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HRW: EU Policy Migration Memo

In recent times, the EU (European Union) has decided to shift its strategy regarding migration policies towards asylum seekers fleeing from the Middle East and North Africa. The shift in strategy is a response and countermeasure against an unparalleled sudden influx of migrants entering since 2015. Non-governmental organizations, alongside stakeholders, are critical of the European Union's approach. In particular, Human Rights Watch notes that the practical action taken disregards human rights and is in need of reform.

Since 2015, due to various concerns, such as conflict and political instability, Europe has experienced an influx of refugees, reaching a record 1.3 million that year. Following this large influx since 2015, the European Union has struggled to implement a successful policy to reduce the number of refugees and illegal asylum seekers seeking refuge in Europe. This phenomenon is influenced by various factors pertaining to geography and globalization, as well as other factors covered in this review.

In the policy review for a new migration policy prescribed by Human Rights Watch, there are namely five key elements that are pinpointed as the crucial elements that need to be revised by the European Union in order to curb the influx of migrants entering the European Union territory. These are namely stated as enhanced border security, migration as a shared responsibility, Asylum Procedures, Externalization of Migration control, and Human rights Considerations.

Enhanced Border Security

In the policy review presented by the HRW (Human Rights Watch), the author/authors pinpoint the failed policy of the European Union, which incorporates the European Union enhancing their border security. This measure is seen as one that only focuses on the symptoms of the problem instead of resolving the underlying root causes of the problem, which is insecurity and instability in the host country, which most migrants are fleeing from. Although the EU has increased the border security for migrants wishing to enter into Europe, the security forces are oftentimes overwhelmed by the sheer number of asylum seekers and immigrants trying to enter into Europe.

Externalization of Migration Controls

The HRW acknowledges the outsourcing of migration controls as one of the key elements concerning the EU's migration policy, which pertains to the externalization of the EU's border control measure. This means that instead of solely focusing on dealing with migrants that arrive within the EU's borders, migration is managed by outsourcing migration management to countries outside the EU. This approach is mostly done in exchange for economic favours such as financial assistance and favourable trade deals. According to the HRW, this practice impacts the human rights of Asylum seekers attempting to enter into the EU as third-party countries hired by the EU often lack the basic Asylum housing infrastructure and have a bad reputation concerning the preservation of human rights. Some of the countries mentioned by the HRW include Turkey and Libya, countries which have a bad record on preserving human rights." Human Rights Watch has documented violent push-backs, including live fire shootings by Turkish authorities at the effectively closed Syrian border, and summary deportations of Syrians and Afghans"(HRW Eu Migration Policy Memo). The funding and bolstering of the Libyan Coast Guard by Italy is another act that treats the symptoms of the problem instead of the core roots, as the Libyan Coast guard has been pinpointed by the HRW as a violator of Human rights (HRW EU Policy memo)

The Dublin Regulation

The Dublin Regulation is a policy that has come under scrutiny by the HRW. According to this regulation, the first European countries to receive migrants are the ones that assume the responsibility of documenting and providing asylum for that migrant. It does not take into account whether the migrant family is in another European country or not. The HRW, in its policy review memo, has criticized this as being divisive and a means of discouraging emigration from host countries. HRW also criticises this as placing the burden of receiving immigrants on a few European countries, in particular, the countries with a coastal area.

Search And Rescue Operations

Another key issue pinpointed by the HRW in the HRW EU policy memo is the lack of adequate search and rescue operations in the Mediterranean. This region is known for its high casualties at sea, as many migrants fleeing from North Africa and Asia often use this risky sea route to migrate into Europe. Despite a high number of migrant deaths, the EU lacks any real commitment to effective rescue missions. Additionally, HRW has also grown concerned with

the sidelining and criminalization of NGOs that play a crucial role in search and rescue operations.

Detention and Deportation

Finally, the EU's repetitive reliance on detention and deportation policies raises many concerns and fails to bring effective long-term solutions. While these measures may help to limit irregular migration in the short term, they do not discourage migration into Europe by Asylum seekers. Furthermore, HRW argues that it often results in an inhumane treatment of migrants, involving a prolonged detention of migrants in poor conditions, lack of access to legal counsel and deportation to unsafe countries. This practice affects the principle of non-refoulment which bans the return of individuals to places where they may face harm.

Identification of Gaps And Measures Needed for EU's Migration Policy

In the HRW's policy review memo, a lot of EU policies and measures are criticized. The HRW offers a variety of solutions that can help the EU's policy on migration to be more humane and more efficient. These measures include the revision of the Dublin Regulation to allow the processing of migrants across different European countries, ensuring a fair distribution of migrants across Europe, ensuring fair Asylum Procedures, conducting safe returns, and promoting safety and dignity in the regions of forced displacement. Whilst most of the solutions presented by the HRW are viable solutions, some of the solutions ignore the historical and socio-cultural factors affecting migration in Europe.

Fair Distribution of Immigrants in Europe

One of the most controversial factors regarding the migrant crises in Europe is the unfair distribution of migrants within Europe. While coastal areas suffer the most from migrants coming in, a number of countries within EU such as France and Portugal, host a large number of migrants due to their colonial history and ties to migrants coming in, e.g. North Africans migrating to France. This coupled with the lingering neo-colonial influence of former imperial powers like France and Germany through unfair and illicit trade deals and the manipulation of domestic politics by the EU member countries, is a long-term cause that ensures that people affected by Neo-colonial practices will flee into the continent and countries of the former imperial powers. Whilst on one hand, the EU has acknowledged this and has preached ending

neo-colonial practices, the reality on the ground is that a lot of EU member countries practice neo-colonial policies in North Africa. In 2019, the Italian prime minister noted the migrant problem has many causes," the far-right League leader said Tuesday, [Ansa](https://www.politico.eu/article/matteo-salvini-migration-italy-blames-france-problem/) reported. "In Africa, some take away wealth from the people and the continent. France is certainly among them. Italy isn't. "If today people are leaving Africa, it is because some European countries, with France taking the lead, have never stopped colonizing tens of African states," Di Maio added. (<https://www.politico.eu/article/matteo-salvini-migration-italy-blames-france-problem/>) This suggests that as long as neo-colonial practices exist, migration into the EU will continue to be a problem which affects the EU.

Additionally, the Russia -Ukraine war exposed that the problem pertaining to migrants in EU is not merely a problem of capacity but is engrained in socio-cultural factors such as the identity of migrants. During the period of war between Russia and Ukraine over millions of Ukrainians have migrated and received asylum in Eastern European countries such as Poland, Bulgaria etc, without any backlash from the government and local population, suggests that an element of tribalism exists as impediment against EU's migration policy. In Eastern Europe, governments have actively resisted receiving migrants and asylum seekers from non-white' or European countries, suggesting a long history of tribalism and racism which has affected the EU's migration policy. An educational and assimilation program across many European countries should help quell social prejudices against migrants and asylum seekers from the global south. When it comes to externalization, EU can externalize information on European culture and practices to global south countries in order to aid migrants in assimilating quickly into EU nations.

Promoting Safety and Dignity in Regions of Forced Displacement

A very crucial and viable solution against the problem of a large number of migrants and asylum seekers in Europe is the development of the countries from which migrants emigrate. The HRW states that development programs and aid from the European Union is a viable solution and should be implemented as part of the EU's policies. This is indeed the case when one notes how the EU has embarked on a policy of donating billions of euros in aid to countries from the global south. Whilst this may seem to be an altruistic viable solution on the surface, the main underlying problem is that this approach helps increase the dependency of countries from the global south on handouts and, aid and donations from EU countries. This problem of aid is an ongoing phenomenon that has been argued in Dambisa Moyos book "Dead Aid," which notes that European aid to global south countries facilitates corruption and creates a culture of dependency, the main argument being it undermines governance as there is no

incentive to improve by governments as aid will be received despite performance. Additionally, it is money which is used to help corrupt governments retain power instead of improve the nation. Instead of focusing on giving funds to the global south, the EU should focus on tangible development and peace projects on the ground as money donated is often lost to corruption and political circles.

Conclusion

Conclusively, whilst the HRW EU policy review on migration tackles and grapples a number of issues affecting the EU's migration policy such as deportation and detention and distribution, it also focuses on the humanitarian aspect of EU's migration policy. This aspect, alongside the protection of human rights, has been emphasized throughout the policy review, a policy that can balance these problems as well as come up with solutions against the neo-colonial backdrop and the need for development is a crucial way to present this policy.