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Migration pressures in Europe

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Summary

The United Nations High Commission for Refugees (UNHCR) is warning that the world is in the midst of a forced migration crisis, and it expects the situation to get worse still. European leaders are struggling to agree on how to respond to the challenges posed by large movements of irregular migrants across their borders.

Huge numbers of people are dying trying to cross the Mediterranean to Southern Europe from Libya. Lawlessness in Libya means that there is little authority to control the flow; some of the militias controlling the country are profiting from the trade. The recipient countries in the EU are struggling to deal with the large numbers reaching their destination, and securing agreement within the EU on a coordinated response to the challenges posed by the migration flows is proving difficult.

The EU has strengthened its search and rescue operations Triton and Poseidon and is giving some practical and financial support to the most affected Member States, particularly Italy and Greece. It has proposed an emergency scheme to relocate 40,000 migrants from Italy and Greece to other Member States over the next two years.

The UK Government is not participating in the relocation scheme. It has offered some practical assistance to its EU partners, including some support for the search and rescue missions in the Mediterranean.

The EU has also launched a military operation called EUNAVFOR MED, to disrupt the smuggling business that would include destroying boats used by the smugglers. The UK has contributed HMS Enterprise to the operation. There are, however, significant legal and practical problems with this approach.

The increase in the population of irregular migrants in Calais seeking entry to the UK reflects the broader trends in migration flows across the EU. The UK and French Governments have agreed on a number of measures to improve security around the frontier and address the situation of the migrants.

1. Global context: forced migration crisis

Forced migration worldwide is at record high levels. 59.5 million people had been forcibly displaced from their homes, as at the end of 2014 (compared to 51.2 million a year before).

Forced migration levels are at record highs

The United Nations High Commission for Refugees (UNHCR) is warning that the world is in the midst of a forced migration crisis, and it expects the situation to get worse still. The war in Syria is now the main single cause of displacement.

59.5 million people worldwide had been forcibly displaced from their homes, as at the end of 2014

According to [UNHCR's Global Trends 2014 report](#) (published in June 2015):

- 13.9 million people are estimated to have been newly displaced due to conflict or persecution in 2014; 2.9 million of these became refugees (i.e. living outside their country of origin).
- 42,500 people became refugees, asylum seekers or internally displaced every day in 2014, on average.
- 1 in every 122 humans is now a refugee, seeking asylum, or internally displaced.
- 19.5 million people are refugees; half of them are children.
- 53% of all refugees come from Syria, Afghanistan, and Somalia.
- 86% of refugees are in regions and countries considered economically less developed.
- Turkey is hosting the largest number of refugees (1.59 million), followed by Pakistan (1.51 million), Lebanon (1.15 million), Iran (982,000), Ethiopia (659,500) and Jordan (654,100).
- Asylum applications are at record high levels: nearly 1.7 million individuals applied for asylum or refugee status in 2014. The Russian Federation received the most new individual applications (274,700), followed by Germany (173,100), the United States of America (121,200), and Turkey (87,800).

European states, particularly those along the EU's external borders, are also feeling the effects of the above. [Nearly 340,000 migrants](#) have been detected unlawfully crossing EU borders in the first six months of 2015, compared against 280,000 in all of 2014. A record number of asylum requests (over 181,000) were made in the EU during the first quarter of 2015. Germany, Hungary and Italy received the majority of these claims.

2. Migrants crossing the Mediterranean

2.1 The current situation in Greece and Italy

Fabrice Leggeri, director of Frontex, the EU's border agency, said in March 2015 that anywhere between 500,000 and 1 million people were waiting in Libya to cross the Mediterranean.¹

A [Mediterranean update](#) published in August by the International Organisation for Migration's Missing Migrants Project estimates that there has been a total of 267,121 migrant maritime arrivals in the Mediterranean this year so far. Of these, 107,633 have arrived in Italy and 157,228 have arrived in Greece.

An [update published in early August](#) by Frontex, the EU's external borders agency, indicates that Greece is now the main point of arrival for migrants:

A record number of 49 550 migrants have arrived in the European Union through the Greek borders in July, surpassing in a single month the number of migrants detected in the region in the entire 2014.

Even though Italy continues to deal with a massive number of arriving migrants, in recent months the route through Greece has taken over as the path into the EU most affected by migration flows. (...)

In the first seven months of 2015, nearly 130 500 migrants have been detected at Greece's external borders, a five-fold increase from the same period of last year. In the entire 2014, the figure in the Eastern Mediterranean stood at 41 700.

Syrians and Afghans accounted for nine out of every ten migrants detected at the Greek borders this year. There was also a significant increase in the number of Pakistani citizens. The migrants, using small rubber and fibre glass boats, arrive from Turkey on four Greek islands: Lesbos, Chios, Kos and Samos.

There have been 3,279 documented deaths in the Mediterranean for 2015 (as at 24 August), compared against 2,081 in the whole of 2014. Analysts initially attributed this increase in part to the suspension of the Italian *Mare Nostrum* search and rescue operation in late 2014 and its replacement with the EU's *Triton* operation, which initially only patrolled 30 miles from the Italian and Maltese coasts, rather than in Libyan waters. It has also been blamed on a shortage of boats, which has led to ever-increasing numbers of migrants being crammed onto each vessel.

Since May the number of migrant fatalities each month have been less than the same months in 2014, due to increased search and rescue operations.²

¹ ['The worst yet?', *Economist*](#), 19 April 2015

² ['Mediterranean migrant death rate slows after search-and-rescue boost'](#), *Guardian*, 1 June 2015

While there are some involuntary migrants, subject to people trafficking rather than smuggling, this is the exception. There is an increasing prevalence of unaccompanied minors among migrants, whose average age is also decreasing.³

There is a general lack of information about the identity of migrants, their motivations and decision-making processes.⁴ The price may be as much as \$6,000 dollars per migrant and often, when the migrants do not have enough money, they may be forced to work along the way or to enter bonded labour when they reach their destination.⁵

2.2 Where are the migrants from?

Libya has been in the news as the main departure point for people arriving in Italy. This is not because Libyans themselves want to cross the sea. Despite the chaos and violence in Libya, the number of migrants who are themselves Libyan seems to be small; Libya remains a relatively rich country for now.

The top five countries of origin for arrivals in Italy this year (in order) are Eritrea, Nigeria, Somalia, Sudan and Syria, according to the IOM. A different mix of nationalities is arriving through Greece (including through land borders): Syria, Afghanistan, Albania, Pakistan and Iraq.⁶

Migrants are also coming from other countries including Gambia, Niger, Guinea, Ivory Coast, Chad and Guinea Bissau.

These countries all suffer from poverty and some from armed conflicts. There are environmental problems – particularly in the Sahel countries bordering the Sahara, such as Niger and Chad – that are destroying precarious livelihoods in the region.

2.3 Why travel through Libya?

The political chaos in Libya since the fall of Muammar Qaddafi has led to a resurgence in Libya's traditional role as transit point for smuggling networks. Libyan institutions may have been hollowed out during the dictatorship, but they were capable of imposing order on the country, often with notorious brutality. The Qaddafi government used to control migrants passing through the country trying to reach Europe, under a 2010 agreement with the EU,⁷ which saw a sharp decline in the number of migrants, some suggested in return for aid.

Now that there is no single recognised government in Libya, there is little to stop the smuggling from Libya's coast. Indeed, some of the

³ [Mixed migration: Libya at a Crossroads: Mapping of Migration Routes from Africa to Europe and Drivers of Migration in Post-revolution Libya](#), Altai Consulting for the UNHCR, November 2013

⁴ Jacob Townsend and Christel Oomen, [Before the Boat: Understanding the Migrant Journey](#), Migration Policy Institute, May 2015

⁵ [Mixed migration: Libya at a Crossroads: Mapping of Migration Routes from Africa to Europe and Drivers of Migration in Post-revolution Libya](#), Altai Consulting for the UNHCR, November 2013

⁶ IOM, Missing Migrants Project, Mediterranean Update, 24 August 2015

⁷ ['European Commission and Libya agree a Migration Cooperation agenda during high level visit to boost EU-Libya relations'](#), European Commission press release, 5 October 2010

armed groups who hold sway in different areas of the country may be profiting from it.

People smuggling is not the only trade that is booming in these circumstances. Smuggling of drugs, illegal and legal, arms and any other merchandise is booming, so much so that Libya is now becoming the main centre for organised crime in the central Mediterranean, according to one report.⁸ Weapons smuggled out of Libya (where the Qaddafi regime had amassed huge quantities) are thought to have contributed to recent conflicts in Mali, Niger and Chad.⁹

Smuggling is booming

Libya has for many years itself been a destination for migrant workers, attracted by Libya's oil wealth to do generally menial jobs in the country. Arab migrants (such as Egyptians) are more likely to find stable work and to stay in Libya. Migrants from south of the Sahara tend to be subject to exploitation, abuse and vulnerability, as xenophobia rises in the country. This is forcing more people to attempt the Mediterranean crossing, according to a recent report by Amnesty International.¹⁰

2.4 Prospects for Libya

The UN has been facilitating talks in Algiers, aimed at getting the two sides to form a unity government. The last round was held in April 2015, mediated by the Special Representative for Libya, Bernardino León. On 19 April, he said that the talks were moving forwards, and that an agreement was 80% complete.¹¹ These talks have come in for some criticism, however, and a separate strand of talks, also mediated by the UN, is taking place in Morocco.¹² Bernardino León reported after the end of the last round of Morocco talks that the accord remained a work in progress.¹³ The Tripoli-based General National Congress rejected the third draft prepared for the talks, but said that it would participate in further talks.

The prospects for successful reconciliation are undermined by the fact that armed militias are profiting from the various smuggling operations taking place, operations that would be curtailed if compromise lead to the installation of an effective government that would control organised crime.

Militias profiting from smuggling

Meanwhile militants proclaiming their loyalty to Islamic State in Iraq and the Levant (ISIS) have consolidated their hold on most of the town of Sirte and surrounding countryside. One hope is that the rise of radical groups affiliated with ISIS may serve to bring together more moderate warring factions.¹⁴ Nevertheless, suicide bombings and gun attacks have

⁸ ['Libya's criminals are undermining the attempts to prop up a collapsing state'](#), *Independent*, 22 April 2015

⁹ ['Spiking Arms Proliferation, Organized Crime, Terrorism Part of Fallout from Libyan Crisis Afflicting Sahel, Security Council Told'](#), UN press release, 26 January 2012

¹⁰ *'Libya is full of cruelty': Stories of abduction, sexual violence and abuse from migrants and refugees*, Amnesty International,

¹¹ ['UN says Libya peace talks 'very close' to final accord'](#), *Al-Jazeera*, 19 April 2015

¹² ['Morocco, Algeria compete over Libya'](#), *Al-Monitor*, 19 April 2015

¹³ ['Leon Says Draft Agreement Remains Work in Progress, to Consult with Parties on Resumption of Dialogue'](#), UNSMIL press release, 29 April 2015

¹⁴ ['Fighting Flares up in Sirte, Will Libya Dawn Crumble under Misratan Pressures for Cooperation?'](#), *Libya Analysis*, 25 May 2015

proliferated in recent months, some of them against foreign delegations such as the South Korean Embassy.

The environment in Libya is likely to remain permissive for people smugglers and dangerous for any international presence for the foreseeable future.

3. Recent EU proposals and action

3.1 New European Agenda on Migration

On 13 May the European Commission published a '[European Agenda on Migration](#)'. The Agenda developed proposals which were initially endorsed by EU leaders in April at special European Council meetings and in a European Parliament [resolution approved](#) on 26 April.¹⁵

The Agenda contains some immediate measures to respond to the crisis in the Mediterranean, as well as some medium and long-term measures to "better manage migration in all its aspects".¹⁶

The anticipated benefits of the new Agenda are summarised on the Commission's website:

Migration management is a shared responsibility, not only among EU Member States, but also vis-à-vis non-EU countries of transit and origin of migrants. By combining both internal and external policies, the Agenda provides a new, comprehensive approach grounded in mutual trust and solidarity among EU Member States and institutions.¹⁷

The immediate proposed actions to prevent more deaths in the Mediterranean centred around:

- Extending the remit and resourcing of border surveillance and rescue operations in the Mediterranean ('Triton' and 'Poseidon') for 2015 and 2016
- Developing an emergency relocation mechanism to help Member States faced with a sudden influx of migrants
- Developing proposals for an EU-wide refugee resettlement scheme to offer 20,000 places to people currently outside the EU's borders and in need of international protection
- Working on a Common Security and Defence Policy operation in the Mediterranean, to break up trafficking networks, in accordance with international law.

The proposals received a mixed response from EU leaders. Proposals to redistribute refugees between Member States have proved particularly controversial. The European Commission favours mandatory schemes, as a means of ensuring the participation of all Member States. Some states, including Germany, Italy and Greece (who receive high numbers of asylum applicants/new arrivals) are in favour, whereas some other Member States, including the UK, are strongly opposed.¹⁸

¹⁵ European Commission, *press release*, '[Joint Foreign and Home Affairs Council: Ten point action plan on migration](#)', 20 April 2015; European Council, [Special meeting of the European Council](#), 23 April 2015; European Parliament, Texts adopted, 29 April 2015 resolution on the latest tragedies in the Mediterranean and EU migration and asylum policies ([2015/2660\(RSP\)](#))

¹⁶ European Commission, *press release*, '[Managing migration better in all aspects: A European Agenda on Migration](#)', 13 May 2015

¹⁷ European Commission, DHs/Home Affairs/Policies, '[European Agenda on Migration](#)', 18 May 2015

¹⁸ EUObserver.com, '[EU to propose 'binding' quotas for migrant relocation](#)', 11 May 2015; BBC News, '[Will EU Commission's quota plan for migrants work?](#)', 13 May 2015; Politico.eu, '[France puts Juncker's migration agenda at risk](#)', 19 May 2015

On 27 May 2015, the European Commission presented [more detailed proposals for the immediate measures](#), which would be taken forward in the first implementation phase for the Agenda.¹⁹ These included:

- Plans to establish an [emergency relocation scheme](#), in respect of Syrian and Eritrean nationals who arrive in Italy or Greece and are in need of international protection. The scheme would aim to relocate 40,000 people to other Member States over the next two years.
- A recommendation that over the next two years, Member States resettle 20,000 people from outside the EU who are recognised by UNHCR as being in need of international protection.
- An [‘action plan’ against smuggling](#), which includes strengthening legislation to tackle migrant smuggling, measures to identify, capture and destroy smugglers’ vessels, and measures to raise awareness of the risks associated with smuggling.
- Guidelines for Member States on fingerprinting newly arrived asylum applicants, to support the efficient functioning of the EU’s common asylum system.

EU Heads of State considered the Commission’s proposals at a [European Council meeting on 25 – 26 June](#). After difficult discussions, they agreed to take forward work in parallel in three broad areas:

- Relocation/resettlement
- Return/readmission/reintegration
- Cooperation with countries of origin and transit

3.2 What progress has been made on the key measures?

Relocation/resettlement (‘refugee quotas’)

First reception facilities (“hotspots”) are being established in Italy and Greece. These will ensure the swift identification, registration and fingerprinting of migrants, with support from staff from other Member States and European agencies.

It has also been agreed that frontline Member States should receive enhanced financial assistance to help alleviate the costs of receiving and processing asylum applications.

In addition, two separate measures have been agreed to redistribute some of the migrants who arrive in Italy and Greece:

- **Emergency relocation scheme to assist Italy and Greece**

EU leaders have agreed to establish an emergency scheme to relocate 40,000 asylum seekers who have well-founded claims, away from Italy and Greece to other Member States over the next two years, using an emergency clause (Article 78(3)) in the TFEU.²⁰

¹⁹ European Commission, *press release*, ‘[European Commission makes progress on Agenda on Migration](#)’, IP/15/5039, 27 May 2015

²⁰ European Commission, *Proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece*,

They did not agree that the measure should be adopted by qualified majority voting, or that its participation should be mandatory, as the Commission had originally proposed.

Nor did they agree with the Commission's proposed mechanism for determining how many asylum seekers should be relocated to each Member State. This would have largely reflected population and GDP size, with larger states and economies considered able to absorb more migrants. Instead, the Council proposed to agree "by consensus" on how the asylum seekers should be distributed between all participating Member States, by the end of July.

Home Affairs Ministers agreed allocations for 32,256 people at a further meeting on 20 July. They intend to reach the overall target of 40,000 by December. The allocations vary greatly between states. Germany's allocation (10,500 people) is the largest, followed by France (6,752) and the Netherlands (2,047). Austria and Hungary have not been allocated any people.

The UK, Ireland and Denmark were not automatically bound by this measure, due to special 'opt-out' rights. The UK is not participating in this measure.

24,000 people will be relocated from Italy and 16,000 people from Greece under the scheme. The scheme will cater for nationalities that have a high asylum recognition rate across the EU (75%) – currently, Syria, Eritrea and Iraq. Responsibility for deciding the asylum claim would rest with the Member State that accepts the relocated asylum seeker. Member States will receive funding equivalent to €6,000 per relocated person from the EU's Asylum, Migration and Integration Fund.

The relocation scheme is intended to operate alongside the 'Dublin' system for determining which state is responsible for processing an asylum claim. Although the Dublin criteria would not apply in respect of the people identified for relocation, all other asylum applicants across the EU would remain subject to the Dublin system.

The European Commission continues to voice concerns that voluntary schemes are difficult to implement. It intends to make proposals for a fixed emergency relocation system, to address future emergencies, later this year.

- **Extending refugee resettlement**

All Member States (as well as the EEA states and Switzerland) have agreed to resettle 20,000 refugees living outside the EU in total, over the next two years. Priority will be given to refugees in North Africa, the Middle East and the Horn of Africa. European funding will be available for participation in the scheme.

The European Commission's proposed distribution mechanism (based on GDP, size of population, unemployment rate, and previous numbers

of asylum seekers and resettled refugees) will not be used to determine allocations. Instead, all states will participate through multilateral and national schemes, reflecting their specific situations.

22,505 spaces were pledged at the meeting of European Home Affairs Ministers on 20 July. As this is greater than the original target, some of the extra places offered will be transferred to the relocation mechanism scheme instead. Norway has pledged the most places (3,500), followed by France (2,375).

The UK already operates some refugee resettlement schemes, which will contribute towards the overall EU commitment. It operates a [resettlement scheme for vulnerable Syrian refugees](#), which is expected to resettle several hundred refugees over the next few years. It also offers resettlement to up to 750 refugees of other nationalities each year, under a [separate 'Gateway Protection Programme' scheme](#) operated in conjunction with UNHCR. There is also a small 'Mandate Refugee Scheme, which enables some refugees living overseas to join family in the UK. The UK Government has indicated that it expects to resettle 2,200 refugees over the next couple of years. It is not taking on any additional obligations as a result of the EU's proposals.

Extending search and rescue missions

The remits and resourcing of Frontex's missions 'Operation Triton' and 'Operation Poseidon Sea' have been extended.

Triton's area of operations in the Central Mediterranean has been enlarged, in order to include the area where the Italian search and rescue mission ('Mare Nostrum') previously operated. It is being given more assets, staff support and funding, and a new regional base in Sicily. A [press release](#) from Frontex gives further details:

The operational area will be extended to 138 NM south of Sicily. During the peak summer season, Triton will deploy 3 airplanes, 6 Offshore Patrol Vessels, 12 patrol boats, 2 helicopters, 9 debriefing and 6 screening teams.

[Operation Poseidon Sea](#) assists the Greek authorities in conducting border surveillance and search and rescue operations in the Eastern Mediterranean (particularly boats arriving in the Greek islands from Turkey). Its current assets are:

11 coastal patrol boats, two coastal patrol vessels, one offshore patrol vessel, two helicopters and two aircraft. Frontex screening and debriefing officers also collect intelligence on the people smuggling networks.

The EU is increasing funding for the operations:

The European Commission will soon provide Frontex with additional EUR 26.25 million to strengthen Operation Triton in Italy and Poseidon Sea in Greece from June 2015 until the end of the year. The budget for Triton for this year will stand at EUR 38 million and EUR 18 million for Poseidon Sea.

Next year, the European Commission will provide Frontex with additional EUR 45 million for the two operations.

Frontex will also intensify its efforts to dismantle people smuggling networks by deploying nine debriefing teams. (...)

Another important development is the establishment of a regional base in Sicily from which Frontex will coordinate the operation and work closely with liaison officers from Europol, Eurojust and EASO in support of the Italian authorities.²¹

In April 2014 the UK offered its warship HMS Bulwark, two patrol boats, and three helicopters to assist with search and rescue operations in the Mediterranean.²²

HMS Bulwark was withdrawn from use in July, in order to undergo essential maintenance work. It had rescued 4,747 migrants over two months.²³ As at 17 July, two UK patrol boats were conducting search and rescue operations in the Mediterranean.²⁴ Some UK-based staff have also been seconded to assist Frontex and other EU agencies in the region.²⁵

The UK has offered some support to search and rescue operations in the Mediterranean

3.3 Military action in the Mediterranean

The military action to destroy boats and other smuggling infrastructure has proved particularly controversial. An instruction was issued at the April summit to the EU External Action Service to begin preparing for a military action to destroy the boats of traffickers and 'disrupt the smugglers' business model'. The plan was to base the action on the successful anti-piracy operation of Somalia – *Operation Atalanta*. In that operation boats were also destroyed onshore. The operation, to operate under the EU's Common Foreign and Security Policy (CFSP), has been named EUNAVFOR MED.

EUNAVFOR MED

The Prime Minister's Office confirmed in May that the UK would contribute drones to help with intelligence-gathering for the operation.²⁶

The EU Military Council prepared an advice note on the feasibility of such a plan, which was subsequently leaked. The plan underlined the military's concern that the operation should have a 'robust legal framework and rules of engagement'. The note also warned that the military operation risked the EU's image, and could encourage more migration if migrants believed that the presence of warships made the crossing safer.²⁷ It also suggested that a military presence might be necessary on land, if it was agreed by the relevant authorities, although it has been repeatedly denied in public that this was the policy.

Robust legal framework

UK Foreign Secretary Philip Hammond attended a meeting of the European Council on 18 May at which EUNAVFOR MED was discussed.

²¹ FRONTEX, *news*, '[FRONTEX expands its joint Operation Triton](#)', 26 May 2015

²² BBC News [online], '[Cameron demands plan to tackle Med migrant crisis](#)', 23 April 2015

²³ [Written Question 7650](#), answered on 16 July 2015

²⁴ [Written Question HL1618](#), answered on 23 July 2015

²⁵ [Written Question HL 893](#), answered on 13 July 2015

²⁶ '[Britain to deploy drones in fight against Mediterranean migrant traffickers](#)', *Daily Telegraph*, 18 May 2015

²⁷ '[Boat-sinking operation poses 'risk' to EU image](#)', *EUObserver*, 26 May 2015

In a statement to Parliament, Europe Minister David Lidington said that Mr Hammond said that he and the Defence Secretary spoke in favour, with some cautions:

The Foreign Secretary and Defence Secretary spoke in support of the establishment of the operation, but, noted that prior to its launch, clarity would be required on the handling of migrants rescued, smugglers apprehended, and the necessary legal base for the operation would need to be established. All four phases (surveillance/intelligence; seizure of vessels on the high seas; seizure and potentially destruction in Libyan waters/ashore; and withdrawal) needed to be enactable.²⁸

On 22 June, EUNAVFOR MED was formally launched,²⁹ and this was reported to the House of Commons in a statement by David Lidington on 1 July.³⁰ The operation should last for a year after it becomes fully operational, and consist of the following phases:

- The first phase focuses on surveillance and assessment of human smuggling and trafficking networks in the Southern Central Mediterranean.
- The second stage of the operation provides for the search and, if necessary, diversion of suspicious vessels.
- The third phase would allow the disposal of vessels and related assets, preferably before use, and to apprehend traffickers and smugglers.³¹

Running costs of the military assets will be met by the member states contributing them, but there will be a common budget of €11.82 million, to last for one year.

The UK is contributing a ship to EUNAVFOR MED – HMS Enterprise – and a Merlin helicopter. HMS Enterprise joined the force on 4 July 2015.

Active phase of EUNAVFOR MED to begin

On 3 September, Federica Mogherini announced that the EU would move from the surveillance stage with EUNAVFOR Med to seizing and destroying smugglers' boats in international waters.

The latest plan was discussed by EU Foreign Ministers in Luxembourg on 5 September.³²

EU member states have already made several naval assets available for the scheme: the Italian aircraft carrier Cavour, the British survey vessel HMS Enterprise, two German warships, and two submarines, as well as aerial vehicles from France, Luxembourg, Italy and the UK.

The active phase of the scheme would need more naval assets, according to Mogherini.

²⁸ [HC Deb 1 June 2015, c7WS](#). Conclusions are available on the Council website: [Foreign Affairs Council, 18/05/2015](#)

²⁹ [COUNCIL DECISION \(CFSP\) 2015/972 of 22 June 2015 launching the European Union military operation in the southern Central Mediterranean \(EUNAVFOR MED\)](#)

³⁰ [Foreign Affairs Council and General Affairs Council: 22 – 23 June: Written statement - HCWS77](#)

³¹ European Union Naval Force – Mediterranean, [Factsheet](#), June 2015

³² [‘Informal Gymnich Meeting of EU Ministers of Foreign Affairs on 4 and 5 September 2015 in Luxembourg’](#), EU Council press release, 5 September 2015

However, there remain problems with naval forces operating in Libya territorial waters. Obtaining an invitation to act from the Libya government is difficult since there is no single effective government in Libya and so far there is no UN Security Council resolution permitting the action. Russia has said that it would back a resolution foreseeing action in international waters.³³

Reaction

Some commentators have questioned the EUNAVFOR policy, given the violence in Libya, saying that more migrants' lives could be put at risk and that the policy could be difficult to justify legally, even if the Security Council were to vote for it. The European Council on Refugees and Exiles said that it might result in more deaths:

An unintended consequence of this mission is that it may even lead to more deaths. If there is a shortage of vessels, even more people will be packed into them. There is even a possibility, given the desperate situation these people face, that they might try to construct their own boats.³⁴

Both of the Libyan 'governments' have expressed their opposition to such a plan, meaning that Chapter VII of the UN Charter, which provides for mandatory action, would be necessary. Russia has made clear that it will oppose any United Nations Security Council resolution that would authorise destruction of Libya boats in port and in May, Secretary General Ban Ki Moon said that 'there is no military solution to migrants crossing the Mediterranean'.³⁵

Russia opposed

Commentators have also expressed concern that the destruction of boats could lead to migrants using smaller, even more dangerous boats or using other routes than Libya; as long as the underlying reasons for migration are not tackled, the flow of migrants would be unlikely to be reduced.

RUSI has also questioned the availability of enough military hardware to conduct the operation, when there are other pressing security demands on European navies.³⁶

There is also the question of what to do with the migrants intercepted as sea; the EU has indicated that there would be no forced repatriations.³⁷

The European Parliament's rapporteur on the Common Security and Defence Policy (Arnaud Danjean, European People's Party) has criticised EUNAVFOR MED, saying that its legality is not assured, it may not have enough intelligence to be able to operate effectively, and destroying boats on the ground is practically difficult and might lead to 'collateral

³³ ['EU ready to destroy smuggler boats at sea'](#), *EUobserver*, 4 September 2015

³⁴ ['EU to launch Mediterranean naval mission to tackle migrant crisis'](#), *Guardian*, 18 May 2015

³⁵ ['No military solution to boat migrant crisis - U.N. chief to paper'](#), *Reuters*, 26 April 2015

³⁶ ['Five Reasons Why Militarising the EU Migration Plan Will Not Work'](#), RUSI Analysis, 14 May 2015

³⁷ ['EU's Mogherini: No Forcible Repatriation for Migrants'](#), *VOA News*, 11 May 2015

damage', that is, the death or injury of civilians and damage to civilian buildings.³⁸

3.4 The UK Government's position on the EU's migration proposals

From the outset, the UK Government has been strongly opposed to proposals for mandatory relocation and resettlement schemes.³⁹

Lord Bates, Home Office Minister of State, set out the Government's position on relocation proposals during debate on 22 July:⁴⁰

Since the crisis unfolded, the Government have been clear that relocating migrants within Europe is the wrong response. It does nothing more than move the problem about Europe and does absolutely nothing to address the underlying cause of people getting on the boats. It risks undermining control of our own borders and asylum system. The Government have no plans to opt into any relocation scheme, whether voluntary or mandatory.

We have been very clear that the time and attention that has been committed within the EU to negotiating the measure would have been far better spent on implementing long-term and sustainable solutions to the crisis, on tackling the abuse of the asylum system and on building capacity in those member states under pressure. The Government's view is that real solidarity with other European countries is best expressed through practical co-operation to build capability in the asylum and migration systems of member states struggling to deal with the migratory flows.

He went on to indicate that the Government does support some other elements of the EU's approach, such as establishing "hot spots" to strengthen resources along the EU's borders:

Wherever possible, we should return the boats immediately from whence they came. If we cannot do that, we must ensure that when they arrive on EU shores we stop, fingerprint and screen migrants to control their movement and distinguish between genuine refugees and economic migrants. In particular, we support the idea of establishing hot spots at pressure points along the external border to ensure proper licensing, processing and fingerprinting of arriving migrants. We must ensure that they cannot travel further than their point of arrival and must return them without delay to their country of origin. That means investing real effort in infrastructure and expertise at the most exposed borders. However, it also requires the determination to make it happen, not least from those countries most affected. The scale of the present situation requires even more ambitious thinking and we need greater ambition and momentum on initiatives such as the Khartoum process.

The Government is also supportive of measures to address migration upstream, including action to disrupt people smugglers and traffickers, and working with partners in countries of origin and transit to address the root causes of migration.

³⁸ ['Will EUNAVFOR Med be ineffective?'](#), *Euronews*, 1 June 2015 [subscription needed]

³⁹ *The Times*, 'Britain will resist calls for mandatory resettlement across Europe', 13 May 2015

⁴⁰ HL Deb 22 July 2015 c1202-7

Lord Bates outlined some of the ways in which the UK is giving practical assistance to EU partners:

The UK will continue to provide concrete support via the European Asylum Support Office to countries such as Greece ... Italy and Bulgaria. In the last three years, the UK has contributed more resources to the EASO than any other member state, totalling over 1,000 expert working days to missions in Greece, Italy, Bulgaria and Cyprus. Two UK asylum experts have just returned from EASO-led deployments to Italy, and one has just returned from Rome after a three-month deployment. The UK has made bilateral contributions to a number of countries, including Greece, for example by funding voluntary returns—where £2 million has been spent over the past two years from 2013 to 2015—and asylum programmes, where £600,000 has been spent over the past three years. We are happy to consider further requests for bilateral assistance where that can augment EU-level action.

He also gave details of a new multi-agency law enforcement team which the Government is establishing in response to illegal immigration from north Africa. It will have 90 staff, drawn from the National Crime Agency, Border Force, Immigration Enforcement and the Crown Prosecution Service, and is tasked with “relentlessly pursuing and disrupting organised crime groups profiting from the people-smuggling trade.”

He maintained that the Government is not “insensitive to the immense humanitarian crisis that we are seeing around the world”, pointing out that the UK is the second-largest bilateral donor to the Syrian emergency response (£900 million pledged), and has protected its overseas development aid spending at 0.7% of GNI, which is more than Germany or France.

Recent Parliamentary scrutiny of the Government’s approach

The European Commission’s proposals, and the Government’s response, have been considered by two Parliamentary Committees:

- The [Lords EU Committee](#) suggested in July 2015 that the Government should consider participating in amended proposals for a voluntary emergency relocation scheme, arguing that “the UK has a responsibility to play its part”.⁴¹
- The [European Scrutiny Committee published a report](#) on the European Commission’s proposed European Agenda on Migration and associated documents on 31 July. It was deeply critical of the fact that the Government confirmed that it would not participate in the proposed relocation mechanism before Parliament had been given an opportunity to express a view on the matter. It has recommended that the Government’s decision be debated on the floor of the House in September.

⁴¹ Lords EU Committee, *The United Kingdom opt-in to the proposed Council decision on the relocation of migrants within the EU*, HL Paper 22, 15 July 2015

There was an [Adjournment debate](#) on the 'refugee situation in the Mediterranean' on 16 June. A Westminster Hall debate on 'Mediterranean migration' is scheduled to take place on 8 September.

The Home Affairs Committee is currently conducting an [inquiry in to the situation in Calais](#). It had previously looked at this issue, and the wider issue of migratory pressures across the EU, in a [report](#) which was published in March 2015.

4. Other pressure points

4.1 Hungary

Another key migration route into the EU is through the [Western Balkans into Hungary](#). Migration originating in the Western Balkans (such as from Kosovo and Albania) is a large factor. Another significant source is onward migration by people who originally entered Europe through Greece, Bulgaria and Turkey. Unlike Greece, Hungary's geographical position allows for uninterrupted travel throughout the internal border-free Schengen Area and to more favoured destination countries such as Germany or Austria. There are also reports that entering the EU through the Western Balkans is seen by some as a safer option than crossing the Mediterranean.

A [recent Frontex report](#) gives an overview of recent migration trends in the Western Balkans during the first quarter of 2015 and underlying causes:

The Hungarian –Serbian border was affected by a very high influx of migrants from Kosovo* (over 20 000), who constituted over 62% of the flow. The nationalities of the remaining 38% of the migrants detected at this border corresponded closely to the nationalities of migrants who had arrived from Turkey to the Greek islands. The majority of the transiting migrants were Syrian and Afghan nationals, but there were also growing numbers of Iraqis, Pakistanis and Somalis, as well as Bangladeshi and Iranians. Upon detection, both regional and transiting migrants claimed asylum in Hungary, but few remained in the country to complete the process.

The high numbers of Afghans (over 6 000 in the first quarter of 2015), who were detected first in Greece and then in the Western Balkans can be partially explained by the changing status of Afghan migrants already living in the third countries. One contributing factor may be the expiry at the end of June 2015 of resident visas of over 500 000 Afghans currently living in Iran. It is unclear how many will have their visas renewed given the plans of the Iranian government to repatriate foreigners living on its territory. Another important development is the tightening of labour laws in Saudi Arabia, where many Afghans work. All these factors, combined with the uncertain security situation in Afghanistan, contribute to the movement of nationals of Afghanistan towards the EU.

Like Italy, Hungary has seen a significant increase in [asylum applications](#) – it received more than twice as many applications in 2014 compared to 2013, the fifth highest number (43,000) in the EU overall. It received more asylum seekers per capita in 2014 than any other EU Member State except Sweden.

The Hungarian Government is building a fence along the Hungarian-Serbian border in a bid to deter unlawfully-entering migrants. It is also introducing [new asylum legislation](#) which is intended to significantly reduce the number of asylum seekers found to be eligible for protection in Hungary.

The EU has recognised that Hungary is a state “most exposed” to migration pressures, alongside Italy and Greece. It is considering a request from Hungary for €8 million emergency assistance funding to enhance its reception capacity. Austria has also requested emergency funding for the rapid enlargement of its own migrant reception facilities. A high-level EU conference will take place in October to discuss the challenges of migratory flows to Hungary and central Europe.

4.2 Calais

Although the number of migrants in Calais is far less significant compared to migrant arrivals in other parts of the EU, the issue has been high on the domestic political agenda in recent months.

Repeated attempts by migrants to breach border security at Calais, combined with industrial action in France, have caused significant disruption to cross-Channel traffic. According to [reports](#), eleven migrants are known to have died trying to reach the UK over the past couple of months alone. There are also concerns about the unsafe and unsanitary conditions in the unofficial ‘Jungle’ camp where many of the migrants are staying.

Calais has long been a hub for migrants seeking to enter the UK clandestinely. The number of migrants living in the area is thought to have increased since early 2014, reflecting increases in migratory flows in other parts of the EU.

The size of the transient population of unauthorised migrants currently living in the Calais area is estimated to be between 2,000 and 5,000 people. The French authorities have estimated that it is around 3,000 people, and that the main nationalities are Syrian, Eritrean, Sudanese, Iranian, and Iraqi.⁴²

Figures for the number of migrants who enter the UK illegally from France are not in the public domain. Border Force prevented more than 39,000 attempts to cross the Channel illegally in 2014 to 2015, more than double the amount in the previous year.⁴³

Recent Government action

The Government has been publishing regular updates on the situation in Calais on the GOV.UK website ([‘Calais situation: information and advice’](#)). This includes practical guidance for hauliers and other travellers, as well as regular updates on the action that the UK and French authorities are taking in response to the problem.

The update (as at 20 August) included the following summary of recent Government action:

The government’s COBR emergency committee has met to discuss the situation in Calais and review implementation of our contingency plans. On 31 July Prime Minister David Cameron chaired the COBR meeting and announced [additional measures](#) to

⁴² [Letter from James Brokenshire to Home Affairs Committee](#), 21 July 2015

⁴³ GOV.UK, *News*, ‘Calais situation: information and advice’, 20 August 2015

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strengthen security at Coquelles and alleviate pressure on the road network in Kent caused by Operation Stack.

On 20 August, the Home Secretary Theresa May and French Interior Minister Bernard Cazeneuve signed a [joint declaration reinforcing UK/French co-operation in tackling ongoing illegal migration in northern France and across Europe](#).

Law and order in and around Calais is the responsibility of the French authorities, but the UK continues to work with its French counterparts to strengthen the security of the border to stop migrants entering the UK illegally.

(...). We have deployed additional Border Force staff and sniffer dogs in northern France as well as bolstering screening checks at Dover for both tourist and freight vehicles. This is on top of already rigorous border controls, which include 100% freight screening at Coquelles and Calais.

The government:

- has agreed to additional funding of up to £7 million towards increasing security at the Channel Tunnel railhead at Coquelles
- is providing funding to bolster the security and infrastructure of ports in northern France and Belgium – this includes a £2 million upgrade of detection technology, a £1 million extension of dog searching capacity and an additional £12 million to reinforce security at the juxtaposed border
- has installed new fencing in Calais to enhance security at the port and help protect traffic on the road leading to it
- has announced there will be a new secure area for freight at Calais port
- is tackling the roots of this problem by increasing joint intelligence work with the French to target the organised crime gangs behind people smuggling
- has granted an [exceptional temporary relaxation of the enforcement of EU drivers' hours rules](#) for drivers delayed due to Operation Stack in Kent
- has secured [temporary use of Manston Airfield to provide short term additional capacity during Operation Stack](#) to help manage freight traffic on its way to the Port of Dover
- has put in place new arrangements to prioritise freight vehicles carrying 'quick to market goods' across the Channel
- has published [leaflets and maps in 6 languages](#) to help explain how freight and tourist traffic will be routed when Operation Stack is operational

Joint ministerial declaration on UK/French co-operation (20 August 2015)

In September 2014 the Home Secretary and her French counterpart, Bernard Cazeneuve, agreed a [joint statement](#) which outlined a "comprehensive action plan" in response to the growing migrant population in Calais. It included a pledge by the UK government to

provide €5 million per year for three years to strengthen security in Calais and protect vulnerable migrants there.

A further [joint declaration was agreed on 20 August](#). This reinforced the UK and French governments' commitment to tackling illegal migration, and contained some further spending commitments.

The declaration set out details of a large number of measures, based on the following broad themes:

- Ensuring effective security at the Channel Tunnel and Port of Calais
- Collaboration between French and UK law enforcement agencies
- Managing migrants in Calais (which includes a financial contribution from the UK of €5 million per year over two years)
- European and international action

The agreed measures include investing additional UK resources in security measures around the Channel Tunnel; establishing a joint project (with a financial contribution from the UK) to return unlawful migrants to their countries of origin from Calais; continuing to hold information sessions for migrants in Calais on the realities of life as an illegal migrant in the UK; and increasing capacity in France to process asylum claims away from the border frontier.

The Home Secretary and her French counterpart will oversee the implementation of the actions, and hold joint meetings every six months.

The declaration also signalled the two countries' support for long-term sustainable solutions to the wider migration crisis, including effective overseas development and peace and security policies, support to transit countries, stopping the work of criminal gangs involved in migrants' journeys, and action in European states to reduce the attractiveness of illegal migration.

Response from the EU

Dimitris Avramopoulos, EU Commissioner for Migration and Home Affairs, indicated [on 4 August](#) that EU migration agencies, such as the European Asylum Office and Frontex, could provide assistance with processing migrants in Calais, if requested. He also outlined the related EU funding being provided to France and the UK:

I also confirmed that the Commission will now disburse the first instalment of €20 million in national funding under the Asylum, Migration and Integration Fund for France. The Commission has already granted the UK a pre-financing of about €27 million. This comes from the total of over €266 million earmarked for France and over €370 million earmarked for the UK for the period covering 2014-20.⁴⁴

⁴⁴ European Commission, press release, '[Statement from Migration and Home Affairs Commissioner Dimitris Avramopoulos](#)', 4 August 2015

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