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EU ACTIONS AND INTERAGENCY COOPERATION FACING THE MIGRATION CRISIS

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Background

The present research work has been carried out under the auspices of the Jean Monnet European Centre of Excellence of the National and Kapodistrian University of Athens in the framework of the educational seminar titled "*European Management of Migration in the Eastern Mediterranean. The EU, Turkey and Greece*". The seminar took place in Athens, Greece, between October and December 2017, under the scientific coordination of Professor Yannis Valinakis.

The present paper consists of a research work having as a *scope* to investigate the European management of the migration flows over the Eastern Mediterranean Route during the migration crisis in 2015 and onwards. It focuses specifically on the common EU policies, actions and coordination of EU agencies in their efforts to handle the day-to-day field operations in cooperation with the EU Member States.

In terms of *methodology*, the paper has mainly used primary sources, such as policy documents published by the European Institutions and related Agencies, as well as an interview with the FRONTEX Communication Officer, Ms Izabella Cooper. It is noted that the present paper does not claim to have exhaustively covered all EU actions in response to the migration crisis, as the research and drafting time frame was limited.

In relation to *terminology*, for simplification reasons, throughout the report the term "migrant/migrants" is often used in order to define *mixed* flows of asylum seekers and economic migrants.

Executive Summary

During the last two years Europe experienced the largest number of arrivals of refugees and migrants since the end of the Second World War. The present paper aims to describe the efforts of the European Institutions, EU Member States and EU Agencies to handle the day-to-day challenges arising from the migration crisis, in order to asses the level of solidarity within the EU and the lessons learnt from this crisis management.

The EU asylum system has been strained and deficiencies have been observed. That fact was turned into an opportunity for the EU to head for a new, more coordinated approach on migration and asylum drawing the right balance between responsibility and solidarity.

Furthermore, the migration crisis further raised the awareness of the institutional policy makers in EU Member States, as well as of the public opinion, vis-a-vis the notion of EU External Borders. In practical terms, the European Border outline vividly became the field of common efforts among EU Member States on security, control and humanitarian aid.

Finally, the migration crisis opened the political debate for a more concerted and unified way to manage our External Borders, Security and Human Rights Values.

I. INTRODUCTION

Since 2015, Europe has experienced the largest number of arrivals of refugees and migrants since the end of the Second World War. The Syrian crisis played an important part in generating this record number, as did conflicts, instability and poverty in many parts of the world, from Ukraine to the Middle East, Asia and North Africa. Furthermore, globalisation and the communication revolution have created opportunities and raised expectations. As the European Commission noted in 2015 in its European Agenda on Migration "The impact of global poverty and conflict do not end at national frontiers"[1].

Europeans were watching in deep shock to witness thousands of migrants putting their lives in peril to cross the Mediterranean, and many of these lives getting lost, while the Migration, Asylum and Border management systems of Member States were put under high pressure in order to respond adequately[2]. As a crisis management tool, the European Commission presented its 'Ten point action plan on migration' on 20 April 2015[3]. The plan received the backing of Foreign and Interior Ministers and was immediately endorsed by the European Council. In May 2015, the Commission presented the European Agenda on Migration[4] in view to address both immediate challenges and the structural weaknesses[5] of the existing EU migration and asylum policy.

[1] Brussels, 13.5.2015, COM(2015) 240 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS : A EUROPEAN AGENDA ON MIGRATION, available at : https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf

[2] Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

COM/2017/0558final, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558

[3] Commission Press Release, Joint Foreign and Home Affairs Council: Ten point action plan on migration, Luxembourg, 20 April 2015, available at: http://europa.eu/rapid/press-release_IP-15-4813_el.htm.

[4] Brussels, 13.5.2015, COM(2015) 240 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS : A EUROPEAN AGENDA ON MIGRATION, available at : https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf

[5] Such as differences in the reception conditions and in the examination procedure of the asylum claim, or the over-burdening of frontline Member States due mainly to the criteria of the Dublin Regulation.

At that time, the efforts of the European Union were two-fold: a/ to create efficient policies concerning the migration management b/ to propose and implement practical concerted actions in order to face the humanitarian and international obligations on the field. What emerged, which appears very interesting to our opinion, is that, after two years of efforts and lessons learnt on how to face efficiently the migration crisis, a new EU approach[6] to managing migration came up, which could be summarized as follows:

1/ Supporting the most exposed EU Member States
2/ Strengthening the protection of the EU's external borders
3/ Reinforcing EU cooperation with partner countries.

The efforts of EU and its Member States have been focusing on the main pathways that migrants have been using to come to Europe, which are: the Western African route, the Western Mediterranean route, the Central Mediterranean route, the Apulia and Calabria route, the Circular route from Albania to Greece, the Western Balkan route, the Eastern Mediterranean route and the Eastern Borders route[7].

The present research paper focuses mainly on the Eastern Mediterranean route and specifically on the eastern borders of Greece, which happen to be part of the European External Borders to the South-East.

In this respect, the paper presents the global measures taken by the EU during mainly the last two years to effectively respond to the migration crisis (part II) and at second stage it offers an overview of the practical, field cooperation between the EU agencies, and on how they handled their day-to-day cooperation while managing the crisis (part III) .

[6] European Commission, Press Release: Future-proof migration management: European Commission sets out way forward Brussels, 7 December 2017, available at : http://europa.eu/rapid/press-release_IP-17-5132_en.htm

[7] FRONTEX, Main migratory routes into the EU / land & sea, available at: http://frontex.europa.eu/trends-and-routes/migratory-routes-map

II. EU ACTIONS TO FACE MIGRATION

As introduced above, the common actions and policies of the EU were built around three pillars:

1/ Strengthening the protection of the EU's external borders and saving lives

2/ Supporting the most exposed EU Member States

3/ Reinforcing EU cooperation with partner countries.

1. Saving Lives, Securing External Borders and Fighting against migrant smuggling

The European Union's external borders have increasingly been the scene of human tragedies, as a consequence, it became quickly the main objective to avert further loss of life. In this respect, the Commission through the European Agenda on Migration[8], proposed that the protection of European Borders must continue, including life-saving operations. In this respect, the EU boosted substantially the Joint Operations Triton and Poseidon of the European Border and Coast Guard Agency, established the European Naval Force Mediterranean, promoted the use of Eurosur and strengthened Europol's recently established joint maritime information operation (JOT MARE).

European Border and Coast Guard Agency (Frontex)

The establishment of the European Border and Coast Guard Agency in 2016, through the enhancement of agency's mandate[9], was an important achievement, as it shifted the

[8] Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

COM/2017/0558 final, section 2.3, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558

[9] On 14 September 2016, the European Border and Coast Guard Agency replaced the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union while keeping both the same legal nature and the same short name: Frontex. However, the agency's prerogatives have become more considerable as Frontex now has a "stronger role in supporting, monitoring

integrated management of the EU external borders from solely national competence towards a *shared responsibility* of the Member States and the Agency. In line with the European Agenda on Migration, the new mandate of the Agency includes coast guard functions carried out in close cooperation with the European Maritime Safety Agency and the European Fisheries Control Agency, such as joint surveillance flights for fisheries and border control in the Mediterranean. A substantial boost in resources and equipment has given the Agency increased capacity to intervene. Moreover, the new mandatory rapid reaction pools have enhanced the Agency's capability to respond swiftly to emergency situation at Europe's external borders. The Agency currently deploys over 1,700 border guards and other relevant staff at different sections of the EU external borders[10].

Triton-Poseidon

The primary objective and one of the most crucial efforts of EU Member States and the EU bodies was the Search and Rescue (SAR) Operations, that means the safeguarding of human life at sea, mainly at the Mediterranean Sea and more specifically at the Aegean Sea in Greece.

The Commission already in the European Agenda for Migration proposed that Search and Rescue efforts should be stepped up to restore the level of intervention provided under the former Italian 'Mare Nostrum' operation[11]. In Italy the search and rescue operation that

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and, when necessary, reinforcing national border guards". It now focuses primarily on "early detection and prevention of weaknesses in the management of the EU external borders". Frontex's resources have also been significantly enhanced. This evolution in the resources allocated to Frontex is of crucial importance as only substantial means will enable true effectiveness of the European Union measures relating to the management of external borders, including the Schengen Borders Code (Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders, available at : http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0399)

[10] SECURING EUROPE'S EXTERNAL BORDERS, A EUROPEAN BORDER AND COAST GUARD, SEPTEMBER 2017, available at : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170906_ebcg_en.pdf

[11] The Mare Nostrum Operation was launched by the Italian Government on 18 October 2013, as a military and humanitarian operation aimed at tackling the humanitarian emergency in the Strait of Sicily, due to the dramatic increase in migration flows**.** The Operation ended on 31 October 2014, coinciding with the start of the new operation called Triton. Operation Mare Nostrum operated concurrently with Frontex planned activities.This Operation was an upgrade of the force for monitoring migration flows already operating within the operation Constant Vigilance, which the Italian Navy has been conducting since 2004, permanently deploying a ship in the Strait of Sicily along with maritime patrol aircraft.

Operation Mare Nostrum had therefore the twofold purpose of:

• safeguarding human life at sea**,** and

continued, after the Mare Nostrum operation came to an end, was called Triton. The Joint Operation Triton, which was launched in November 2014, has search and rescue as a priority. It is administered jointly by Frontex and EU Member States. Since the beginning of the operation, Frontex vessels and aircraft have regularly been redirected by the Italian Coast Guard to assist migrants in distress[12]. According to the European Commission, this solidarity needs to be maintained for as long as the migratory pressure persists.

When migratory pressure dramatically increased in 2015 at the eastern external European Borders in Greece, Frontex strengthened its operations on Greece's most affected islands in the Eastern Aegean Sea, bringing additional vessels and aircraft to help in patrolling and search and rescue operations, through the operation "Poseidon[13]". The agency also significantly increased the number of officers who assisted the Greek authorities with the identification and registration of arriving migrants and refugees, along with interpreters and forged document experts. Between January and November 2016, vessels deployed by Frontex were involved in the rescue of 40.413 people in the Aegean. 23 EU and Schengen – Associated countries were taking part in it with land, sea and air forces, technical equipment and officials.[14]

In September 2017 the Commission reported that the efforts of these joint operations which are closely coordinated and combined with the assets deployed by EUNAVFOR MED Sophia (see below), as well as of a number of NGOs and merchant vessels, have

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• bringing to justice human traffickers and migrant smugglers.

Italian Ministry of Defense, MARE NOSTRUM OPERATION, available at : http://www.marina.difesa.it/EN/operations/Pagine/MareNostrum.aspx

[12] A total of 26 EU countries take part in the Joint Operation Triton by deploying either equipment or border guards. At the moment, Frontex supports Italy with 350 officers, 11 vessels and five aircraft. FRONTEX, Joint Operation Triton, Available at : http://frontex.europa.eu/pressroom/hot-topics/joint-operation-triton-italy--ekKaes

[13] OPERATION POSEIDON provides Greece with technical assistance with the goal of strengthening its border surveillance, its ability to save lives at sea and its registration and identification capacities. Frontex also assists the Greek authorities in carrying out returns and readmissions. Its operational area covers the Greek sea borders with Turkey and the Greek islands, Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf

[14] See FRONTEX, Press Release, 10 October 2016, available at : http://frontex.europa.eu/pressroom/hot-topics/joint-operation-poseidon-greece--3ImFxd and European Commission, Factsheet updated on 4 October 2016 , available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf

saved 620,000 human lives since 2015. On the Eastern Mediterranean Route, lives lost at sea have decreased considerably. 113 fatalities and missing persons have been recorded in the Aegean Sea since the activation of the EU-Turkey Statement, compared to around 1,150 people who died, or were reported missing, during the year preceding the Statement[15].

Operation Sophia

In parallel, on 18 May 2015, the Council of the European Union established a military cooperation in the Southern Central Mediterranean, EUNAVFOR Med, intended to save lives at sea and break the business model of smugglers and traffickers of people in the Mediterranean. EUNAVFOR Med stands for European Naval Force Mediterranean[16].

On 28 September 2015, the Political and Security Committee of the Council agreed to rename the operation "*Sophia*" after the name of a baby born on one of the EUNAVFOR Med ships on 24 August 2015 to a Somalian mother that had just been rescued along with 453 other migrants. Federica Mogherini, Vice-President of the Commission, suggested the change of name *"to honour the lives of the people we are saving, the lives of people we want to protect, and to pass the message to the world that fighting the smugglers and the criminal networks is a way of protecting human life"*[17].

On 25 July 2017[18], the Council extended the mandate of the EUNAVFOR MED Operation Sophia until 31 December 2018[19]. The Council also amended the operation's mandate to:

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[15] Brussels, 6.9.2017 COM(2017) 470 final REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Seventh Report on the Progress made in the implementation of the EU-Turkey Statement Chapter: Current Situation. Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20170906_seventh_report_on_the_progress_in_the_implementation_of_the_eu-turkey_statement_en.pdf

[16] COUNCIL DECISION (CFSP) 2017/1385 of 25 July 2017 amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D0778&qid=1435825940768&from=EN

[17] EUNAVFOR MED operation SOPHIA, available at: https://www.operationsophia.eu/about-us

[18] COUNCIL, Press Release of 25 July 2017, available at: http://www.consilium.europa.eu/en/press/press-releases/2017/07/25/eunavformed-sophia-mandate-extended

- set up a monitoring mechanism of trainees to ensure the long-term efficiency of the training of the Libyan Coastguard;
- conduct new surveillance activities and gather information on illegal trafficking of oil exports from Libya in accordance with UNSCR 2146 (2014) and 2362 (2017);
- enhance the possibilities for sharing information on human trafficking with member states' law enforcement agencies, FRONTEX and EUROPOL.

Currently, 27 member States contribute to the Operation Sophia[20].

Eurosur

Furthermore the Eurosur System is used by EU Agencies in collaboration with EU Member States in order to better control the EU's external borders. Eurosur [21] is an information-exchange system designed to improve management of the EU external borders. Eurosur enables near real-time sharing of border-related data between members of the network, consisting of Schengen countries and Frontex.

The Commission in its European Agenda for Migration[22] notes that the roll-out of Eurosur has provided a model to be followed l by all civilian and military authorities with a responsibility for maritime border surveillance. The relevant agencies (Coordinated by Frontex with input from EASO[23], Europol[24], the EU Satellite Centre[25] and the European

[19] European Commission, Factsheet updated on 4 October 2016 , available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf

[20] European External Service, EUNAVFOR MED, Factsheet, December 2017, available at: https://eeas.europa.eu/sites/eeas/files/factsheet_eunavformed_assets_-_mission_eng.pdf

[21] Regulation 1052/2013 of 22 October 2013 establishing the European Border Surveillance System (EUROSUR) available at: http://frontex.europa.eu/assets/Legal_basis/Eurosur_Regulation_2013.pdf

[22] Brussels, 13.5.2015, COM(2015) 240 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS : A EUROPEAN AGENDA ON MIGRATION, Chapter Border Management- Saving Lives, available at : https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf

[23] EASO, European Asylum Support Office, available at: https://www.easo.europa.eu

[24] EUROPOL, available at : https://www.europol.europa.eu

[25] European Union Satellite Centre, available at: https://www.satcen.europa.eu

Maritime Safety Agency[26]) should develop an effective situational picture to feed into policy-making and response preparation at national and European levels. Eurosur uses innovative and smart technologies such as drones, reconnaissance aircraft, offshore sensors and satellite remote sensing in order to track illegal immigration into the European Union. For instance, the Eurosur Fusion Services use optical and radar satellite technology to locate the vessels of suspected smugglers. Eurosur's goal is to improve the management of Europe's external borders by increasing situational awareness.[27]

It is further noted that the EU today has three large-scale IT systems, dealing with the administration of asylum (Eurodac), visa applications (the Visa Information System), and the sharing of information about persons or objects for which an alert has been created by the competent authorities (Schengen Information System).[28]

In June 2017, the Commission presented a legislative proposal to strengthen the mandate of eu-LISA, the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice[29] .

Europol-JOT MARE

According to the European Agenda on Migration, the Commission proposed that Europol strengthens its already established joint maritime information operation (JOT MARE) – and its focal point on migrant smuggling. The result was the creation of a single entry point for inter-agency cooperation on smuggling. Furthermore, efforts to fight criminal networks of smugglers and traffickers has been the first and foremost way to prevent the exploitation of migrants by criminal networks. These efforts also pursued under the

[26] EMSA, European Maritime Safety Agency, available at: http://www.emsa.europa.eu

[27] FRONTEX, Eurosur, available at : http://frontex.europa.eu/intelligence/eurosur

[28] Brussels, 13.5.2015, COM(2015) 240 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS : A EUROPEAN AGENDA ON MIGRATION, Chapter Border Management –Saving Lives, available at : https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf

[29] Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

COM/2017/0558final, Chapter Stronger and Smarter Information Systems, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558

European Agenda for Security[30] and the Maritime Security Strategy[31]. The difference between the two is that in the first, migrants willingly engage in the irregular migration process by paying for the services of a smuggler in order to cross an international border, while in the latter they are the victims, pushed into severe exploitation, which may or may not be linked to the crossing of a border. As part of the global EU response to the migration flows, the European Migrant Smuggling Centre at Europol[32], launched in 2016, has added significant added value in providing operational support to Member States in fighting smuggling. It has provided support in conducting pro-active, high-profile investigations against criminal networks. The Centre is also supporting joint investigation teams. Information sharing has been greatly enhanced at all levels, both through dedicated EU inter-agency coordination mechanisms as well as the set-up of a network of dedicated contact points in each EU Member State.

2. Supporting the most exposed EU Member States

One of the frontline EU Members States that has been the scene of a big part of the migration crisis is definitely Greece. Its national administrations had to cope with practical as well as legal obligations starting from satisfying basic humanitarian aid needs of incoming persons (such as warm clothes, health care and food, housing and education for children) to applying International Law on Refugee protection, that is to file applications for international protection and examine the asylum claims.

[30] Strasbourg, 28.4.2015 COM(2015) 185 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS The European Agenda on Security, available at:

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf

[31] European Union, Maritime Security Strategy, available at: https://ec.europa.eu/maritimeaffairs/policy/maritime-security_en

[32] Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

COM/2017/0558final, Chapter Migrant Smuggling, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558

In an effort to provide solidarity and efficient response, the European Union and its EU Member States have contributed to the day-to day management of the migration crisis in support of the Greek authorities, through (a) Operational Support to the Asylum procedures, (b) the Relocation-Resettlement Schemes and (c) Financial Support.

a/ Operational Support to the Asylum Procedures

According to the Common European Asylum System, asylum is granted to people fleeing persecution or serious harm in their own country and therefore in need of international protection. Asylum is a fundamental right; granting it is an international obligation, first recognised in the 1951 Geneva Convention on the protection of refugees. [33]

The actual Common European Asylum System comprises today a set of Directives and Regulations[34], which EU Member States have to apply in case of asylum applications.

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[33] UNHCR, The 1951 Refugee Convention, available at: www.unhcr.org/1951-refugee-convention.html

[34] The Common European Asylum Systems comprises as of today:

1/ The revised Asylum Procedures Directive which aims at fairer, quicker and better quality asylum decisions. Asylum seekers with special needs will receive the necessary support to explain their claim and in particular there will be greater protection of unaccompanied minors and victims of torture. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, available at : http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0032

2/ The revised Reception Conditions Directive which ensures that there are humane material reception conditions (such as housing) for asylum seekers across the EU and that the fundamental rights of the concerned persons are fully respected. It also ensures that detention is only applied as a measure of last resort. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, available at : http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0033

3/ The revised Qualification Directive which clarifies the grounds for granting international protection and therefore will make asylum decisions more robust. It will also improve the access to rights and integration measures for beneficiaries of international protection. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, available at : http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0095

4/ The revised Dublin Regulation which enhances the protection of asylum seekers during the process of establishing the State responsible for examining the application, and clarifies the rules governing the relations between states. It creates a system to detect early problems in national asylum or reception systems, and address their root causes before they develop into fully fledged crises. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, available at http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0604

5/ The Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts

Greece's Asylum Administration has been strained after 2015, as nearly 857 000 refugees and migrants arrived in Greece. In this respect, the Greek administration had -and still has- to:

- identify the asylum seekers,
- file their application,
- proceed to the examination of the file and related interviews
- deal with family reunification claims (Dublin III Regulation) and vulnerability cases
- issue the first instance decision, and
- eventually re-examine the case at appeal level and issue the related appeal decision.

In this framework, the European Asylum Support Office (EASO) teams in Greece provided support to Greek authorities initially with complying with the Common European asylum system and the Schengen acquis and they continue to offer operational support with the identification and registration of potential applicants for international protection, informing migrants about the international protection system in Greece as well as the relocation procedure. In addition, EASO experts provide advice on nationality assessment and possible exclusion issues, and contribute to the detection of possible document fraud. As of 9 November 2017, through the European Asylum Support Office, 18 experts from EU Member States are deployed to support the relocation process, and one expert is in support of the Greek Reception and Identification Service.

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between Member States in receiving such persons and bearing the consequences thereof, available at : http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32001L0055

6/ The Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32003R1560

7/ The revised EURODAC Regulation which allows law enforcement access to the EU database of the fingerprints of asylum seekers under strictly limited circumstances in order to prevent, detect or investigate the most serious crimes, such as murder, and terrorism : Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011, available at : http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0603

b/ Relocation –Resettlement Schemes

EU tried further to alleviate the burden from frontline EU Member States through the relocation and resettlement mechanisms, provided by the Common European Asylum System and the EU Treaties.

Relocation

The Relocation mechanism is foreseen as a solidarity measure in article art. 78(3) of the Treaty on the Functioning of the European Union (TFEU)[35]. Practically it is a distribution scheme among EU Member States, that the Commission proposed for persons in clear need of international protection to ensure a fair and balanced participation of all EU Member States. According to the European Agenda on Migration[36], the receiving EU Member State would be responsible for the examination of the application in accordance with the established rules and guarantees. The redistribution to other EU Member States would be based on criteria such as GDP, size of population, unemployment rate and past numbers of asylum seekers and of resettled refugees.

Although may be not satisfactory, EU Member States have expressed a certain level of solidarity through the relocation mechanism. After a difficult start-up phase, the relocation programme has allowed 32366 people from Greece and Italy to be transferred to other EU Member States, proving to be a valuable instrument to help those in need of international protection and to alleviate pressure on the asylum systems of the two countries[37].

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[35] TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E

[36] Brussels, 13.5.2015, COM(2015) 240 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS : A EUROPEAN AGENDA ON MIGRATION, Chapter *Responding to high-volumes of arrivals within the EU: Relocation* available at : https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf

[37] Brussels, 7.12.2017 COM(2017) 820 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Commission contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-

Resettlement

Resettlement means the movement of asylum seekers from a country outside of the EU to an EU Member State. Resettlement allows the EU and its Member States to both fulfil the imperative to help those in need of international protection, and to reduce the incentives for irregular migration.

The first EU-wide resettlement scheme was launched in July 2015 following a Commission recommendation, as well as the "One for One" resettlement mechanism under the EU-Turkey Statement. The EU-Turkey Statement of 18 March 2016 played a key role in breaking the cycle of uncontrolled flows of migrants creating an unsustainable humanitarian crisis. From the first weeks of its operation, the Statement led to a sharp decrease of irregular arrivals and the loss of lives, whilst at the same time opening up the legal channel of resettlement, offering a genuine chance to those in need of protection. This joint effort of the EU and Turkey has created an alternative to the dangerous migratory flows[38]. During the period 2015-2017, some EU Member States resettled for the first time while more experienced countries scaled up their commitments and processed larger numbers than before. As a result, over 23,000 people have been resettled via the European schemes during that period. In 2016 alone, Member States resettled over 14,200 refugees via national and multilateral schemes — a significant increase[39].

Resettlement (and similar forms of humanitarian admission) remains a key protection tool. It is a demonstration of global solidarity with third countries and responsibility-sharing for persons in need of protection. These legal pathways, as alternatives to irregular and dangerous journeys, help to save lives, contribute to reducing irregular migration and alleviate migratory pressure on concerned Member States. With this initiative, resettlement from Turkey should continue in order to deliver on the EU-Turkey Statement, also from Jordan and Lebanon, both of which are hosting large numbers of

migration/20171207_communication_on_commission_contribution_to_the_eu_leaders_thematic_debate_on_way_forward_on_external_and_internal_dimension_migration_policy_en.pdf

[38] Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

COM/2017/0558 final, Chapter *Legal Pathways- Resettlement*, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558

[39] Idem

refugees.[40] In its latest Progress report on the European Agenda on Migration (Annex 7 on Resettlement)[41] as of 15 November 2017, the Commission informed that 11,354 persons have been resettled from Turkey to EU Member States, in the framework of the EU/Turkey agreement[42].

c/ Financial Support

In view of responding to the migration crisis, the EU increased by 70% the available funding **(**for the period 2014-2020) under the "Asylum, Migration and Integration Fund (AMIF)", the "Internal Security Fund (ISF)" and for the relevant EU agencies to support EU Member States in their efforts with regard to migration and border management.

In relation to Greece, the EU continues to provide substantial financial support to Greece in the face of the challenges of the crisis. Over EUR 440 million has now been provided from the Emergency Support Instrument[43] within the EU to support the work of 15 humanitarian partners[44]

On 3 March 2017, the Commission announced that the funding of a special education programme had helped 2,500 refugee and migrant children get back to school in Greece. The project is carried out by the International Organization for Migration (IOM) and supports the transportation of children to schools and the distribution of school kits with its funding amounting to €2.8 million in EU Emergency Support [45].

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[40] Idem

[41] Brussels, 15.11.2017 COM(2017) 669 final - ANNEX 7-Progress report on the European Agenda on Migration – Resettlement, available at : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_annex_7_resettlement_en.pdf

[42] It is noted that also a number of another 18,366 people have been resettled to EU Member States under the Council Conclusions of 20 July 2015, see Annex 7 of the Progress Report as referenced above.

[43] The current priority for the Greek authorities is to shift as many refugees as possible from camps to rented accommodation. A multi-purpose cash programme has also been put in place. On a monthly basis, an average of 32 500 refugees receive cash support. Brussels, 15.11.2017 COM(2017) 669 final REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Progress report on the European Agenda on Migration, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_progress_report_on_the_european_agenda_on_migration_en.pdf

[44] Non-governmental organisations (NGOs), international organisations, United Nations agencies.

[45] European Commission, General Directorate Migration and Home Affairs, 3 March 2017, available at :https://ec.europa.eu/home-affairs/news/eu-support-helps-2500-refugee-and-migrant-children-attend-greek-schools_en

On 27 July 2017 the EU[46] launched a new humanitarian programme for the integration and accommodation of refugees in Greece worth €209 million.[47] Lately, on 22 December 2017, the European Commission has awarded an additional €7 million in emergency assistance to Greece under the Asylum, Migration and Integration Fund to provide an immediate response to urgent needs for shelter, catering, hygiene and cleaning services not only in the Aegean islands but also in accommodation camps in mainland Greece. The funding will enable the Greek authorities to continue improving accommodation centres as well as the support of adequate provision of basic services.

The €7 million awarded complements the EU emergency funding allocated to Greek authorities and international organisations operating in Greece since 2015 under the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF), now standing at €385 million. This comes on top of the €561 million EU contribution already allocated to Greece under the national programmes 2014-2020 for home affairs (€322.8 million for AMIF and €238 million for ISF)[48].

Apart from the focused assistance to strained EU Member States, the EU has put in place programmes for supporting the refugees in non-EU countries, such as:

[46] In urgent and exceptional circumstances such as the increased influx of refugees in Europe, the European Commission can fund humanitarian aid for people in need within the EU territory through the Emergency Support Instrument. Until 2018, up to €700 million of EU-funding will be made available via partner organisations, such as UN agencies, the Red Cross and non-governmental organisations. The Commission's humanitarian support complements other EU funding instruments which have already been providing significant financial resources for assistance in Greece such as the Asylum, Migration and Integration Fund (AMIF) the Internal Security Fund (ISF), the European Fund for the Most Deprived (FEAD) and the EU Health Programme. It is also complementary to the voluntary offers for material assistance by states participating in the EU Civil Protection Mechanism.

[47] European Commission, Press Release, EU launches new humanitarian programme for the integration and accommodation of refugees in Greece, Athens,27 July 2017, available at :

http://europa.eu/rapid/press-release_IP-17-2121_en.htm

[48] European Commission, Migration and Home Affairs General Directorate, 22 December 2017, available at : https://ec.europa.eu/home-affairs/news/commission-awards-additional-%E2%82%AC7-million-emergency-assistance-migrants-greece_en For more information on the financial assistance to Greece for the management of Migration, this infographic may be consulted here : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171222_eu_budget_financial_support_to_greece_en.pdf

- the EU Facility for Refugees in Turkey[49], with a total of EUR 3 billion for 2016 and 2017, has proved the right tool to deliver practical support, from humanitarian assistance to education, migration management, health, municipal infrastructure and socio-economic support to refugees and host communities in Turkey. Currently, out of the EUR 3 billion for 2016-2017, almost more than a half of this amount has been contracted (EUR 1,66 billion),

- the EU's humanitarian aid programmes and the EU Regional Trust Fund in response to the Syrian Crisis[50] since the beginning of the crisis have been supporting people in need inside Syria and over 2,5 million Syrian refugees and their host communities in Egypt, Iraq, Jordan, Lebanon, Turkey and the Western Balkans[51].

3. External Dimension – Partnerships with Third Countries

The EU migration and asylum policies have an external dimension aspect[52]. They are part of the bigger policy framework of the European Neighbourhood Policy (ENP), through which the European Union seeks to reinforce relations with neighbouring countries to the east and south in order to promote prosperity, stability and security at its borders,[53] as well as to promote respect for human rights and international obligations.

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[49] Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

COM/2017/0558final, Chapter *Responding to the crisis and assisting Member States under exceptional migratory pressure*, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558

[50] European Commission, European Neighbourhood Policy And Enlargement Negotiations, EU Regional Trust Fund, available at: https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/syria/madad_en

[51] idem

52 The changes that the EU introduced in the Lisbon Treaty for the Area of Freedom, Security and Justice (AFSJ) and consequently on the migration domain were considered as possibly the most substantial of all Union policies and impact the Union's capabilities to act internationally in this domain. See: Florian Trauner And Helena Carrapiço, *The external dimension of EU Justice and Home Affairs: Post-Lisbon Governance Dynamics*, in European Foreign Affairs Review, 2012, 17, Special Issue 2012. See also : Florian Trauner, *The internal-external security nexus: more coherence under Lisbon?*, in The Occasional Papers, European Institute for Security Studies (EUISS), March 2011.

[53] European Asylum Support Office, (EASO), External Action Strategy (2013), available at: https://www.easo.europa.eu/sites/default/files/public/EASO-External-Action-Strategy.pdf

The EU aims to fight the root causes[54] of illegal migration through partnerships with Third countries on Development[55]. In this respect, the Commission and the European External Action Service (EEAS) work together with partner countries to put in place concrete measures to prevent hazardous journeys. The EU and its EU Member States remain the largest provider of development assistance providing €75,5 billion in 2016, or almost 60% of global assistance by OECD members. This funding is helping to boost partner countries' economy to give youth a chance to build a future, to ensure food and nutrition security and access to energy, and to anchor good governance and respect of human rights, including in Africa[56].

The Commission Communication on "The Global Approach to Migration and Mobility"[57] foresees that that these regional programmes are the most elaborated bilateral cooperation frameworks in the field of migration. They offer a political framework for comprehensive, enhanced and tailor-made dialogue and cooperation with partner countries, including a set of targets and commitments as well as a package of specific support measures offered by the EU and interested Member States. They include the negotiation of visa facilitation and readmission agreements.

In parallel to the actions launched in 2015, the Commission proposed in June 2016 a new approach to engaging with countries of origin and transit. *This Partnership Framework approach* [58] for cooperation on migration[59] has the dual objective of addressing the root

[54] The relation between the root causes of migration and development aid has been documented by academics and policy makers, see: Nicholas R. Micinski and Thomas G. Weiss, *The European Migration Crisis: Can Development Agencies Do Better?,* in Future UN Development System, Briefing 37, January 2016.

[55] Angelos Pangratis- Advisor HC responsible for the European Economic Diplomacy in the EEAS Contribution to the Jean Monnet European Centre of Excellence Seminar " *European Management of the Migration Crisis at the Eastern Mediterranean Route. The EU, Turkey and Greece*", Athens, 20 December 2017

[56] Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

COM/2017/0558final, Chapter *Reducing the incentives for irregular migration,* available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558

[57] Brussels, 18.11.2011 COM(2011) 743 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS The Global Approach to Migration and Mobility, available at : https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_from_the_commission_1.pdf

[58] Strasbourg, 7.6.2016 COM(2016) 385 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL AND THE EUROPEAN INVESTMENT BANK on establishing a new Partnership Framework with third countries under the

causes of irregular migration through development cooperation, whilst encouraging stronger cooperation by third countries on all aspects of migration, including the fight against smuggling and the acceptance of readmissions of nationals. It was launched in June 2016 with five priority countries and has, since then been extended to a larger group of countries with some important results achieved, notably in terms of addressing root causes, dismantling smuggling networks and trafficking of human beings. The Commission is regularly reporting on the progress made in the implementation of the Partnership Framework approach[60].

In this frame, the European Asylum Support Office (EASO), one of the EU Agencies the most implicated in the migration management, has an important role to play in the external dimension of the Common European Asylum System (CEAS) by strengthening asylum and reception capacity in third countries in order to better protect asylum seekers, in cooperating with third countries in matters connected with EASO's mandate and activities as well as in facilitating the resettlement of refugees from third countries to the EU. EASO's work to implement the external dimension of the CEAS is being implemented in the framework of the EASO External Action Strategy adopted by the Management Board of EASO in November 2013, in close cooperation with the European Commission within the framework of the EU external relations policy[61].

European Agenda on Migration, available at : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf

[59] In relation to the fact that the cooperation on matters of migration has increasingly become integrated into the framework of EU external relations, see Jorrit J. Rijpma and Marise Cremona, The Extra-Territorialisation of EU Migration Policies and the Rule of Law, in, European University Institute, Department of Law, Working Paper LAW No. 2007/01.

[60] See the latest report: Brussels, 6.9.2017 COM (2017) 471 final REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration, available at: https://eeas.europa.eu/sites/eeas/files/20170906_fifth_progress_report_on_the_partnership_framework_with_third_countries_under_the_eam_en_0.pdf

[61] European Asylum Support Office (EASO), External Dimension, available at : https://www.easo.europa.eu/external-dimension

More specifically, Article 7 of the EASO Regulation[62] gives the Agency the mandate to coordinate the exchange of information and other action taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of the CEAS. Pursuant to its mandate, and in accordance with Article 49, EASO in agreement with the European Commission seeks cooperation with competent authorities of Third Countries in technical matters, in particular with a view to promoting and assisting capacity building in the Third Countries' own asylum and reception systems and implementing Regional Protection Programmes (RPPs), and other actions relevant to durable solutions.

[62] REGULATION (EU) No 439/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 May 2010 establishing a European Asylum Support Office, available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:132:0011:0028:EN:PDF

III. EU INTERAGENCY COOPERATION

The implementation of the common actions belonging to the three above-mentioned pillars, through which the European Union tried to face the migration crisis, needed practical and concerted cooperation of EU bodies among them as well as with the national authorities. The need for day-to-day organised cooperation gave birth to the Hotspot Approach (1). Moreover, the EU Agencies, each with its own mandate (2) cooperating through the EU Regional Task Force (3) executed their role and coordinated their tasks (4), given that today the hotspots have become one of the tools that facilitate the implementation of migration-asylum policies (5).

1. The Hotspot Approach

In 2015, the Commission elaborated the Hotspot approach in order to facilitate and optimise the common work of EU bodies to face the migration challenges, acknowledging that combined agency efforts in the area of migration and external border management are needed more than ever to support the implementation of EU policies[63].

The aim of the Hotspot approach[64] is to provide a platform for the agencies to intervene rapidly and in an integrated manner, in frontline EU Member States when there is a crisis due to specific and disproportionate migratory pressure at their external borders, consisting of mixed migratory flows and the Member State concerned might request support and assistance to better cope with that pressure. Together with Europol, Frontex

[63] It is noted that the notion of the Hotspot Approach was also supported- as a proposal of managing the migration crisis- by the UN Refugee Agency, see European Commission, Jean Monnet Activities, *Migrations Seminar*,Tunis, 22-23 February 2016.

[64] According to the European Agenda for Migration "*the Commission will set up a new 'Hotspot' approach, where the European Asylum Support Office, Frontex and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants. The work of the agencies will be complementary to one another. Those claiming asylum will be immediately channelled into an asylum procedure where EASO support teams will help to process asylum cases as quickly as possible. For those not in need of protection, Frontex will help Member States by coordinating the return of irregular migrants. Europol and Eurojust will assist the host Member State with investigations to dismantle the smuggling and trafficking networks*"

European Commission, The Hotspot Approach To Managing Exceptional Migratory Flows, Available at : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_hotspots_en.pdf

and EASO are now seen as the key EU agencies providing operational responses to migration and asylum crises.

2. Roles of EU Agencies in Migration and Refugee Policy

EU Agencies, namely Frontex, EASO, Europol and Eurojust provide operational assistance to the EU Member States in accordance with their respective mandate in the field of managing the external borders, dealing with applications for international protection, and combatting serious organised crime such as facilitation of irregular migration. The founding Regulations of Frontex and EASO explicitly include the provision of increased technical and operational support to EU Member States whose border management or asylum systems are confronted with specific and disproportionate pressure.

Frontex[65] provides operational cooperation through joint operations and rapid interventions, upon request from the EU Member States. Since 2006 the Agency has been coordinating and financing many joint operations hosted by the EU Member States affected by exceptional irregular migration across their external maritime and land borders (e.g. Spain, Italy, Malta, Greece, Bulgaria, Hungary and Poland), based on risk analysis, including an assessment of Member States' capacity to face pressures at their external borders. Frontex supports Member States in the identification procedures through screening. Moreover, Frontex provides tailored products and services within the context of Eurosur (for instance, vessel traffic monitoring, vessel detection or vessel of interest tracking and analysis layer deliverables). Furthermore, the Agency collects information for own analysis and supports Member States' competent authorities on investigation by carrying out debriefing interviews to gather information concerning routes, modus operandi and facilitators. Frontex also organises and coordinates return operations of Member States. Moreover, Frontex carries out exercises of "preparedness" of EU Member

[65] FRONTEX, Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC), available at: http://eur-lex.europa.eu/eli/reg/2016/1626/oj

States, simulating the capacity of a Member State to cope with a migration or other type of pressure[66].

EASO provides or coordinates the provision of operational support, inter alia through the deployment of asylum support teams to support Member States in particular with expert knowhow in the different steps of the asylum process and to facilitate the analysis of asylum applications under examination by the competent national authorities, for example, through joint processing. Currently a number of Member States receive assistance coordinated by EASO through Operational Support Plans. EASO Work Programme 2016, (REV2, chapter II.1 Operational Support), establishes the following[67]: "EASO will provide emergency support to EU Members States subject to particular pressure by deploying EU Members States experts in the form of Asylum Support Teams (ASTs) or by providing other support as required, including through Joint Processing Support Teams as per the European Agenda on Migration and the "Hotspot" approach taken therein. EASO will cooperate with relevant bodies in the provision of such support, devoting special attention to operational cooperation with Frontex and other stakeholders". EASO is already coordinating all activities under the EASO "Hotspot" Operating Plan, initiating, promoting and facilitating the EU Member States synchronized efforts to support the registration and further processing of applications for international protection in the operational Host Member States, where EASO ASTs activities will take place. The Host national Authorities are responsible for all asylum-related operational activities in the defined operational areas, including registration of applications for international protection, examination and decision taken in the asylum files. EASO ensures the coordination between the participating experts in the Asylum Support Teams and technical means deployed by the Agency in the framework of EASO "Hotspot" Operating Plan[68].

[66] Skype Interview on 22 January 2018 with Ms Isabella Cooper, FRONTEX Communication Officer, on the role of Frontex at the Eastern Mediterranean Route.

[67] EASO, Operational Support, available at: https://www.easo.europa.eu/operational-support/types-operations

[68] EASO, Operational Support, available at: https://www.easo.europa.eu/operational-support/hotspot-relocation

Europol[69] supports Member States by providing secure information-sharing opportunities, expertise, strategic and operational analysis relating to cross-border serious and organised crime and terrorism. Europol offers support on the spot including forensic assistance to the authorities of the affected Member States and cooperation with other services involved (e.g. EUNAVFOR MED). Europol staff may participate in a supporting capacity in joint investigation teams. Joint Operational Team (JOT) Mare was launched in March 2015 as the EU information hub for criminal (including personal) data on smuggling of persons by sea and specifically intended to tackle related organised criminality.

Finally, Eurojust[70] supports and strengthens coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, in order to render their investigations and prosecutions more effective. Eurojust can ask the competent authorities of the Member States, also in cases involving third countries, to undertake an investigation or prosecution. Eurojust can assist in the execution of European Arrest Warrants and requests for mutual legal assistance, advise on jurisdiction and support in the setting up and running of Joint Investigation Teams, including financial support. Eurojust contributes to facilitating swift prosecution of criminal networks of smugglers.

[69] Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, available at : http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0794

On 1 May 2017, Europol's new Regulation (2016/794) entered into force and took effect in all EU Member States. The new regulation was adopted on 11 May 2016, when the European Parliament voted on updated powers that will enable Europol to step up efforts to fight terrorism, cybercrime and other serious and organised forms of crime. With the new regulation Europol is established as the European Union Agency for Law Enforcement Cooperation with a view to supporting cooperation among law enforcement authorities in the Union. Available at : https://www.europol.europa.eu/newsroom/news/europols-new-regulation

[70] The consolidated version of the Eurojust Council Decision – which consists of Council Decision 2002/187/JHA on setting up Eurojust, as amended by Council Decision 2003/659/JHA, and Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust – was prepared by the General Secretariat of the Council of the European Union for information purposes only and does not replace Council Decisions 2002/187/JHA, 2003/659/JHA and 2009/426/JHA. Available at : http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/ejdecision/Consolidated%20version%20of%20the%20Eurojust%20Council%20Decision/Eurojust-Council-Decision-2009Consolidated-EN.pdf

3. EU Regional Task Force

In the framework of the efficient application of the EU policies, including the "Hotspot Approach", all EU specialised agencies involved in the "migrant crisis" (EASO, Frontex, Europol and Eurojust) have jointly developed the concept of European Regional Task Force (EURTF) – a shared office where the representatives of these agencies work together to coordinate the EU assistance to the national authorities facing massive migratory pressure.

On the ground, operational coordination has been necessary. For practical reasons the EU Regional Task Force (EURTF), set up in June 2015, became responsible for the overall coordination of the work of the different teams of experts involved in the "Hotspot" approach and the information exchange among these teams. The EURTF is the organisational entity to implement the "Hotspot" approach in administrative and operational terms. The "Hotspot" approach consists of a headquarters hosting the EURTF and operational expert teams that support the work of the host Member State on the ground, in the identification, registration and return as well as criminal investigations of people-smuggling networks which takes place either in the ports or in specific reception centres. The aim of EURTF is to improve inter-agency cooperation and information exchange, and to enable concerted actions from the moment of disembarkation of migrants and to channel these persons through the appropriate asylum or return procedure.

The EURTF assists already[71] the Italian and Greek authorities, identified as frontline countries, to fulfil their obligations under EU Law in the field of identification, asylum support, intelligence sharing, criminal investigations and the prosecution of criminal networks of people smugglers. The EURTF collaborates with the International Organisation on Migration (IOM) and national authorities, as regards activities related to return, in particular assisted-voluntary return, including the work done by IOM. It is

[71] Having Offices in Italy (Catania) and Greece (Pireaus), as commented by the FRONTEX Communication Officer Ms Izabella Cooper on a Skype interview held on 22 January 2018.

noted that the setting up of EURTF does not prevent the EU agencies from contracting bilateral cooperation agreements, such as the one between EASO and FRONTEX[72].

4. Coordinated tasks and operational support

The EU agencies involved in the migrant crisis tried to coordinate their tasks and provide operational support through concerted actions. Their coordination could be summarised below, based on an explanatory note sent by Commissioner Avramopoulos to Justice and Home Affairs Ministers on 15 July 2015, the principles of which were restated in annex 2 to the 29 September 2015 Commission Communication on managing the refugee crisis[73]:

a/ Registration and screening

Registration and screening of irregular migrants is operated by Frontex to determine their identity and nationality, and provision of information, where appropriate, concerning the asylum process. Fingerprinting and registration in EURODAC is carried out by Member State authorities, and if requested with the support of the relevant EU Agencies and specialized expert teams from the Member States. At this stage, each individual undergoes a first screening interview. Following the screening it should be possible to distinguish between the following categories of persons:

a. Persons who wish to apply for asylum (The responsible actor is then the national competent authorities with the support of EASO);

[72] EASO –FRONTEX Cooperation**:** EASO and Frontex Management Board members gathered for the first time in a joint session on 8 February 2017, with also some representatives of Europol and eu_Lisa present. The Boards of both agencies provided input, key to support the added value of a more integrated approach and to optimize the way the two agencies plan to work together. The Boards discussed cooperation between EU agencies in hotspots in Greece and Italy, the exchange of data and analysis on migration and future cooperation. In the margins of the joint meeting, the Executive Directors of the two Agencies signed the EASO-Frontex Cooperation Plan for 2017-2018. It foresees concrete cooperation initiatives in the fields of joint operations, information exchange and training, as well as discussions on more harmonised procedures and administrative practices. The Cooperation Plan complements the existing Bilateral Working Arrangement signed in 2012. Available at : https://www.easo.europa.eu/23rd-easo-and-1st-easo-frontex-management-board-meeting

[73] An unofficial "explanatory note" sent by Commissioner Avramopoulos to Justice and Home Affairs Ministers on 15 July 2015, the principles of which were restated in annex 2 to the 29 September 2015 Commission Communication on managing the refugee crisis. All information available at :

http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU(2016)556942_EN.pdf

b. Persons who can be returned immediately: procedures for immediate return (The responsible actor is then the national competent authority with the support of Frontex[74]);
c. Persons with regard to whom the situation may remain doubtful: normal procedure applies (The responsible actor is then the national competent authorities).
Special attention will be paid to vulnerable groups, including children particularly unaccompanied children who need specific protection.

b/ Debriefing of migrants

Debriefing of migrants is supported by Frontex in order to assess migratory routes, modus operandi and to gather information, including on secondary movements, with a view to contributing towards investigations into smuggling networks and for criminal analysis. After its mandate has been expanded, Frontex is allowed to handle and process personal data[75]. Then Europol is provided with the relevant information and intelligence from all debriefing interviews to support and initiate investigation with the concerned Member State.

c/ Intelligence exchange

The Investigations, information and intelligence exchange on facilitation of irregular transit and stay within the EU deal with criminal networks facilitating migration to the EU as well as secondary movements from the Member State of disembarkation to the final destination: (The responsible actor is then the host Member State, in particular national prosecutors and judicial authorities, as well as Europol and Eurojust where needed).

d/ Asylum support

Asylum support comprises channelling asylum seekers into the appropriate asylum procedure (normal, accelerated/border procedure, prioritized/Article 78(3) procedure,

[74] In relation to the issue of returns, Lieutenant General Ms Zacharoula Tsirigoti explained that the Greek police participated in 21 common return operations with Frontex, which complemented the limited resources by the Member State.

Lieutenant General Zacharoula Tsirigoti, Contribution to the Seminar Jean Monnet European Centre of Excellence, " *European Management of the Migration Crisis at the Eastern Mediterranean Route. The EU, Turkey and Greece*", Athens, 4 December 2017

[75] Skype Interview on 22 January 2018 with Ms Isabella Cooper, FRONTEX Communication Officer, on the on the role of Frontex at the Eastern Mediterranean Route and its renewed mandate.

according to the relevant national legal system) and assisting with registration of asylum seekers and subsequent preparation of case files. In this framework EASO teams, alongside with UNHCR, focus on persons in clear need of international protection in order to ensure swift processing possibly linked to relocation.

e/ Return procedures

In relation to:

a/ coordination of the return of migrants that do not have the right to stay in the EU legally, in particular with regard to pre-return assistance and the coordination of return flights,

b/ support for the acquisition of travel documents from countries of origin, including by setting up teams from identified countries of return to carry out interviews and speed-up the issuance of travel documents,

the responsible actors are the host Member State and other Member States which can assist in the contacts with the relevant countries of origin or transit with the support of Frontex.

f/ Interpretation

In order to facilitate the work of the experts provided by the EU Agencies for the above tasks, interpretation support will be provided by the Agencies.

5. Hotspot Implementation and overview

According to the European Commission, the creation of hotspots in Greece and Italy proved to be successful in better managing the migrant flows[76]. Together with the setting up of the European Border and Coast Guard Agency, this helped to improve the

[76]Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

COM/2017/0558final, Chapter *Responding to the crisis and assisting Member States under exceptional migratory pressure*, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0558

management of EU external borders and contributed to more effective asylum and return procedures. Today, 5 hotspots are operating in Greece and 4 in Italy, with a total capacity in Greece of more than 7,000 places and more than 1,500 in Italy. It is estimated that more than 261,000 migrants have arrived in the hotspots between 1st January 2016 and 15 September 2017 (185,000 in Greece and more than 76,000 in Italy). They have been offered medical care and screening, properly identified, fingerprinted, screened, registered and informed about their rights in one single location so as to ensure that they are being immediately channelled into the appropriate procedure, contributing to swifter decision-making on their status. In 2015, before the setting up of hotspots, 58% of migrants only were fingerprinted on arrival in Italy; today, thanks to the hotspot approach, almost 100% are. Hotspots have facilitated an increased number of secondary security checks by Europol and national authorities that have contributed to identifying risk profiles and fighting smugglers networks.

The hotspots have also become one of the tools that facilitate the implementation of the relocation schemes in Greece and Italy by successfully organising the provision of information and the channelling of eligible asylum seekers to relocation procedures. Hotspots have also contributed to better identifying vulnerable cases (such as victims of trafficking, people with serious health conditions and unaccompanied minors) and referring them to the relevant support services.

IV. CONCLUSION

As a conclusion of this paper, we would like to highlight three points for further reflection:

a) The lessons of the past few years in the management of the migration crisis showed that unilateral actions of EU Member States would not provide efficient solutions and that, despite the difficulties and any shortcomings, a common EU approach has been able to stabilise a highly volatile situation through progressive pooling of resources and coordinated work. Nevertheless, the pressure placed on the EU asylum system revealed serious weaknesses- in particular in relation to the Dublin system for determining responsibility among Member States – and has revealed the need for a structural reform of the Common European Asylum System. In the Commision's contribution in December 2017 to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy[77], it was underlined that the reform of the existing Asylum system is needed. *Consequently, we could derive as a first conclusion that the migration crises served -and continues to serve- as an opportunity for the European Union to put in place a new, more coordinated approach on migration and asylum, drawing the right balance between responsibility and solidarity.*

b) Moreover, the migration crisis became the field of political questioning as to whether there has been enough solidarity among Member States in handling the humanitarian emergencies, the workload on asylum procedures as well as the external borders security management. It has been observed that the solidarity shown by some Member States through the results relocation mechanism may not have been as satisfactory as the initial targets. In this respect, it is our opinion that Member States have shown significant

[77] Brussels, 7.12.2017 COM(2017) 820 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Commission contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy

Available at : https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171207_communication_on_commission_contribution_to_the_eu_leaders_thematic_debate_on_way_forward_on_external_and_internal_dimension_migration_policy_en.pdf

solidarity in other areas than relocation, such as in search and rescue – humanitarian operations, saving lives at sea as well as in external border management, taking as an example the Mare Nostrum operation which started only with Italy, evolved into Triton Operation to which 23 Member States participate today. *Without undermining the fact that further equal and balanced involvement of all Member States in the migration management is yet to be achieved, we could safely observe that, up to now, there has been a certain level of solidarity among Member States that has taken different and various forms, such as increased funding, expert's contributions and mainly intensified search and rescue operations. Moreover, we would add that all above described concerted actions in this paper constitute a form of solidarity.*

c/ Another interesting element related to the migration crisis is the notion of European External Borders. The last two years, where frontline Members States (Italy, Greece) have become mainly the scene of the migration crisis, the notion of *European External Borders* came up at the first line of debate of the public opinion, Member States and EU Institutions. On the Institutional and Member State level, as presented above[78], the mandates and action fields of EU agencies have been enhanced in order to better manage the External Borders, *On the public opinion level, surveys conducted during 2016 and 2017 revealed that the large majority of the citizens that took part asked for more and concerted EU action at the management of the External Borders*[79].

[78] See Chapter II.1 "Saving Lives, Securing External Borders and Fighting against migrant smuggling" of the present paper, where the new/ enhanced mandates and actions of EU Agencies or bodies (Frontex, Europol, EU-lisa, Eurosur, Operation Sophia etc) were targeting to a more concerted and efficient management of migration

[79] a/ European Parliament, Europeans in 2016: Perceptions and expectations, fight against terrorism and radicalisation, available at : http://www.europarl.europa.eu/atyourservice/en/20160623PVL00111/Europeans-in-2016-Perceptions-and-expectations-fight-against-terrorism-and-radicalisation%C2%B5

b/ Briefing Public expectations and EU policies July 2016 EPRS | European Parliamentary Research Service based on data from the Public Opinion Monitoring Unit, DG COMM Members' Research Service PE 586.589 EN Figure 1 – Opinion by generation, gender Protection of external borders, available at: http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/586589/EPRS_BRI(2016)586589_EN.pdf

c/ Public opinion of Italian citizens on whether the EU should strengthen the protection of external borders in the European Union (EU) in 2016, available at: https://www.statista.com/statistics/691170/survey-desirability-of-eu-strengthening-border-protection-italy/

As a closing remark of this paper and in honour of all the efforts of EU Institutions and Member States to face at their best the migration crisis, it is worth being reminded that the EU has assumed its global responsibility to provide asylum for an important share of the world's refugees: in 2016 alone, the EU resettled or granted asylum to over 720,000 refugees, three times as many as Australia, Canada and the United States combined[80].

[80] Brussels, 27.9.2017 COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Delivery of the European Agenda on Migration

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INTERVIEW

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