



Migration and Asylum in EU Regions: Towards a multilevel governance approach

BACKGROUND:

The main objective of this issue paper is to discuss how regional administrations in the EU could improve public governance on migration and asylum policies. In this context, it is important to consider that migration is not a new phenomenon in the European countries, although over the past five years, the Syrian crisis has heavily impacted in different European regions.

Although migration and asylum policies usually are an exclusive competence of the central governments, regions and cities in the EU countries have gathered significant involvements and experiences regarding reception systems and integration policies and instruments. This issue paper includes an overview of the competences framework in different CPMR regions, mainly focused on the reception and accommodation of asylum-seekers and refugees, as well as migrants, and integration policies. Understanding the starting position of each region is crucial to define its future roles and room for improvement.

Lastly, the issue paper aims to summarise the knowledge and experiences gained from the current situation in several CPMR regions, and to provide some room for improvement in the role of the European regions in promoting a better management of migration flows and the building of inclusive societies. Furthermore, it is to be noted that the sections of the paper dealing with competences and relevant practices of the regions are based on the preliminary results of an internal survey performed by the CPMR in 2017-2018 on "Migration management in the CPMR Regions: reception and integration measures, needs and potential, towards a multilevel migration management". The information gathered provides evidence for reflections and recommendations.

The role of regions in the multilevel governance on migration and asylum, as well as the opportunities to contribute to the debate on the 2015 Agenda for Migration and the Common European Asylum System (CEAS), and the participation in the EU financial instruments on these topics are also discussed in the final part of the paper.

1. The construction of the European Migration and Asylum process

Building an area of freedom, security and justice is a fundamental pillar of the European Union. This pillar affects the citizens in a direct manner, and while it has the potential to bring the European project closer to the people, it could also increase a sense of alienation. Immigration policy is one field in which the area of freedom, security and justice has been developing actions and instruments since 1999 (European Council of Tampere), along with the implementation of free movement within the EU and the common external borders management.

Since 1999, the different programmes have pointed to four key elements in the conception of a common European policy: (1) an efficient management of immigration flows; (2) a more integrated approach to immigration working in partnership with countries of origin and transit; (3) fair treatment for third-country nationals; and (4) the development of a Common European Asylum System.

In 2014, when the new European Commission started its five-year mandate, President Juncker defined 10 priorities for this period. One of these priorities was Migration, and although in the beginning the challenge seemed to be the need to reformulate the blue card system and to provide better mechanisms to balance labour market needs and migration flows, it dramatically changed in 2015. Since then, the Commission's agenda on migration outlines an immediate response to the crisis situation in the Mediterranean and sets out longer term steps to manage migration in all its aspects.

The European Agenda on Migration 2015-2020, presented on 13 May 2015, prescribes short-term and long-term solutions. In the short-term solutions, the Commission proposed a plan to relocate people “in clear need of international protection”. In the medium and long-term actions, the Agenda states the need to reduce the incentives for irregular migration by addressing the root causes behind irregular migration in non-EU countries, dismantling smuggling and trafficking networks and defining actions for the better application of return policies. Developing an EU legal migration policy is included as a mid to long term objective, although no other proposals than a reform of the Blue Card Directive on highest level qualified migrants are on the table.

No specific mention of the regions as key players has ever been included in any of the programmes or in the migration agenda. This is also the case for the proposal of reform of the Common European Asylum System.

In any case, developing the 2015 European Migration Agenda's long-term proposals could (or should) be an interesting opportunity for regions.

This crisis has shown that EU has to increase its internal and external capacities to tackle humanitarian crisis complying with EU and international legislation. Both regions of first arrival and of destination of big numbers of refugees have been and are operational to that end. We will focus now on how they work on migration and asylum, in order to better acknowledge their experiences. We suggest that recognising the multifaceted character of human mobility, both with regard to migration and refugees, and reinforcing multilevel governance can increase EU capacities.

2. Regional formal competences in asylum and migration policies

Immigration policies have traditionally been the exclusive competence of states, given that they impact upon two of their crucial elements: their territory and their population. In most of the EU countries, matters related to migration, asylum and border controls are basically handled by central governments, and as it has been said, they are reluctant to lose control on these topics both via supranational or subnational actors.

Regions and cities also are usually responsible, through formal competences or via practice, for integration policies in fields such as employment, education, housing, health, social services, etc. NGOs also play a role, providing services, or supporting the work of different administrations. Finally, some regions do not have any particular competence on migration and refugees or in social services, which are provided by central governments or local authorities. This complex institutional landscape reflects the transversal and interdisciplinary nature of integration and makes it particularly challenging to conceive and implement coherent and coordinated policies between the different policy areas and governance levels.

3. Competences of the regions in Reception and Accommodation of Asylum Seekers

Accommodating refugees and asylum seekers in both temporary and permanent housing is a major challenge in the EU. With many countries under pressure to provide social and affordable housing for their populations and on how to provide adequate housing for refugees, the European response is to date somewhat fragmented.

In most of the EU countries, competences in reception and accommodation of asylum seekers are in hands of central governments. They are the ones who decide the model to be developed in the country, mainly through a central-accommodation system or the participation of regional authorities, local authorities or civil society.

4. Competences of the regions on diversity management, social inclusion, and integration policies

As part of integration processes, regional authorities adopt plans, set up facilities, implement reception measures, provide services that are essential to the integration of migrants and the protection of their rights. It means regional authorities play a key role in providing services (or funding services provided by NGOs or municipalities) in topics such as education, housing, social support, legal assistance, help with finding employment, training, intercultural mediation, language courses, financing microprojects, information campaigns, etc. Similarly, most of them take action to combat discrimination and segregation and promote intercultural dialogue and social cohesion. Employment services are usually different for nationals and foreign population.

Most of the regions understand inclusive basic services to cover the whole population by tackling discrimination in access and provision, and only providing specific services (mainly related to the first stage of arrival) to migrant populations.

Regional governments also promote projects involving cooperation between different stakeholders. Sectorial conferences are developed in different regions to discuss topics related to the migrant

population, in which NGOs, civil society representatives and different levels of administration participate.

The Issue Paper includes the regional relevant practices on migration and asylum policies in their territories.

5. Conclusions and Recommendations

Throughout the Issue Paper, it is pointed out how migration and asylum are multifaceted and cross-cutting issues. To address the main difficulties, seize all opportunities and build a consistent governance, it is necessary to ensure a strong involvement of all administrations and political bodies concerned. We analyse below some particular aspects of this need for multilevel governance.

- **Building a regions' strategy on migration and asylum policies**

Regions should work towards increasing acknowledgement of their role on migration and asylum policies and action, including implementation of EU relevant legislation and programmes.

Both regions of first arrival and regions of destination are today facing comparable and related pressures. Regions can help to move from a receiving-versus-accommodating regions cleavage, to manage migration and asylum, welcome and integrate refugees, accommodate and integrate migrants, as well as manage diversity in a more integrated EU Space of Freedom, Security and Justice.

At regional level, there is a need to build a more common wording. Providing better training in migration and asylum topics, especially for public staff, could help towards this, and to a more common approach.

A robust and permanent dialogue between the institutions and actors concerned is essential in this respect.

- **Multilevel Governance scenario: recognition of migration and asylum policies as multilevel and cross-cutting policies**

Regional competences on migration and asylum topics are generally minimal in all EU countries. But regions clearly have competences on providing public services. Migrants and refugees fully fall under many of their competences, programmes, policies and actions. To overcome this situation, better systems of information on migrants and, especially, refugees and asylum-seekers in each region, should be developed by central governments.

At regional level, offering a set of rights for resident migrants, based on international conventions and laws, could be seen as a starting point for most local authorities, to be complemented with regional (like EU) and national regulations.

Providing information about actions taken by government is of central importance to organise a better provision of public services. Furthermore, it is also key to reducing negative reactions in the local population.

Regions are operational in post-welcome social inclusion for refugees and migrants, within their own competences and public policies; migration is not sufficiently recognised as a multifaceted,

cross-cutting and multilevel issue by the EU, as it only gets the (fully legitimate but not at all comprehensive) view of the Member State Central Administrations, especially Home Affairs.

Regions should also be taken into account as a source of relevant information for decision taking. Their say should be channelled and taken into consideration also at EU level.

- **The regions' contribution to the 2015 Agenda for Migration**

- **Recast CEAS**

The CEAS has proven not to be the tool for an EU system providing appropriate EU responses to refugees and asylum seekers. Today both regions at the front line and regions from countries with a robust asylum system are under pressure. The Dublin system reform is of the utmost importance to solve imbalances. There is a lack of consensus for a binding relocation system, which is a key instrument for a real EU system. If the system cannot be restored, a new strategy to comply with the EU Treaty solidarity clause of art. 78.3 should be proposed.

Regions and cities have never been mentioned in the current CEAS, nor in the reform and recast proposals. Their role must be acknowledged. The need to promote further inter-administrative cooperation and multilevel governance on asylum should be recognised to create a more sensible and effective system, without prejudice to the competences of the Member States.

The regions' role is particularly important in the implementation of the Directive on Reception Conditions. Besides welcoming and accommodating, the regions, together with other local powers, have in almost all Member States different levels of responsibility to facilitate refugees' inclusion and integration. And in all, without exception, they incorporate social inclusion measures into their public policies. Including refugees in local development strategies is very important for the long-term success of the reception and accommodation strategies and for the cohesion of local communities (including newcomers).

The EU and Member States need to acknowledge that the basic needs of asylum seekers whose claims are considered unfounded but who are not yet (or cannot be) returned should be attended to. Regions are faced with this situation. This is also the case for asylum seekers and refugees in internal secondary movements. The disincentives foreseen in the Directive in terms of reception measures, can be problematic at local level, as they can put more pressure on local and regional services to cover basic needs.

Refugees have the right to be welcomed in a peaceful environment. Local communities have also the right to enjoy such an environment. These objectives should be clearly stated, and the role of regions and cities in achieving them should be further promoted and backed by EU institutions.

The regions can increase EU reception capacities for legal and formally channelled refugees' reception, and they should be taken into consideration for such a goal. They can be instrumental in identifying innovative schemes for resettlement, together with cities and NGOs, and including private sponsored approaches.

Some regions are involved in parts of the procedure, normally in accreditation of certain conditions to be complied with for administrative purposes, or information needed for decision taking. Monitoring EU internal movements of refugees is one of the issues that can increase administrative burden for regions. Regions' efforts in those areas should be backed with the appropriate resources.

- **Building the so-called ‘legal migration strategy’**

A more open debate on migration and a decision on how we can manage it in a globalised world is really needed, and regional and local powers should be part of it. Although it is a politically burning issue, the Commission should move on towards a comprehensive EU migration policy, as foreseen in the Migration Agenda.

Regions have to meet the needs of their *de facto* population that is neither channelled through legal paths nor returned. The Commission and Member States should recognise the role of regions in social inclusion, integration and community building, for which purposes they need to meet the needs of both *de jure* and *de facto* residents, as well as those of society as a whole.

- **EU Financial Instruments**

The public consultation refers to AMIF as the main financial support tool to develop the European Agenda on Migration. Although it is complicated to completely change the AMIF’s governance model, it could be a good opportunity to explore new ways to strengthen the role of regional (and local) authorities. The European Commission should require Member States to engage regions in their National Programmes for those areas in which the regions have legal competences, and develop how the fund is allocated.

Regarding Cohesion Policy, is important to notice their territorial dimension. The decentralised management of the policy’s financial instruments is an important asset for the multilevel governance of migration. The role of regional and local authorities should be reinforced in this area.

Migration policy should be holistic and should include accommodation and integration policies. So, when the European Commission talks about the complementarity of Cohesion Policy funds and migration instruments, it is important to guarantee that this complementarity means in addition to (not in spite of).

Infrastructures aiming to enhance reception capacities should be considered eligible actions under the ERDF. Other mid and long-term actions enhancing social inclusion and integration of migrants and refugees should be included in the ESF. Local development strategies should include migrants and refugees as an asset. Intercultural action is a key tool to ensure their access to the labour market and full inclusion in economic activity.

The engagement of regional authorities in both Migration and Cohesion policies and their financial instruments should be seen as a key element to strengthen and to fulfil the objectives of EU migration and asylum policy, including a higher level of convergence.



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