clothing, shelter, hot meals, information.

Since January 2016, about 252 persons have been granted protection status in Hungary (in 2015: 508). On 1 June 2016, however, state support for refugee integration was nearly eliminated, as all financial benefits were cut and access to state health care curbed. This leaves recognised refugees and persons with subsidiary protection (who don't qualify as refugees according to the Geneva Convention but who would face serious harm if they return to the country of origin) at the risk of homelessness and destitution 30 days after they are given permission to stay. It is now only NGOs that offer integration services specifically for refugees, the funding of which comes from the EU's Asylum, Migration and Integration Fund. Essentially, the EU and UNHCR funds are what keep the limited integration services for refugees above water in Hungary.

In recent months, UNHCR, Human Rights Watch and Hungarian NGOs and volunteers have been documenting and reporting about frequent cases of severe ill-treatment of migrants at the border. The police have refused to thoroughly investigate these reports.

Moreover, since July 5, the police can push back migrants who are apprehended within 8 km inside Hungary of the border fence to the other side of it, without any substantive procedure. People are expected to join the many hundreds waiting at the transit zones for managed entry, amid degrading conditions.

Not surprisingly, most asylum-seekers abandon their asylum claims within a few days after having finally arrived at an open centre and travel on further west, via Austria. The Hungarian government acquiesces in this as becoming more of a destination country for refugees is exactly what it does not want.

With a national referendum on “mandatory migrant quotas” set for October 2, the hate campaign against migrants and the EU is at full throttle again. Those NGOs that speak out in favour of offering protection to refugees, for solidarity with other countries and for trying to find solutions through European cooperation are few and far between and they face strong opposition. In this precarious landscape, getting European institutions and civil society to show solidarity with the safekeepers of human rights and refugee protection would be all the more important.



# Uncovered Frames Of Slovak Migration Policy Responses

by Zuzana Številová

on 1 December 2016

When Visegrad countries opposed the EU migration plan, which aimed to (re)distribute asylum seekers and refugees to Member States, many were surprised by such vocal and strong opposition. Since then, the reasons shaping the policy responses of Visegrad have come under the spotlight – lack of experience with migration, anti-Muslim sentiments, populism, nationalism and/or fear.

All these explanations are valid, but there are few more, which I would like to highlight. They concern some frames, which have been shaping discussion on migration among policy makers in Slovakia. These frames are important to understand if we want to achieve a properly functioning common EU asylum system.

The Slovak response to the migration agenda has very much focused on externalization of refugee protection and migration. This is clear from having a closer look at proposals which the Slovak EU presidency presented recently as “effective” solidarity. Here Slovakia focuses on tools and means allowing for limiting/blocking access to Europe (border patrols), shifting the problem to someone else (sending officers to review asylum claims abroad or sending money to other countries instead of taking in refugees permanently), or getting rid of the problem (by helping with deportations).

The important question is what the origin of such a perspective is. I believe that part of the answer is in the unspoken frames in which Slovak policy makers, but also other stakeholders in Europe, think about migration and refugee protection in their country and in other similar, not only Visegrad, countries.

Firstly, Slovak migration and asylum policy has very much been influenced by entering the EU and Schengen. Especially when it comes to entering Schengen zone, the urge to fulfil the criteria for having thorough border security in place in order to effectively protect the external border with Ukraine, has been strong a determinant. A look at statistics shows that Slovaks have been very effective in border security as the number of entries of asylum seekers (2007: 2642 applications, 2016: 109 applications) and detected cases of irregular migration at the Ukrainian border (2007: 1684 illegal entries, 2016: 72) has been on a steady decline since the country entered Schengen in 2007. And Slovakia has been praised for its ability to patrol its border effectively, with its interior ministry holding regular press conferences highlighting successful technical and other innovations helping to keep the border impenetrable. From here stems the shortcut to confidence that if we collectively improve our border security and border measures, no migrants and no refugees will have any opportunity chance to enter.

Secondly, there is a transit country frame. The self-perception of Slovakia and other Visegrad countries as transit countries determines their understanding of which tools of common EU asylum and migration policy would work, because “refugees do not want to stay here”. This might have been true for many refugees who have been crossing through our country for many years. On the other hand, if the country does not believe that it should be attractive for refugees, that determines the kind of message that it sends to whoever enters its territory as an asylum seeker.

Regarding ourselves as a transit station also determines which rules should be obeyed. Asylum seekers who entered Schengen through Slovakia and applied for asylum here have rarely been discouraged from leaving the country.

And there are others who support and share the understanding of transit countries. The asylum seekers, if they left Slovakia, have rarely been returned. This has not been simply because of failures in the Dublin system. Cases are being brought to the courts regularly in order to rule that some members of the common asylum system have systemic deficiencies preventing them from providing proper care for refugees.

Indeed, there are countries that simply have ignored their obligations to provide dignified reception conditions for refugees, countries whose system is broken or countries which deliberately choose to become “unfit” for refugees. And yes, returning to such conditions may be dangerous for some refugees.

The central message we send to refugees and to others is that we ourselves do not believe that Visegrad countries, Baltic countries or Southern EU countries are good enough for refugees to return and stay there. And this message is being handed on to their friends and families, to migrant communities here and in the countries of origin.

Today we have clients who would rather prefer to stay six months in a detention centre than to apply for asylum in Slovakia, hoping to reach their idealised country of destination once they are released. They got the message that the only solution for them is to reach Germany, France, Sweden or some other dream country to the West, where the conditions would be better.

No wonder that Slovak policy makers, who also have this feedback, are unconvinced that refugees would wish to stay here if forcibly relocated.

Breaking this circle requires efforts from all of us. Achieving a functioning common asylum system is not only about equal conditions in all Member States. It is very much about frames and mind-sets in which these conditions and policies are conceived and implemented. All EU Member States should regard themselves as destination countries and they should be encouraged to think and act in that manner. Keeping the division – practical and mental – into transit and destination countries leads us nowhere. Once we succeed in changing our mind-sets, we would be ready to expect the same from refugees and build their trust in the system. We would do this by introducing protection programs – such as resettlement, visa schemes,

scholarships; and measures – such as matching programs, intra-EU mobility rights for protection holders, which would motivate refugees to abide by the rules and settle in countries with confidence in and hope for the future.

# The Unresolved Dilemma of Czech Immigration Policy

by Masha Volynsky

on 29 September 2016

This April, responding to an incident of refugee ping-pong between the Czech Republic and Germany, the Czech Interior Minister, Milan Chovanec, told the press that his country will not be “a place for games of asylum roulette”. Chovanec was angered when a group of Iraqi citizens who were brought to the Czech Republic as asylum seekers by a private non-profit organization, and some of whom had already been granted asylum in the country, travelled to Germany in the hope of settling there instead.

The Interior Minister’s fears that these people would exchange the privilege of being refugees in Czechia for asylum seeker status in Germany proved to be unfounded, given the Dublin regulation and current practices, and the fact that most who returned re-applied for asylum here. And his indignation seemed particularly insincere given the not-so-warm welcome the Iraqis received from some Czech authorities and media but most importantly, since it went completely against the seeming goals of Czech migration policy, which the Interior Ministry creates and implements.

In general, the ethos of Czech immigration law is still based on an unspoken assumption that the best outcome is for migrants (not necessarily refugees) to come to this country for a limited amount of time and then to depart. The relatively low percentage of people granted asylum status also reveals little willingness to have migrants enter and remain on that basis either. Yet, the current reality of people interested in migrating to the Czech Republic and this country’s economic needs do not fit very well into this scenario. This creates certain problems for the non-profit organizations working to improve the lives and conditions of migrants, but is also a controversial mantra to follow, even for Czech officials.

Migrant-aid NGOs often find themselves both assisting immigrants, who are struggling with paperwork for themselves, for their families, or trying to resolve difficult life situations when they unexpectedly lose their jobs or become seriously ill, and providing indirect assistance to the authorities – as legal advisers and intercultural workers working in Ministry of Interior visa offices or at local Integration Centers set up by local and regional governments.

## **Push and Pull**

The dissonance between today’s realities of immigrants and the current legal framework lies partly in the history of migration to the Czech Republic, but also in

the fact that the authors of immigration policy have not kept abreast of the changes in migration, misreading the push factors and downplaying the pull.

During the first decade after the fall of Communism, the Czech Republic was not predominantly a destination country for migrants, but more of a transit one, mostly for those trying to get from the former Soviet republics to “the West”. Migrant workers began to supplement the local workforce, as new opportunities and higher education began to entice Czechs away from manufacturing industry’s assembly lines. Low-skilled positions in Czech automobile and other factories were filled by foreign laborers with temporary work visas. The assumption of Czech authorities was that as these migrants sent home remittances they were also hoping one day to return to their countries themselves – and this suited both the Czech labor market and quelled concerns of rapidly growing isolated immigrant communities.

In the next five years, as harried economic growth led to a stable economic boom in 2005-08, we also saw a rapid growth in the number of migrants with permanent residency status, with an increase of more than 110 percent from 2003 to 2008. Migrants from Ukraine, Vietnam, Russia, Mongolia began to settle in the Czech Republic. What happened in these years was not only the stabilization of the Czech economy, but the destabilization of many of the main countries of origin among Czech migrants, making this country a more appealing place to raise a family and keep their savings really safe.

Since the mid-2000s, the proportion of immigrants with permanent residence among all those staying here on long-term visas has also grown very quickly. The past three years have seen that proportion leap over the 50% mark, along with a significant increase in citizenship applications.

The immigration laws of the Czech Republic, although relatively open until recently to labor migration, have not stayed in step with the times. Since around 2009, when the economic boom began to wane, politicians began using migrant workers as scapegoats for economic instability, stoking unfounded fears of rising unemployment and recession. This was also reflected in the tightening of immigration policies, making the hiring of foreign workers for longer periods of time more complicated.

Instead of allowing Czech companies to easily supplement their employee rosters with relevantly skilled and experienced migrants, the authorities seem to cling to the idea that all this country needs is a cyclical migration model as it seemingly served it well in the past. This means, though, that not only are low-skilled migrants left in an increasing precarious position, but also that higher skilled workers are often discouraged from moving here.

With unemployment in the Czech Republic hitting a ten-year low at the end of 2015, among the lowest levels in the EU, there is little threat from migrant workers to the domestic labor market. The question is whether local authorities can swallow their pride and accept that in order to have a vibrant, diverse and sufficient workforce they need to offer migrants not just visas but also a potential future in this country. Recent initiatives like the partnership between migrant-aid NGOs and the Czech

Chamber of Commerce attempt to alleviate this problem in the private sector. In addition, a number of NGOs have been providing job-search assistance, job training and requalification subsidies to migrants, but all of these efforts will not be enough to help immigrants meet local demand if the impediment of over-complicated and strict immigration regulations remain in their way.

# Migrant Workers Can Boost Czech Trade Unions

by Marek Čaněk  
on 17 October 2016

“The Pardubice region without immigrants” was one of the billboards used in the recent Czech regional elections of 8 to 9 October. Most of the small anti-migrant parties were largely unsuccessful apart from the coalition led by the MP Tomio Okamura. Jaromír Dušek, Pardubice Region deputy head, who ran a harsh anti-migrant campaign, was one of those unelected. The billboard slogan is absurd in view of the role migrant workers have played in the regional economy.

Labour migration from non-EU countries to Czechia almost stopped after the 2008 financial crisis. But now, in a move to reduce the political barriers to immigration, the Czech Government approved in July measures to ease the entry of Ukrainian migrant workers. The Ministry of Industry and Trade claimed that it would entail only up to 5000 workers. In the new regime certified employers would still have to go through the usual application for visa and work authorisation, but they could bypass visa quotas. The trade unions have been wary of what they see as a “cheap labour” policy. They fear much larger numbers of migrant workers could be brought onto the Czech labour market and often for low-skilled positions.

When this new labour migration policy was discussed in the summer by Czech MPs, Josef Středula, the head of the Czech-Moravian Confederation of Trade Unions (ČMKOS), was accused of standing in the way of the current economic boom by being against the filling of vacant positions by migrant workers: “Now Czech companies have the chance to develop but you block [this potential] with your social romanticism”. The supposedly naïve trade unionist had, however, grounds for scepticism regarding the motives of employers. Ivan Pilný, a MP (ANO party), was even blunter than the employers present at the same meeting: “It’s not possible to push businesses into respecting certain wage principles,” thus refusing to put Czech and Ukrainian workers on the same foot.

Is it possible to combine the “anti-immigration” stance with the perceived labour shortages in the growing economy? Employers’ associations, politicians and high-level representatives of the Ministry of Interior and the Ministry of Industry and Trade think so: let’s make “white” Ukrainian workers come. They saw the Ukrainian workers as a compromise that could be more acceptable to the public than (im)migration of refugees and Muslims. According to the head of Asylum and Migration Department of the Ministry of Interior, “[it’s] important for this country that Ukrainians come here because this means that other people won’t be coming. We know that the integration of these people into Czech society will be unproblematic”.

The Czech-Moravian Confederation of Trade Unions, however, refused to endorse this political compromise. First, it saw it as a measure that would compromise its 'End of Cheap Labour' campaign for higher wages for Czech workers because the import of new workers would weaken their marketplace bargaining power and slow down wage increases. It used cultural arguments – no to bringing Ukrainian workers from 'culturally different areas' – to oppose this governmental move. Second, it saw such an employment policy as one buttressing the re-Fordisation of the Czech economy via simple and low value-added "assembly-line production" and "cheap labour": "The Czech Republic and other countries of central and eastern Europe are considered as the China of the European Union and we don't think this is okay".

To promote the social protection of those damaged by the market's evolution, trade unions can either reduce the competition coming from migrant labour by restricting immigration, or guarantee the same rights to all workers. Both positions are represented among Czech trade unions. On one hand, there are migrant workers who have joined a union. This has been especially the case with migrant workers that are close in their employment and social characteristics to the "average" Czech trade unionist. Such was for example the experience of trade unions in one manufacturing company: "Those who are here permanently enter the trade unions in a normal way like any other member who's a core worker. Speaking as head of the local trade union I can say that we have had Ukrainians, Vietnamese and Poles as members". On the other hand, many migrant workers are over-represented in economic sectors with a lower trade union density and vice versa. They are over-represented in construction or retail, which have a lower than average density, and under-represented in the more organised public administration or education sectors. There is no data available regarding the unionisation of particular jobs but migrant workers are again likely to be more represented in jobs with a lower unionisation rate. Likewise, they tend to be more exposed to insecure contracts or various forms of indirect employment, which some trade unions do not organise at all.

Last year the head of the ČMKOS made a clear statement against xenophobia: "We'll call for a decidedly rational discussion [on refugees], we'll remind of the danger of xenophobia and the potential misuse of [this topic] by some radical movements". In this, his position is opposed to the one promoted by Jaromír Dušek, who is a former trade unionist.

There are signs of a reinvigorated trade union movement with higher numbers of new members. For example, the ČMKOS trade union affiliates have recruited 13,000 new members in the last year as opposed to 11,000 the year before. For the trade unions to be stronger, migrant workers should be part of them. Without them it is hard to regulate individual workplaces and to improve the wages and working conditions not only in workplaces but also across entire economic sectors. However rightfully suspicious the Czech trade unions may be with regards to particular employers' efforts to bring in new workforces, migrant workers are already an integral part of the Czech economy and society. ČMKOS has recently



prepared a set of leaflets on workers' rights in four languages most commonly used by migrant workers in Czechia. This is welcome but we need more – we need a call to migrant workers to join trade unions.

# An Unexpected Ally: How Business Can Improve Life For Migrants In Poland

by Teresa Teleżyńska

on 8 November 2016

Despite its rich multicultural history, Poland has refused to welcome refugees. A recent national poll showed that 52% of Poles are against accepting refugees, 18% accept temporary relocation, and support for permanent settlement is on the verge of statistical error. This is a change of mindset, fuelled, inter alia, by the xenophobic rhetoric of the current government and the irrational fear of imminent terrorism widely purveyed by the media. It casts a shadow on the admirable job behind the scenes, performed, despite a lack of official engagement and support, by NGOs and civil society representatives.

The government does not pay its dues under international agreements and fails to act with common decency. Right now, there are approximately 1500 Chechen refugees on the Polish-Belarusian border trying to apply for asylum every single day. Of these, only a handful per day is allowed to do so. The rest have been living in limbo for over three months. The policy of the Border Guard has suddenly shifted for unknown reasons. What we do know is that human rights are being violated, as confirmed in the Ombudsman's special report in September.

Though we have seen gestures of solidarity, with clothes and food collections being extremely popular, these one-off events have no influence on public opinion. Arguments supporting the idea of welcoming refugees are predominantly rational, based on legal agreements and calculations, or are seen as such by people who oppose welcoming refugees. Unfortunately, there is ample proof that rational arguments are losing out to emotional ones. One of them is Brexit and the campaign leading to the vote on June 23. Another is the high mobilisation of right-wing, nationalist sentiments across Europe. Fear is a strong emotion and modern politicians know how to use it for their own benefit. One of the biggest components of fear is the Unknown.

If we look closer at separate poll findings, one statistic stands out. A striking 66% of Poles say they have no contact with foreigners whatsoever, while only 28% claim they do. Most of them in their households (52%) or at work (35%). This fact needs to be seen as an opportunity rather than a threat. There is still an untapped potential for multicultural encounters and interactions in Poland. The easiest and most natural way to do so is to promote integration in the labour market.

Let's take a closer look at that market. The unemployment has just hit a new low – 8.4% – for the past 25 years. There is an evident shortage of labour, wage pressures are rising and, at the same time, business is discussing with the Ministry of Labour

a new law regulating access of non-EU foreigners to the labour market. The government's approach to the new bill has, so far, been shaped by the necessity to implement Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers on the one hand, and by the pressing need to eradicate underlying structural flaws leading to the abuse of foreigners on the other. The proposed solutions look a lot like the old ones, with just a few added tweaks. Third-country nationals are invited to take on seasonal short- or mid-term jobs, but they need to agree on a shuttle life style adjusted to the expiry dates of their visas. A permanent work or stay permit is still hard to obtain without strong employer support.

What the government lacks is a vision, or as some Polish professors would put it, a "migration doctrine" and the understanding that good migration policy could prevent a looming demographic catastrophe. For the past three years the number of Ukrainians applying for work visas has risen exponentially. This year, experts estimate that over one million people will seek seasonal employment in Poland. While the government refuses to tackle this challenge head-on, this is the moment for business to step in. And there are plenty entrepreneurs willing to.

Employers unanimously complain that finding qualified employees for the available positions gets more difficult every year. They see great potential in Ukrainian labourers, but also specialists. One obstacle is tortuous regulations, with the diploma recognition procedure taking up to two or three years or more. There are well-known cases of experienced Ukrainian doctors or nurses who were refused recognition of their diplomas. They were advised to attend university course all over again, if they really wanted to perform their jobs in Poland.

The pressure of business to liberalise the law regulating access to the Polish labour market is unprecedented. And it is not driven by the hope of finding cheap labour that can be employed with worse conditions than Poles or even abused. Given the competition, employers are ready to provide equal conditions of employment. This is a great opportunity to aim high in setting standards for foreigners' employment in Poland.

It was great to read Masha Volynsky's text, featured in this column a month ago (see here p. 19), about the partnership forged between Czech NGOs and the Chambers of Commerce. It would be great to see a similar initiative in Poland – learning from the experience of our southern neighbours.

# Poland: State Neglect In Integrating The ‘Invisible’ Immigrants

by Marta Siciarek

on 13 July 2016

Poland, along with other central European countries, has been dealing with several problems concerning integration of immigrants and refugees: their invisibility, reluctance of governments to tackle migration and implement integration policies, ceding responsibility for supporting migrants to the third sector and cutting funds for measures to help them integrate. Opportunities, however, seem to rise at the municipal level.

The fact that Poland has been becoming an ‘immigration state’ has not been acknowledged officially nor debated. The notion of ‘homogeneity’ within Polish society after WWII has been strict and resulted in an inability to see and discuss the changing dynamics of Polish demography. Even so, immigrants make up less than 2% of Polish society of 38 million.

But Poland has been changing: since the 1990s over 120,000 refugees have registered in Poland, and 13,000 refugees came in 2015 alone – mainly from Russia (Chechnya), Ukraine and Tajikistan. This shows how political / ideological the resistance of the Polish government to accept the EU quota of 7000 refugees has been! Nevertheless, owing to this lack of viable migration and integration policies at the level of the state, most of the refugees have left Poland. One could ask – how could they not leave Poland if no integration tools have been put in place? In consequence, less than 4000 of those seeking international protection have stayed and found a home in Poland.

Despite inadequate statistics (showing only 230,000 registered foreigners in Poland), many researchers say there are close to a million Ukrainian immigrants alone in Poland. Apart from the dominant Ukrainian diaspora, there are big communities of Russians, Belarusians, Vietnamese and Chinese among others as well.

How has society been managing this new diversity? Without government policies to address rising integration challenges the work has been ceded to the third sector. Most NGO workers would agree that they have been left alone with expectations beyond the regular responsibility any NGO could or should handle. Lack of systematic integration and public institutions’ incompetence in delivering services to migrants make NGOs the only safe address for a refugee or immigrant. Migrants tend to ask for information or help in every possible aspect, from legal and job/house-seeking advice to language courses etc.

NGOs have been treated rather instrumentally by both the state and local author-

ities. Public institutions need to use the social sector's expertise and dedication in dealing with their responsibilities and crisis situations, e.g. within Individual Integration Programs for refugees. When a relationship involving an inevitable 'taking' from an NGO takes place, we can speak of 'good inter-sector cooperation'. But mostly, apart from some rare exceptions, the exchange is not mutual. Just recently, a very renowned NGO providing legal services to refugees had to crowdfund in order to ensure it could sustain its services. Another NGO lost its office after commenting publicly on the lack of integration policy within Gdansk. Other organizations are struggling to make ends meet and keep their office open.

Funding and its distribution is a serious problem. AMIF (Asylum, Migration and Integration Funds) are the only funds set aside for integration despite the fact that they should come on top of the national funds spent by the state. The relationship between the Ministry of Interior (operator of AMIF) and social sector can hardly be called a partnership. The funds have been scarce, and now – with the new government in power – even scarcer. Despite increasing needs, the funds are blocked by the government. Many NGOs struggle to survive.

The biggest cities in Poland do transfer some funds to integration / services addressed to migrants. However, they are hardly ever higher than 20% of an NGO's yearly budget. Mostly, it seems as if the services delivered to refugees and immigrants should be done quietly and – again – invisibly. The aim probably is not to give the local communities/electorate a feeling of any support for immigration.

But migrants live in the cities, so municipalities need to take initiatives as regards immigrants' integration. Some cities try to organize and coordinate teams for integration. A comprehensive process for migrants' integration has been taking place in Gdansk. Gdansk City Council has just adopted a resolution on Immigrants Integration Model. A bottom-up process aimed at immigrants' integration turned into a multi-sector cooperation based on the mayor's intervention. A team of almost 150 people and 70 institutions have been working on a Model of Immigrants Integration in eight areas: education, health, employment, violence & discrimination, culture, housing, local community and social help.

Communication with the local Gdansk community on why a Model of Integration is a necessary policy has not been an easy task. In the current political atmosphere and the nationalistic direction that Law and Justice, the ruling party, is driving Poland, more mayors feel they have nothing to lose and can stand up for basic democratic values. This is a chance for civil society and the public sector to work together for a more inclusive and just society, open to migrants.

# Slovak NGOs Ease Migrant Integration Locally But Need Political Support

by Elena Gallová-Kriglerová and Alena H. Chudžíková

on 24 October 2016

Migration has not been an issue in Slovakia – neither in political nor in public discourse. Eurobarometer data shows that only 2% of the population in 2014 and 4% in 2015 thought immigration posed a challenge for the country. Paradoxically, with no refugees entering Slovakia from among the thousands reaching Europe, debate focuses on how to keep it that way. Migration is merely an “A” of the debate but political leaders fail to talk responsibly about “B” – integration. If we knew what happens after refugees and migrants come perhaps we would be more secure in letting them in.

Integration of migrants plays a crucial role in the peaceful coexistence of different groups of people in society. In Slovakia, integration is often misunderstood as assimilation. If migrants want to become a part of society they should hide or lose their cultural identity. Public opinion polls show that more than two-thirds of the population think “Slovakia is a country of Slovaks and it should stay that way in the future”. Not only migrants but minorities as well are not perceived as an integral part of society. The Romani minority, for instance, is also viewed as “not integrated”. The fear of taking in refugees also stems from the assumption that refugees will not be able to adapt to the culture and norms of Slovak society.

But integration means mutual respect and the active participation of all groups in civil society and decision-making. Certainly, there are some fundamental pre-conditions for successful integration: access to labour market, education and housing. But it goes far beyond this. Integration means that different groups of people do not merely coexist in isolated and parallel worlds. In integrated society, migrants actively participate in decision-making, maintain contacts and interactions with other groups and have equal access to all resources. Diversity should be recognised and valued. This understanding of integration is missing in political or public discourse in Slovakia.

Immigration can be seen as a challenge but as an opportunity as well. Immigrants are economically active and ambitious and diversity of thoughts and solutions can boost society’s development. However, if new populations are not given opportunities to integrate, immigration may result in segregation, poverty, xenophobia and violence. This is particularly important at the local level, where integration takes place. It is municipalities rather than the state that can foster integration. They are closest to the population, know their needs and values and relations between different groups. When all of these factors, including voices of local populations, are taken into account, local integration policies may strengthen social cohesion and

a sense of belonging for all. Integration policies should be grounded in the active cooperation of all relevant actors (public authorities, CSOs, community leaders, private sector). Involvement of a broader coalition of actors can help create a synergy effect.

CSOs are particularly important in local integration processes. They can provide support services for which municipalities have no capacity. In our work with municipalities we have often witnessed reluctance to add “a new agenda” to their bulging portfolios. It was a lengthy process but eventually we helped five towns in Slovakia adopt their first integration strategies. Throughout the process involving a lot of talks, workshops for municipal workers and public discussions on municipal level we showed them that refugees and migrants are just yet another group the towns have responsibility to serve. But more importantly, municipalities we worked with came to understand that migrants and refugees are not only the ones that are asking for help. They realized that the diversity coming with migration can be beneficial for their towns – that is if they have effective policies in place. We have seen municipalities particularly welcome exchange of experiences with integration with towns and cities from western Europe. It is important for Slovak mayors to see that integration is not only possible but necessary. We believe there are mayors in Slovakia whose approach to integration of refugees would be more than responsible. To test this hypothesis Slovakia would have to open up and take some refugees in. But this is up to state officials to decide.

Without adequate state support, no initiative can succeed – municipalities and CSOs cannot be the only ones actively working towards integration of migrants and refugees. The state’s role is twofold. On the one hand, the state should set a framework for integration and define basic principles. Strategy for integration of refugees at the national level is crucial for other actors. On the other hand, the state should provide financial and legal support for the implementation of integration measures. Municipalities are responsible for refugee integration in many European countries, e.g. Norway, Sweden or Germany. And they have sufficient financial and moral support from the state. Slovakia’s 2014 strategy focuses on different aspects of integration (e.g. education, housing, employment, etc.) and highlights the role of municipal and regional governments in integration. And yet, measures proposed are not being implemented at all – the main reason being that there are no action plans and no resources allocated for municipalities or other actors to proceed with integration.

By resources we do not only mean money. Municipalities need more than that – they need to feel they are not acting against all odds. With the political elites currently inciting fear of refugees, society is not inclined to welcome any of them. Municipalities are thus also reluctant to actively promote migration and integration. For the situation to change we need strong leaders at the national level to say we can make it happen: we can succeed.

# How To Reform The Common European Asylum System: A View From East-Central Europe

by Zuzana Številová and Martin Rozumek

on 14 November 2016

Visegrad countries are seen as unconstructive when it comes to refugee and asylum policy, being the most vocal opponents of the EU's mandatory relocation scheme. Their principled stance towards mandatory relocation has several more or less legitimate reasons. These could be either opposition to any quota system in general or an unwillingness to host people from different cultures and with different religions but also more objective ones such as poorer integration prospects for newcomers given an inadequate infrastructure or the preferences of refugees themselves.

Moreover, existing procedures, whether Dublin transfers or mandatory relocation schemes, have proved to be either notoriously dysfunctional or politically unacceptable and thus largely disrespected.

In this situation, the need to reform the common European asylum system is pressing. There are proposals on the table being prepared by the Commission and Slovakia has announced that it will present its own proposal on *flexible* or – as the Slovaks wish to call it – *effective solidarity* in December.

As refugee law practitioners in Czechia and Slovakia, we would like to offer our view on what would be both necessary and beneficial to all in order to achieve a real common system respecting human rights, solidarity and fairness. The core of our appeal rests on an internal reform of the EU's existing asylum policy toolbox. What we propose is a compromise solution, which accepts some reservations among and challenges from all involved parties – EU, EU member states (MS) and refugees. This should embrace the creation of a real Common European Asylum System (CEAS), effective protection of the EU external border, respecting the right to asylum and the *non-refoulement* principle, as well as the introduction of a common European resettlement scheme in which all EU countries would take an active part.

## Internal aspect

To start with, we acknowledge that migration and asylum policies differ substantially between MS and they and their societies have varied states of preparedness when it comes to admitting refugees. Retaining 28 different national systems operating in the EU is, either way, ineffective and costly. In effect, these systems end up being a “race to the bottom,” each country enacting stricter regulations in order to ensure that the burden for refugee care falls on neighbouring states rather than their own.



It must also be acknowledged that refugees themselves simply find some countries more attractive than others. In our opinion, a functioning asylum system must address the *legitimate interests of all*, states and their populaces as well as refugees. This is the only way to create a *user-friendly* asylum system.

A major obstacle to establishing a common system functioning as a single EU protective space is the *(self)-perception of transit countries*. This means that our countries tend to regard themselves as mere transit countries and argue that “refugees do not want to come/stay here”. Indeed, there is some truth to this statement as, statistically, a majority of asylum applications lodged here end up being terminated because of absconding. However, insisting on being a transit country acts as a self-fulfilling prophecy. If countries regard themselves as transit they feel no need to build the infrastructure for meaningful inclusion of refugees. Consequently, refugees would not consider these countries as their eventual destination. Naturally, destination countries being forced to receive large numbers of refugees would contribute to this vicious circle by referring to these countries as transit, spreading the message forward to refugee and migrant communities present on their territories who in turn forward it back to newly arriving refugees.

In our opinion, the division into transit and destination countries undermines the very basis of a common EU asylum system, which aims to harmonize conditions and create a single protection space. In a common system, each MS is a destination country for its share of refugees and must act accordingly. We recognize that this requires a major shift in the mindsets and policies of all EU members, their societies as well as refugees. Such a change would not happen overnight, but is fundamental to creating that single protective space and preventing secondary movements of asylum seekers and refugees in the EU. Secondary movement is when asylum seekers and refugees move from one MS to another. In the case of asylum seekers such a movement is not in line with the principle of responsibility for asylum application, which is attributed to the first country of entry into the EU. Recognized refugees do not have the right to freely reside and work in other MS; they would require permission to do so as asylum entitles them to a residence permit and other rights in the country which granted the asylum.

Inevitably, a common system requires the *establishment of an EU asylum agency* that would carry out a fast and simple standardized asylum procedure based on a single set of rules. That agency would have its decision-making teams, which could be placed at the Union’s external border, in European cities with large international airports, and in countries with extraordinarily high numbers of incoming refugees.

The system should ensure a single set of rights for both asylum-seekers and those already granted refugee status or subsidiary protection in order to achieve similar conditions everywhere. A single set of rights would help to prevent the causes of secondary movements such as length and quality of asylum procedure, reception standards, recognition rates, different recognition for different groups of refugees in different states and varying lengths and *types* of protection granted as well as rights attached.

A single set of rights means that, for example, in each MS the required length of an asylum seeker's residence in order to enter labor market would be the same. This would help to improve conditions in less attractive countries to match those elsewhere and would send a strong message to refugees and communities on options for settlement. In this respect, we support the European Commission proposal to introduce *asylum regulations* instead of directives, which would mean the creation of *system of common standards* instead of current minimum standards.

Creating an EU Asylum Agency is necessary to maintain the common standardized procedure. The fact that each MS has its own decision-making office results in different outcomes and different recognitions around the EU, further prompting secondary movements of asylum seekers. EU asylum procedure is one of the most complicated in the world and hard to navigate for any non-lawyer. We propose a reform that would lead to simple, fast and predictable procedures with similar outcomes in different MS. Again, this would act as another piece in the puzzle to motivate asylum-seekers to stay in their first country of entry since moving would bring no gain.

Furthermore, we propose *maintaining the asylum-seekers' obligation to stay in their EU entry country* prior to any decision on their asylum status – with the exceptions for family reunification and children. Obliging asylum seekers to wait in the first country of entry seems to be the most cost-effective solution.

In the case of the mass arrival of asylum-seekers in one MS, all the rest must provide robust resources to that country and help the EU Asylum Agency to process applications swiftly. As a mandatory relocation scheme seems to be politically unachievable at the moment, we propose a reversion to a voluntary admission scheme. This means that MS would be encouraged to admit asylum-seekers into their national systems to proceed their asylum claims. Otherwise, they would have to contribute fairly to the common system by other means.

In our proposal, we emphasize the need to balance the legitimate interests of both MS and refugees to increase observance by all. The system we propose *recognizes that refugees have different motivations and different ties to different countries* and that the current preparedness and attractiveness of countries vary significantly. The interest of refugees of settling in “un-known” countries has to be built-up as well as their trust that the system – if properly observed – will provide them with quick and effective solutions. Therefore, as we have seen, the common EU asylum system we propose requires refugees to stay in the first EU country of entry until any asylum decision is taken. In return, we propose *legalization of the mobility* of recognized refugees and subsidiary protection holders by the introduction of *a new EU-wide residence permit for recognized refugees and subsidiary protection holders*. This would enable refugees to legally, freely and safely choose their places of residence within the EU. This would include the obligation to register their place of residence with the relevant national authorities.

Granting an EU-wide permit could be conditional upon completing an integration program in the country which processed the asylum application and granted protection. Or, the obligation to complete the integration program could be applied when a refugee registers in another MS. In case MSs fear the abuse of social benefits systems if mobility of refugees is allowed, they can develop a system regulating or limiting access to social benefits if the right to free movement is exercised by holders of international protection.

For countries that would take on higher numbers of registered refugees an *EU-wide financial compensation mechanism* would be established. We believe that such liberalization would provide refugees with the motivation to wait in the country of initial entry. When granted protection status, they would be able to enjoy mobility and find the best place for them to live, study or work legally. Eventually, some of them would realize that even non-traditional hosting countries would provide safe and dignified conditions for their settlement. For the “front-line” and “transit” states this solution would weaken their motivation to discourage refugees from entering and settling within their jurisdictions as they would be primarily responsible for the processing of asylum applications and it would give their societies a possibility to adapt to refugees’ increased presence over time, adjusting their integration policies accordingly.

### **Resettlement scheme**

Another goal of this proposal is to re-establish control over migration arrivals into the EU. This means, above all, *replacing irregular arrival of refugees with accessible, legal and secure avenues* to the EU, and also significant support to countries that host the largest refugee populations on their territories (Turkey, Jordan etc.).

If the EU wants to avoid a repeat of 2015, it has to change the external dimension of asylum protection. Refugees and migrants would continue to arrive at EU borders, but we can change the prevailing nature of arrivals from irregular to regular ones.

Currently, CEAS is triggered when a person arrives at the EU border and applies for asylum. With regard to *means of arrival* the EU and MS have made it almost impossible for refugees to obtain any visa to enter the EU via regular procedures and claim asylum after arrival. Moreover, resettlement offers have been under the discretion of each MS, low in numbers and made without any coordinated policy. Effectively, this has opened a huge demand for services of smugglers and traffickers.

Control of the external borders would achieve as much as fighting the crime of smuggling or catching and prosecuting perpetrators. It would not solve the root cause, which is a demand for the services of smugglers in a situation where –according to UNHCR – around 10% of refugees need resettlement worldwide as it is not safe for them to stay in the first country of asylum and countries annually resettle as few as 1% of refugees worldwide. Preventing people from turning to smugglers means that the number of resettled refugees worldwide must increase significantly. This applies to the EU as well, if it wants to solve effectively the situation of refugees in need of resettlement in its neighborhood.

Therefore, we propose a *European resettlement scheme*, with all MS participating. Annually, an EU Council decision shall be taken to determine the precise number of resettled refugees, regions and allocation for each MS. For some MS it could be more suitable to provide other options for legal arrivals of refugees such as special study schemes and special work, scholarship or training schemes. Such schemes would be considered as a solidarity mechanism. A good example is the current Slovak pilot scholarship scheme for Syrian refugee students to study at university. These additional schemes would enable refugees to access them even if they are living in the country of their first asylum. For visa purposes, the EU would facilitate a system of joint EU places (perhaps embassies/consulates) to submit visa applications or partner with UNHCR or NGOs to identify applicants and enable them to access the system. Offering resettlement places and other means of legal arrival to refugees from all MS is another example of how to transform the EU into a single protection space, making all MS receiving countries and refugees accept settlement in new countries.

A credible return policy providing visible results in terms of the swift removal of those who are in no need of protection and whose rights would not be violated upon their return to their country of origin would complement asylum policy as such.

We recognize that such proposed changes may be rather challenging to achieve in the current atmosphere. However, a common asylum system is the only solution for the EU as national measures – whether fences, other forms of deterrence, or violations of the core principles of refugee law – serve only to boost populists. What we need now is to work in a true spirit of international co-operation, reinforce trust in the common system and provide refugees with the protection to which they are entitled.

## Authors

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