The European Union: History, Structure, Future
Senior Scholars Spring 2017
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European Union and the Immigrant Crisis

- Daily images from 2015 of peril, hardship, and often death of immigrants, refugees, and asylum seekers
  - Tragic image of Aylan Kurdi from September 2015
  - Brutal reaction of Petra Laszlo, tripping refugees rushing for the border that same week

Onrush in 2015 led EU to broker a deal with Turkey in March 2016
- Turkey would change its policies with respect to Syrian refugees inside Turkey
- European Union would pay €6 billion to Turkey to offset some of its costs of caring for 2 million Syrian refugees in Turkey
### European Union and the Immigrant Crisis

- Part of Erdogan’s strategy in the referendum was to attack EU
  - Threat to cease Turkish cooperation in immigrant crisis
  - Threat to hold referendum to reintroduce death penalty

### European Union and the Migrant Crisis

- Explore immigration crisis in three stages:
  - First, explore concepts and legal definitions
  - Second, to consider earlier immigrant crisis that shaped current international refugee regime and also in which the EU was born
  - Third, trace the events of 2015, the responses of the EU, and the responses of key EU Member State on this issue, Germany

### European Union and the Immigrant Crisis

- Debate in Europe and the U.S. has often blurred, sometimes deliberately conflated, several categories of persons, each of which has different practical or legal definitions
- Each often has specific legal rights
- EU owes different categories different legal obligations

### European Union and the Immigrant Crisis

- **Immigrant (better yet, migrant)**
- **Refugee**
- **Asylum-seeker**

### European Union and the Immigrant Crisis

- **Migrant**
  - Any person who moves across borders for whatever reason, into a state in which she is not a national, with the intention of settling permanently, or at least without a definite intention to leave
European Union and the Immigrant Crisis

• Refugee
  - A displaced person who has been forced to cross national boundaries and who cannot return home safely
  - Defined under U.N. Refugee Convention of 1951 as:
    • Any person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
  - U.N. Refugee Convention clearly a reaction to mass displacement of population in Europe after World War II

European Union and the Immigrant Crisis

• Asylum-seeker
  - Someone who claims to be a refugee and has reached a third country and is seeking a judicial or administrative determination of her status as a refugee

European Union and the Immigrant Crisis

• In 1945-49 in Europe, there were about 40 million persons not living in their states of origins

European Union and the Immigrant Crisis

• Some 11 to 20 million “Displaced Persons” (“DPs”) lived largely in Germany (including Austria), largely in camps
  - Persons brought to Germany to perform slave labor
  - Prisoners of war
  - Inmates of concentration camps
  - Most of the surviving Jews of Europe
  - Refugees who fled west ahead of the Red Army
European Union and the Immigrant Crisis

• Allies faced immense logistical task of housing, feeding, and providing health care for these DPs
  - Also had to contend with some 8 million German prisoners-of-war
European Union and the Immigrant Crisis

- DPs needed this support pending repatriation to their home countries
- But some did not want to return to their home countries, for those countries were now either occupied by the Red Army or had undergone political change that rendered the DPs fearful
- Others, for political and other reasons, including fear of persecution, needed adjudication of their repatriability
- Repatriation depended upon willingness of their home country to take them, in time of great want and poverty

Support came from the Allied Armies and the United Nations Relief and Rehabilitation Administration, UNRRA
- UNRRA had staff of 12,000 and budget of $3.7 million, of which $2.7 million came from U.S.
- Replaced in 1946 by International Refugee Organization
- Replaced in 1951 by UN High Commissioner for Refugees
- Supplemented by immense private humanitarian aid:
  - American Jewish Joint Distribution Committee
  - American Friends Service Committee
  - Lutheran World Federation
  - Catholic Charities
  - Various national Red Cross organizations

Over time, most DPs were repatriated or sent to “safe” third countries
- Australia, South Africa, Canada
- After the foundation of the State of Israel in 1948, 650,000 Jewish DPs settled there
- U.S. enacted Displaced Persons Act in 1948 to accept 200,000, doubled to 415,000
- Between 1949 and 1952, about half of the total 900,000 immigrants to the U.S. were DPs

As late as 1953, more than 250,000 refugees still in Europe, many old, infirm, disabled
In the end, the rest were accepted by Germany and Austria as citizens in the 1950s

Germany also overwhelmed by 12 to 14 million expellees
- Vertriebenen
**European Union and the Immigrant Crisis**

- Since medieval era, German-speakers lived throughout central and eastern Europe, outside any area ever thought of as “Germany”
- Germans had been resettled into Poland as part of Nazis grand scherme for Lebensraum in the east

**European Union and the Migrant Crisis**

- Stalin’s plan to shift Poland west involved relocating Poles from Poland’s eastern territories of 1921-39
- Obvious place to move them was to the new western regions to be allocated from Germany
- Goal was to avoid the new Poland having a large German minority

**European Union and the Immigrant Crisis**

- Czechs also wanted to expel their Sudeten German minority
  - Had proved a Trojan horse in 1938
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- Potsdam Conference July 1945
- Allies approved expulsions and relocations
- To be conducted in an “orderly and humane” manner
- Much violence and exploitation
- Ultimately 12 to 14 million German speakers came to three western zones of Germany
- Important new social and political element
- Shaped politics into 1990s
European Union and the Immigrant Crisis

- Germany developed financial, administrative, and bureaucratic methods to incorporate this great mass of refugees into German society
  - Using its federal structure, federal government and states agreed upon a distribution system in 1949, the Königsteiner Schlüssel
  - Refugees distributed based on formula: 2/3 is proportion of tax collection in prior year, 1/3 in proportion of population
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Post-World-War II German response to emigration from Germany in the 1930s
Emigration of Jews, socialists, trade unionists
Voyage of the St. Louis
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Right of Asylum (1949)

Article 16: Deprivation of Citizenship, Extradition, Right of Asylum

1. No one may be deprived of his German citizenship. Loss of citizenship may arise only pursuant to a law, and against the will of the person affected it may arise only if such person does not thereby become stateless.

2. No German may be extradited to a foreign country. Persons persecuted for political reasons enjoy the right of asylum.

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European Union and the Immigrant Crisis

- Germany has long experience with influxes of migrants
  - 1956
  - 1980s
  - 1990s
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- Germany has long experience with labor migration
  - Gastarbeiter
Right of Asylum (1993)

Article 16a: Right of Asylum

1. Persons persecuted on political grounds shall have the right of asylum.

2. Paragraph (1) of this Article may not be invoked by a person who enters the federal territory from a member state of the European Communities or from another third state in which application of the Convention Relating to the Status of Refugees and of the Convention for the Protection of Human Rights and Fundamental Freedoms is assured. The states outside the European Communities to which the criteria of the first sentence of this paragraph apply shall be specified by a law requiring the consent of the Bundesrat. In the cases specified in the first sentence of this paragraph, measures to terminate an applicant’s stay may be implemented without regard to any legal challenge that may have been instituted against them.

European Union and the Immigrant Crisis

• Current crisis really two crises
  – Civil wars and unrest in Africa
  – Two unresolved wars and civil wars in western to central Asia
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• Shaped by Schengen Convention and international refugee regime
  – Article 26 provides that carriers who transport persons into Schengen Area who are refused entry are responsible to pay for the return of the refused persons and to pay a penalty
  – So carriers check visas and refuse boarding
  – So migrants resort to smugglers

• Dublin Regulation determines EU Member State responsible for determining asylum status
  – First Member State the asylum seeker enters and is fingerprinted
  – Subject to transfer back to that state
  – Burden falls disproportionately on EU Member States on EU’s external borders
  – Clear need for burden sharing system

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• Two main sea-borne routes:
  – North Africa to Italy: Long and dangerous
  – Turkey to Greece: Short and dangerous
• 2015 crisis was an increase of traffic on Italian route and massive increase on the Greek route
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- Results
  - Exercise of Schengen suspension rules to close borders or reinstate border controls
  - Efforts to create a distribution system
    - Threatened by some Member States
  - Agreement with Turkey that has vastly cut traffic on the Greek route, but made EU a hostage to Erdogan
  - Promulgation of a “Safe Countries of Origin” list to deter migrants
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- Prospects
  - Everything awaits elections
  - Continued attempts to create a system of burden sharing
  - Continued demographic need for young workers, especially in Germany
  - Likely to muddle through
Deteriorating views of the European Union

Positive views of the EU have declined among some European countries, although opinion varies for others.

EU FAVORABILITY OVER TIME

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<th>Country</th>
<th>2004</th>
<th>2016</th>
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<tr>
<td>Poland</td>
<td>60%</td>
<td>20%</td>
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<tr>
<td>Italy</td>
<td>30%</td>
<td>20%</td>
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<tr>
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<tr>
<td>Greece</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

Source: Eurobarometer, 2016

OPINION OF THE EU IN 2016

- Unfavorable: 80%, 50%, 20%, 10%
- Favorable: 20%, 30%, 50%, 60%, 80%

Was uns wichtig ist

Demographic trends and economic changes influence the future of the European Union. The graph illustrates the changes in population per capita over the years.