

Regulating the Unforeseeable: **Immigration in the Post Dublin System Era**

The President of the European Commission, Ursula von der Leyen, has pledged to abolish the current Dublin Regulation during her speech on the state of the **European Union (EU)**, last week, September 16: “I can announce that we will abolish the Dublin Regulation and we will replace it with a new European migration governance system. It will have common structures on asylum and return and it will have a new strong solidarity mechanism.” The announced **New Pact on Migration is expected to be ruled out following a EU-wide debate** on the matter, **facilitated by the coinciding German presidency of the Council of the EU**. A first proposal on the reform of the EU migration policy is expected to be ruled out this week by the Commission.

The Dublin Regulation, adopted in 1990, but put into force seven years later, has already been reformed twice, last time in 2013. Purportedly created **in order to deter migrants to submit multiple asylum applications across Europe**, it stipulates that the **“first entry” state is responsible for receiving and evaluating the requests for international protection**. Along with the European Dactyloscopy (Eurodac) Regulation of 2003, which creates an EU-centralised asylum seekers database of fingerprints, it forms the **Dublin System (DS)**. DS, coupled with other EU-driven initiatives, such as **European Refugee Fund, Temporary Protection Directive and Family Reunification Directive**, forms the **Common European Asylum System (CEAS)**. CEAS has been criticised by both the European Council on Refugees and Exiles (ECRE) and the United Nations High Commissioner for Refugees (UNHCR) for failing to provide an effective and efficient protection. As a consequence, asylum seekers are forced to remain for longer periods of time, usually a matter of years, in border countries, waiting for their application to be processed and examined, before starting a real integration process.

Previously, some Central and Eastern European countries have rejected proposals to reform the Dublin System, proposals allegedly aiming to facilitate a faster relocation of asylum seekers from Mediterranean countries. **Czech Republic, Hungary, Poland and Slovakia fiercely opposed the temporary relocation schemes** - and quotas - proposed by the European Commission, quoting an **infringement of their national sovereignty, as well as the lack of economic resources to provide adequate integration programmes**. The Southern European countries of **Greece and Italy, as well as Spain and Malta, have similarly protested against the economic burdens posed by the Dublin Regulation**. The existing divergences - often exaggerated by the populist, right-wing agenda - have resulted in what some viewed as hostility toward migrants across the EU.

In fact, the **EU-Turkey Agreement**, reached in March 2016, provided EU with a **valuable opportunity** to create a buffer space in order to more **effectively control the migration flow**. In exchange, Turkey received a consistent financial disbursement, as well as a privileged relation with the Customs Union. The on-going **EU Emergency Trust Fund in Libya**, which works toward establishing an effective, EU-led, migration management and asylum system in the country, persuaded Europe that **creating buffer zones is a step forward in the right direction**. Externalising border control, however, **might only be part of the solution**.

Internally, a first major step has been achieved on June 5, when, **for the first time, Italy, Malta, Cyprus, Greece and Spain have presented a commonly agreed document to the European Commission**. The agreement envisages the compulsory relocation of all migrants across all the member states, yet without mentioning a clear methodology according to each of the member states' particulars. Secondly, it proposes a common disbursement system and, thirdly, it seeks to revoke any responsibility of the country of the first entry. Of course, it might be too early to say what additional arguments would persuade non-border countries to accept such provisions.

Of course, **developing a common political EU-wide answer regarding migration is just as important as strengthening the cooperation with the Middle Eastern and North African countries**. Whether agreeing on a common European solution for migration (for the members states) or supporting a human and humane migrants management system (for the Middle Easter and Northern African states), **the migrants will push – and perhaps redefine – the boundaries of sovereignty in 21st century**.

C.F.*

* The opinions expressed in this article are the author's own and do not reflect the official policy, position or view of the Romanian Institute for Europe-Asia Studies - IRSEA or any of its partners.