The Challenge and Tragedy of Irregular Migration to Europe

With its external border under persistent strain, the EU urgently requires a coherent strategy to deal with irregular migration. For Switzerland, member State of the Schengen area, the humanitarian dimension of the migration movements in the Mediterranean constitutes an issue of high importance.

By Alexandre Lusenti and Lisa Watanabe

On 15 September 2014, a makeshift boat carrying 250 migrants sank off the coast of Libya, killing most on board. On the very same day, 500 migrants crossing from Egypt to Malta died when their boat was deliberately rammed by human traffickers. These tragedies are only the latest in a year of unprecedented irregular migration to the EU. Indeed, the figures for 2014 will exceed 2011's peak of 64,300 irregular border crossings from North Africa to Italy. By the end of the year, the symbolic threshold of 100,000 is expected to be surpassed.

These figures illustrate the formidable challenge of managing the EU's external border, which has become critical to ensuring domestic security within Europe since the Schengen border-free zone was created in 1995. The Schengen Agreement provided for measures to reinforce the external border, including a common set of rules on border controls and visa procedures. Common procedures for handling asylum applications have also since been added as a result of the 2003 Dublin Regulation.

Besides reinforcing external border management capacities, the EU has also attempted to impede irregular migrants before they reach its territory. The EU's border agency, Frontex, plays a key role in this respect. It carries out interception operations not only with EU and non-EU Schengen states, but also with third coun-

A Tunisian migrant amongst fishing boats used by migrants from North Africa to reach the southern Italian island of Lampedusa, March 2011. *Stefano Rellandini / Reuters.*

tries. The EU has also sought to push out its external border even further by concluding agreements with third countries to ensure the return and re-admission of irregular migrants to the country from which they departed before reaching the EU.

Despite such actions, increases in irregular migration related to Arab uprisings have revealed weaknesses in the EU's border management system. There is need for greater solidarity with Schengen states under pressure at the external border, not only

as a means of stemming the arrival of irregular migrants, but also as a way of upholding core dimensions of the Schengen/Dublin system. However, improving the border management system can only address the symptoms. Ultimately, the EU needs to do more to tackle the underlying causes of irregular migration.

Influence of the Arab Uprisings
Migrants use three main routes and international airports to enter the Schengen zone. The first one, the "Western Mediter-

ranean route", comprises the sea passage from North Africa to the Spanish mainland and the Balearic Islands, and the land frontier with the two Spanish enclaves of Ceuta and Melilla. The dramatic events of 2005, in which hundreds of Sub-Saharan migrants climbed the fences in Melilla, led Spain to set up a maritime surveillance system and strengthen patrols along the Gibraltar Strait. These actions led to a significant decline in irregular border crossings from 2006 to 2010. Growing unemployment in Spain due to the economic crisis also contributed as job opportunities for migrants decreased. Nevertheless, irregular border crossings to the EU surged in 2011, with a peak of 8,450 detections following unrest in North Africa (as well as violence in Côte d'Ivoire). Numbers have decreased along this route, however, with only 3,331 entries detected during the first six months of 2014.

The "Central Mediterranean route" constitutes a major entry point of irregular migration to the EU. It consists of the sea passage from North Africa, especially Tunisia and Libya, to the Italian islands of Pantelleria, Lampedusa, and Sicily, as well as to Malta. Libya has traditionally been a key stepping-stone in this maritime nexus as many migrants from Western Africa and the Horn of Africa gathered in Tripolitania before initiating their crossing. However, from 2009 to 2010, irregular border crossings to the EU reached their lowest point (4,500 detections), after Italy and Libya concluded an agreement on migratory cooperation in 2007. Instability in Tunisia and Libya caused a peak in 2011, however. Following the collapse of the Gaddafi regime, crossings diminished in 2012, but increased again in 2013 as the country's political and security situation degenerated further. During the first six months of 2014, 56,446 irregular migrants, mainly Syrians, Eritreans, and Somalis, were detected on this route.

The "Eastern Mediterranean route" encompasses the sea passage from Turkey to Cyprus and the land routes from Turkey via Greece or southern Bulgaria. It is likely to remain a key route, as Turkey has be-

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come a transit node for migrants coming from Africa, the Middle East, and Asia. The liberalization of Turkey's visa policy towards African countries may have contributed to a legal transit of migrants, especially from Somalia, through Turkey and, from there, on to Europe. In addition to Somalis, the majority of migrants taking the route are Syrians and Afghans. Nevertheless, after the peak of 2011, Greece undertook a series of large-scale operations to strengthen its border control along the Evros River and to fight irregular immigration in the cities of Athens and Igoumenitsa. Detections of unauthorized migration subsequently decreased to 37,200 in 2012 and to 24,800 in 2013. The Greek and Turkish authorities reinforced border control cooperation, shifting the main entry points to the Bulgarian land border as well as to the Greek islands in the Aegean Sea. From January to June 2014, 12,962 irregular border crossings were registered.

In addition to these routes, international airports, such as those in Frankfurt or Paris, constitute some of the most significant and undocumented entry points for irregular migration to the EU. Figures are scarce, though, precisely because travelers initially enter the EU with valid travel documents, only later becoming irregular migrants.

EU and Schengen States' Responses

In response to intensified irregular migration, the EU reinforced its external border controls and surveillance. Frontex received an additional €30 million in 2011. In the same year, it launched Operation Hermes to assist Italian authorities in controlling vessels transporting migrants and refugees attempting to reach Italian pelagic islands, such as Lampedusa, from Tunisia, as well as Operation Aeneas to respond to those crossing the Ionian Sea from Turkey and Egypt. A joint Operation Poseidon with Greece was also set up to respond to maritime migration from Turkey and North Africa. In 2013, operations Minerva and Indalo were also launched to combat irregular maritime migration from North Africa to Spain. Nevertheless, the stress on "frontline" countries remained. Following the deaths of some 360 boat migrants off the coast of Lampedusa in October 2013, Italy established its own search and rescue operation, Mare Nostrum. While originally intended to last only several months, the operation is still running at a cost of approximately €9 million a month.

In addition to strengthening controls and surveillance activities, following a dispute between France and Italy, an emergency mechanism was put in place to respond to failures by Schengen states to protect the external border. In early 2011, Italy granted some 30,000 migrants from Tunisia temporary protection and free travel throughout the Schengen area, leading France to temporarily re-introduce checks at the French-Italian border. The incident triggered a modification of the Schengen Border Code to enable the immediate re-introduction of some internal border controls when significant numbers of third-country nationals cross the external border, or when Schengen states persistently fail to protect part of it. Violations of the rights and dignity of asylum seekers in some Dublin states, notably Greece, also generated debate about the amendment of the Dublin Regulation that determines which state is responsible for handling an asylum application through, for instance, the temporary suspension of the transfer of asylum seekers towards states with deficient asylum systems.
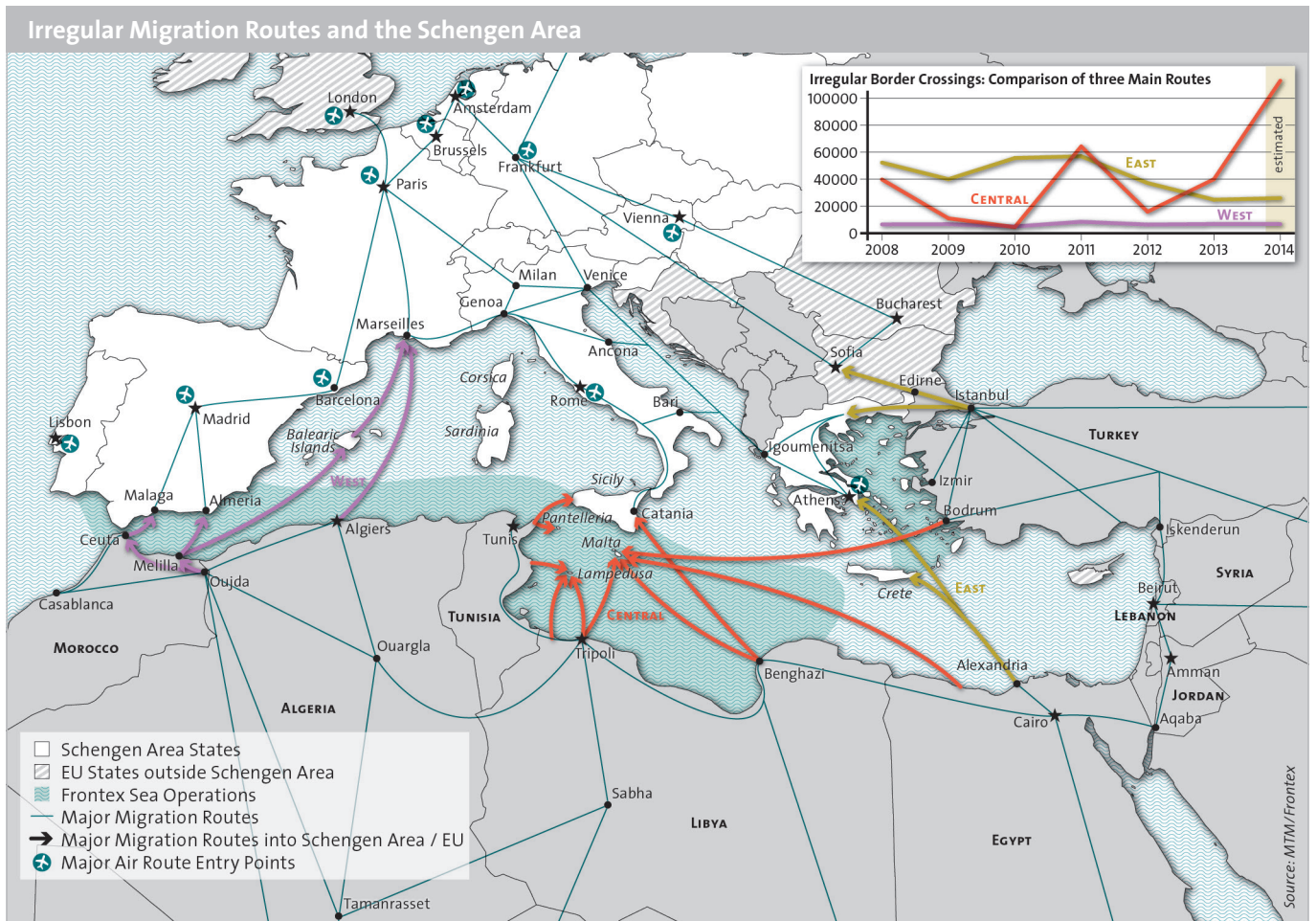
Key Terms

Migration consists of the movement of a person or group of person, either across an international border, or within a state, encompassing any kind of movement of people, whatever its length, composition and causes.

Irregular migration is a movement of persons taking place outside the regulatory norms of the sending, transit and receiving countries. From the perspective of destination countries it is entry, stay or work in a country without necessary authorization or documents under immigration regulations.

Asylum-seekers are persons who have applied for asylum or refugee status, but who have not yet received a final decision on their application under relevant international law and national instruments.

Refugee refers to a person fleeing the country of his nationality because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, making the person unable to avail himself or herself of the protection of that country.

Irregular Migration Routes and the Schengen Area

Irregular Border Crossings: Comparison of three Main Routes

Schengen Area States
EU States outside Schengen Area
Frontex Sea Operations
Major Migration Routes
Major Migration Routes into Schengen Area / EU
Major Air Route Entry Points

Source: MTM/Frontex

Measures to further roll out the external border and outsource border management were also taken. In 2011, the Schengen Visa Information System (VIS) was extended to Schengen states' consulates in Algeria, Egypt, Libya, Mauritania, Morocco, and Tunisia. The EU's revised approach to its southern neighborhood also features Mobility Partnerships with third countries that require them to conclude re-admission agreements with the EU, cooperate with Frontex, and augment border management capacities as a precondition for benefits, such as visa facilitation agreements and financial assistance for capacity-building. To date, the EU has concluded a Mobility Partnership with Morocco and negotiations with Tunisia are underway. After ten years of discussions, the EU also signed a re-admission agreement with Turkey in December 2013, which is also linked to a dialog on visa liberalization.

Significance for Switzerland

Having decided to sign association agreements to the Schengen/Dublin system in

2005, Switzerland is also involved in the management of the EU's external border and participates in Frontex operations. In 2011, Swiss border guards were sent to southern Italy within the context of Operation Hermes to check for fake documents, search cars, and interview migrants to gather intelligence on transit routes and handlers. Since 2013, Swiss border guards have also been deployed to the Evros region of Greece to participate in the Poseidon land operation, and to the southern coast of Spain as part of Operation Minerva. In August 2014, the federal government established a task force on migration in the Mediterranean.

With the modification of the Schengen Border Code, Switzerland could envisage temporarily re-introducing internal border checks in the case of a significant influx of migrants crossing the EU's external borders. Modification of the Dublin Regulation involving the temporary suspension of transfer of asylum seekers would not be favorable to Switzerland, however. Switzer-

land transfers more asylum seekers back to other Dublin countries than vice versa (2013: 4,165 transfers to Dublin countries, compared to 751 transfers to Switzerland). Nevertheless, Switzerland remains open to discussing an evolution of the Dublin Regulation and a better distribution of responsibilities among Dublin states. On a bilateral basis, Switzerland already shares asylum best practices with Greece.

In a similar vein to the EU, Switzerland has sought to go beyond its physical borders to deal with irregular migration by concluding "Migration Partnerships" designed to promote voluntary return and reintegration. They too are accompanied by visa liberalization and capacity-building measures. So far, Migration Partnerships have been concluded with Bosnia and Herzegovina, Serbia, Kosovo, and Nigeria. Within the framework of Switzerland's North Africa Program, launched in 2011, Switzerland has so far concluded a Migration Partnership with Tunisia. It is flanked by a number of capacity-building projects

aimed at, inter alia, strengthening the Tunisian authorities' border management capacities while respecting international commitments with regard to refugees and supporting the protection and return of vulnerable migrants in Tunisia.

Outlook

Migration pressures from Europe's southern neighborhood are likely to generate efforts to improve rather than overhaul the EU's border management system, with new technologies forming an important part of this equation. So called "smart borders" that automatically calculate and inform national authorities of third-country travelers who overstay are expected to come online around 2020. During an initial phase of implementation, the system will only record the dates of entry and exit. However, after three years of operation, it will also store fingerprints. Frontex is also deliberating the merits of various technologies, such as Remotely Piloted Aircraft Systems (RPAS), to improve its situational awareness.

Measures to ensure solidarity among Schengen states are also foreseen, with Frontex forming a key instrument in this regard. Following threats from Italy to terminate Mare Nostrum unless it receives greater EU assistance, a new "Triton" mission that combines operations Hermes and Aeneas will be launched in autumn to supplement Mare Nostrum, eventually replacing it by November. Its scale is unlikely to match that of Mare Nostrum, however. The evolution of Frontex's role may also see the creation of a European system of border guards that could enable officials to be sent to pressure points on the external border.

The need for greater uniformity in the implementation of the Common European Asylum System will also see an enhanced role for European Asylum Support Office (EASO), supported by new financial instruments.

While reducing border management deficiencies, such measures may simply result in the shift of departure points and transit routes, as well as the development of more professional smuggling methods. The causes of irregular migration, such as the dearth of legal migration possibilities, remain ne-

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glected. The EU's Mobility Partnerships are a gesture in the right direction, but still emphasize temporary mobility over more permanent forms of legal migration. What is more, even the temporary mobility they offer is conditional and dependent on the voluntary commitments of individual EU member states. Ultimately, such non-binding agreements prevent the EU from developing a truly coherent approach to irregular migration.

Mobility Partnerships also pose the additional problem of ensuring that the rights of people re-admitted to third countries are upheld. Indeed, discussions are underway as to how to address this issue, such as requiring non-EU signatories to sign re-admission agreements to comply with the provisions of international conventions, as well as establish monitoring mechanisms in the countries of return. The EU is also attempting to reinforce the capacities of states in regions of origin through Regional Protection Programs.

The future evolution of the EU's external border management will most likely continue the trend towards increased Swiss participation in Frontex operations. In 2011, 24 Swiss experts were deployed for 800 days, largely to Italy, Greece, Bulgaria, Slovenia, and Spain, compared with 39 for 1,146 days in 2012. Switzerland also signed a working agreement with the EU in June 2014 that will allow it to participate in and receive support from EASO. The human rights issues raised by the EU's outsourcing of border management to third countries are equally relevant for Switzerland and highlight the importance of verification capacities to ensure that international obligations, such as those contained in the 1951 Geneva Conventions, and the human rights of returnees from Switzerland are respected.

While headlines are currently dominated by burning issues like the Ukrainian crisis or the Islamic State (IS), irregular migration to Europe remains an ongoing concern for Schengen countries, including Switzerland.

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