

Managing Mixed Migration: The Central Mediterranean Route to Europe

DESPERATE MIGRATION SERIES NO. 3

LISKA WITTENBERG



Cover Photo: Search-and-rescue operation by Belgian vessel as part of Operation Triton, June 23, 2015. Francesco Malavolta/Frontex.

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Suggested Citation:

Liska Wittenberg, "Managing Mixed Migration: The Central Mediterranean Route to Europe," New York: International Peace Institute, April 2017.

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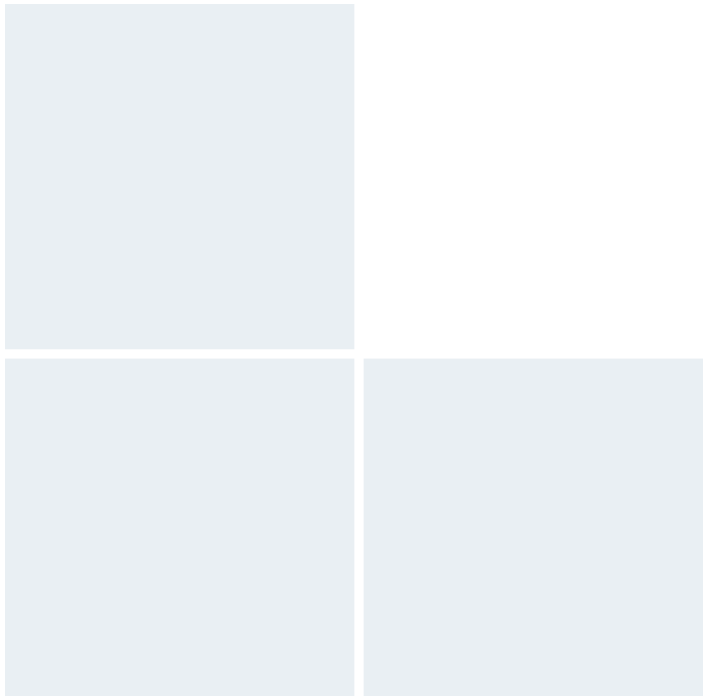
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ACKNOWLEDGEMENTS

IPI owes a debt of gratitude to its many donors for their generous support. The author would like to thank the IPI New York team for their endless support in realizing this project.



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Executive Summary

Every summer since 2014 has seen an increase in the number of refugees and migrants risking their lives to cross the Mediterranean Sea to Italy and Malta. While migration to Europe is not a new phenomenon, it has grown in scope, scale, and complexity. Refugees and migrants are increasingly fleeing together, and the distinction between them is not fixed—a phenomenon known as “mixed migration.” This increase in mixed migration is having a wide-ranging impact on countries of origin, transit, and destination, creating new and complex challenges for governments, humanitarian agencies, the European Union, and the international community at large.

Migrants and refugees take to the Central Mediterranean route both because they are driven from their country of origin (“push factors”) and because they are drawn to Europe (“pull factors”). However, deteriorating conditions—from armed conflict or lack of livelihood opportunities in countries of origin to forced detention or restrictions on rights in countries of transit—have made push factors more influential. This leads many migrants and refugees to undertake high-risk journeys in search of safety and security.

Libya, which remains the main gateway to Europe for those taking the Central Mediterranean route, demonstrates this phenomenon. Libya was once a major destination for sub-Saharan Africans and Arabs seeking livelihood opportunities. While many migrants and refugees still undertake dangerous journeys to Libya from across the region, deteriorating conditions and violence are increasingly pushing those arriving in the country across the Mediterranean. Most of these migrants and refugees arrive in Italy (and a smaller number in Malta), though thousands have died attempting the crossing in recent years.

The unprecedented number of arrivals to European shores has placed Italy and Malta under considerable strain and highlighted the weaknesses of the EU’s policies and operational responses to the migrant crisis. To address these shortcomings, in May 2015 the European Commission released

the European Agenda on Migration. Under this framework, the EU has launched a temporary emergency relocation scheme, initiated a “hotspot” approach to processing arrivals in Italy and Greece, expanded operations to rescue people at sea and to target human trafficking and smuggling, and launched a European Border and Coast Guard Agency. It has also adapted its legislative framework to move toward a Common European Asylum System.

Drawing from the insights presented in this paper, a number of lessons should inform policy discourse on how the EU and, more broadly, the international community can better respond to the challenges of mixed migration along the Central Mediterranean route:

- **Focusing on push factors:** Addressing the migration crisis in the long term will require greater examination of the factors that cause people to flee their countries of origin and to move on from transit countries or countries of first asylum.
- **Looking beyond border control:** While border control mechanisms can lead to shifts in migration routes, they do not stem overall movement, often leaving migrants and refugees with no choice but to travel via more dangerous paths.
- **Improving collaboration and solidarity:** While the European Commission has implemented some pragmatic and innovative ideas to manage the migration crisis, EU member states have failed to match its commitments and actions. Effective management requires increased collaboration and solidarity among all actors.
- **Bolstering rescue-at-sea operations:** Existing rescue-at-sea efforts need to be reinforced with the establishment of internationally supported, long-term protection mechanisms geared toward preventing deaths at sea.
- **Creating more legal alternatives:** Action has been limited on creating legal avenues through which migrants and refugees can enter the EU, which could help significantly reduce the size of irregular mixed migratory movements to Europe.

Introduction

Every summer since 2014 has seen an increase in the number of refugees and migrants fleeing war, violence, persecution, or poverty to cross the Mediterranean Sea to Italy and Malta. These movements have been defined by images of men, women, and children being pulled from the sea after having been crammed aboard unseaworthy vessels, usually operated by criminals. Many desperate refugees and migrants have lost their lives: in 2015 alone, 3,771 people died or went missing trying to reach European shores, and in 2016 this number reached 5,022, with over 90 percent occurring along the Central Mediterranean route.¹

While migration to Europe is not a new phenomenon, in recent years it has grown in scope, scale, and complexity. Limited options for regular movement have left both refugees and migrants with little choice but to undertake risky, clandestine journeys. As a result, refugees and migrants are increasingly fleeing together, seeking the same transit and destination points, using the same means of transportation, and traveling via the same routes. Moreover, the distinction between refugees and migrants along these routes is not fixed, with people setting out for a variety of reasons that sometimes change over the course of their journey.²

This increase in mixed migration is having a wide-ranging impact on countries of origin, transit, and destination. Transit countries are not only overwhelmed by the fast-growing number of people crossing their borders but also, like destination countries, are grappling with the short- and long-term challenges of managing and accommodating an increasingly large number of refugees and migrants. The mixed movement of people across and within transit and destination countries

has also created challenges related to social integration and, in Europe, given rise to a populist backlash against new arrivals. Furthermore, it is creating new and complex challenges for governments, humanitarian agencies, regional bodies such as the European Union, and the international community at large.

This paper focuses on mixed migration along the Central Mediterranean route, which reemerged as the world's deadliest maritime migration route in 2015 and again in 2016.³ In order to properly understand the sharp increase in mixed migration across the Mediterranean Sea since 2014, this paper will investigate its underlying causes, arguing that push factors have become more relevant than pull factors in driving mixed movements. The paper will then map the Central Mediterranean route, detailing both the conditions and process of the journey from countries of origin to departure points in North Africa and on to Italy and Malta. Finally, the report will examine European responses to mixed migration across the Mediterranean and their effectiveness, and conclude by offering lessons learned from the crisis.

The Changing Dynamics of Mixed Migration

The Central Mediterranean route refers to mixed migration from North Africa toward Italy and Malta. A combination of push and pull factors fuels migration across the Mediterranean Sea, illustrating the dynamic and highly adaptive nature of migratory movements. The Office of the UN High Commissioner for Refugees (UNHCR) estimates that 153,947 refugees and migrants arrived by sea to Italy and Malta in 2015, with the majority of people coming from Eritrea, Nigeria,

1 UN Refugee Agency (UNHCR), "Europe's Refugee Emergency Response Update #16, 18–31 December 2015," December 31, 2015, available at www.refworld.org/docid/56bda0bd4.html; UNHCR, "Mediterranean: Dead and Missing at Sea, January 2015–31 December 2016," available at <https://data2.unhcr.org/en/documents/download/52674>.

2 According to the UNHCR, "Refugees are persons fleeing armed conflict or persecution." Refugees are defined and protected by international law, most significantly by the 1951 Refugee Convention and its 1967 Protocol. One of the most fundamental principles laid down in international law is that of *non-refoulement*, which stipulates that "refugees should not be expelled or returned to situations where their life and freedom would be under threat." A commonly agreed upon legal definition of the term "migrant" does not exist at the international level and, as such, there are a variety of different understandings of the term. In this paper, migrants are understood as those who "choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to return." The distinction between refugees and migrants is important, because countries deal with migrants under their own laws and processes but with refugees under both national and international law. UNHCR, "UNHCR Viewpoint: 'Refugee' or 'Migrant'—Which Is Right?" July 11, 2016, available at www.unhcr.org/en-us/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html.

3 Human Rights Watch, "The Mediterranean Migration Crisis: Why People Flee, What the EU Should Do," June 19, 2015, available at www.hrw.org/report/2015/06/19/mediterranean-migration-crisis/why-people-flee-what-eu-should-do; UNHCR, "Mediterranean Death Toll Soars, 2016 Is Deadliest Year Yet," October 25, 2016, available at www.unhcr.org/news/latest/2016/10/580f3e684/mediterranean-death-toll-soars-2016-deadliest-year.html.

Somalia, Sudan, Gambia, and Syria (see Figures 1 and 2). In 2016 the number increased to 181,436, with most refugees and migrants arriving from Nigeria, Eritrea, Guinea, Côte d'Ivoire, and the Gambia.⁴

This movement is heavily influenced by a variety of interconnected factors, including immigration policies and border control in North Africa and Europe; shifts in the main countries of origin of refugees and migrants; changing social, political, economic, and environmental conditions in countries of origin, transit, and destination; weather and seasonal patterns; and the adaptability of smuggling networks.⁵ For example, in 2014 more than 170,000 refugees and migrants arrived in Italy and Malta along the Central Mediterranean route—almost four times as many as in 2013.⁶ This increase occurred as new border control measures around the Spanish exclaves of Ceuta and Melilla were implemented and Spanish and Moroccan authorities signed bilateral return agreements that pushed refugees and migrants away from the Western Mediterranean route and toward the Central Mediterranean route.⁷

One year later, arrivals in Greece soared to over 850,000—a marked increase from 50,000 in 2014, while the number of arrivals in Italy and Malta slightly decreased to around 150,000 (see Figure 3).⁸ These migratory shifts can be explained by a combination of factors, including the deteriorating political and security situation in Libya, increasingly poor conditions in countries of transit and first asylum, lax border control in transit and destination countries, and the perception that the Eastern Mediterranean route was relatively safer. The shift in Syrian refugees from the Central Mediterranean to the Eastern Mediterranean route was particularly dramatic—between 2014 and 2016, the number of Syrians traveling by sea to Italy and Malta dropped from over 42,400 to just 1,200.

Since the EU-Turkey migrant agreement in early 2016 led to increased border control measures on the Eastern Mediterranean route, migration along that route has dropped almost fivefold, while migration along the Central Mediterranean route has held relatively steady (see Figure 3).

Refugees and migrants taking the Central Mediterranean route can be categorized into three very broad groups: (1) those with protection claims, including many Syrians and Eritreans; (2) those fleeing instability or violence in their countries of origin who may not qualify for refugee status but would still be vulnerable or at risk if they returned, including many Somalis; and (3) those leaving their countries of origin in search of greater economic opportunity, including many West Africans.⁹ While these categories help to determine the push and pull factors involved in mixed migration, it is important to note that individuals often have various motivations for moving and may not fit neatly into a single category. Even for those fleeing violence and persecution, it is sometimes difficult to fulfill the legal criteria for claiming asylum.

Similarly, the fast-changing dynamics of migration create fluidity in the labeling of a country as one of “origin,” “transit,” or “destination.” For example, Sudan is considered a country of origin, transit, and destination. Libya, which has historically been a major destination for sub-Saharan migrants, has recently become a major transit country along the Central Mediterranean route for refugees and migrants fleeing violence and instability in the Middle East, Eritrea, Nigeria, and Sudan. The increase in the number of refugees and migrants using Libya as a departure point into Europe can partly be explained by the country’s security and political environment, which has created fertile ground for human smuggling and trafficking.

4 UNHCR, “Mediterranean Arrival Data 2017,” February 23, 2017, available at <https://data2.unhcr.org/en/documents/details/53876>.

5 Caitlin Katsiaficas, “Asylum Seeker and Migrant Flows in the Mediterranean Adapt Rapidly to Changing Conditions,” Migration Policy Institute, June 22, 2016, available at www.migrationpolicy.org/article/asylum-seeker-and-migrant-flows-mediterranean-adapt-changing-conditions.

6 UNHCR, “Mediterranean Arrival Data 2017.”

7 International Organization for Migration (IOM) and Altai Consulting, *Migration Trends across the Mediterranean: Connecting the Dots*, June 2015, available at <https://publications.iom.int/books/migration-trends-across-mediterranean-connecting-dots>; CEPS, *EU-Morocco Cooperation on Readmission, Borders and Protection: A Model to Follow?*, January 22, 2016, available at www.ceps.eu/publications/eu-morocco-cooperation-readmission-borders-and-protection-model-follow.

8 UNHCR, “Mediterranean Arrival Data 2017.”

9 Natalia Banulescu-Bogdan and Susan Fratzke, “Europe’s Migration Crisis in Context: Why Now and What Next?” Migration Policy Institute, September 24, 2015, available at www.migrationpolicy.org/article/europe-migration-crisis-context-why-now-and-what-next.

Figure 1. Monthly arrivals by sea to Italy and Malta



Figure 2. Main nationalities of people arriving by sea to Italy and Malta

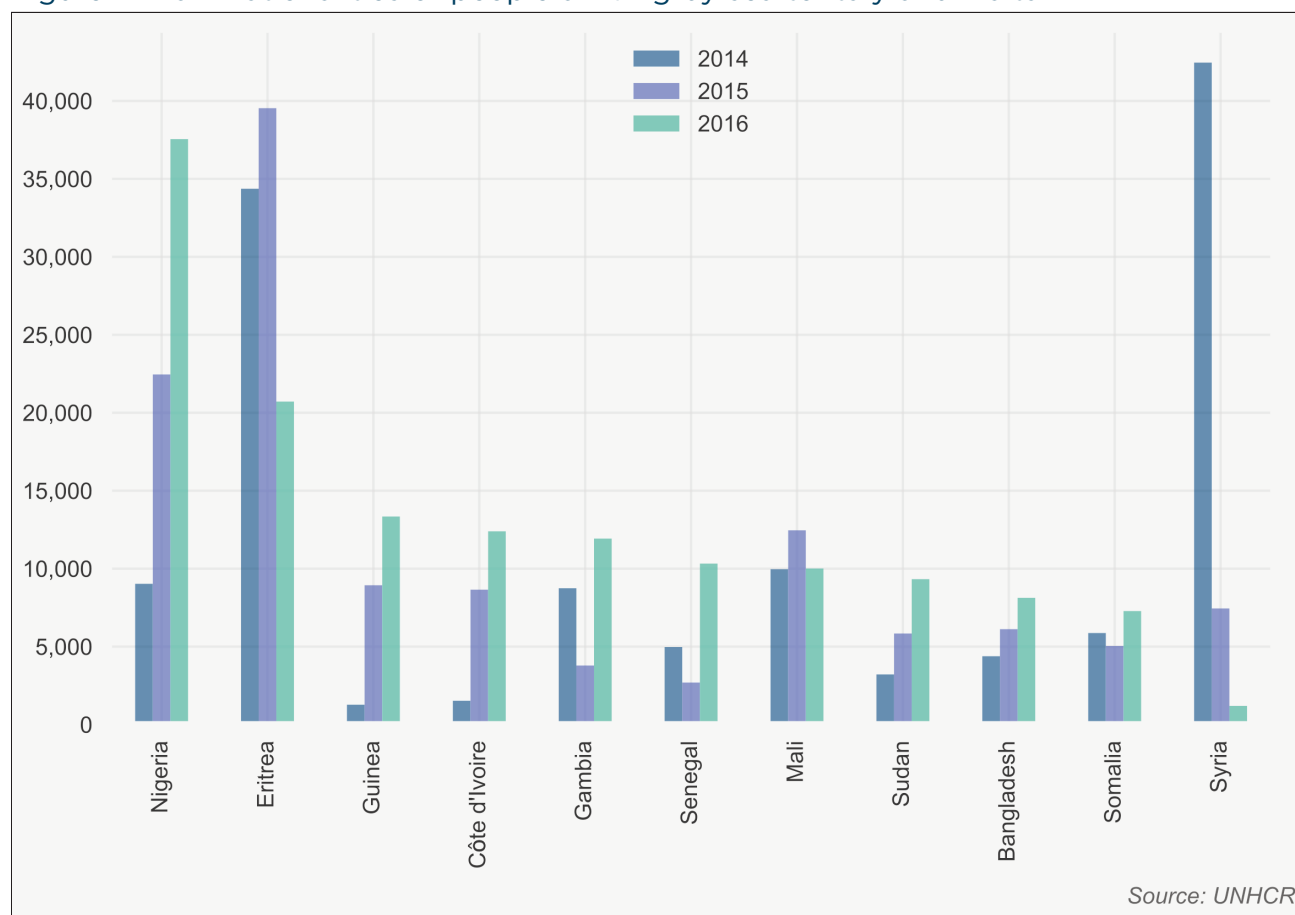
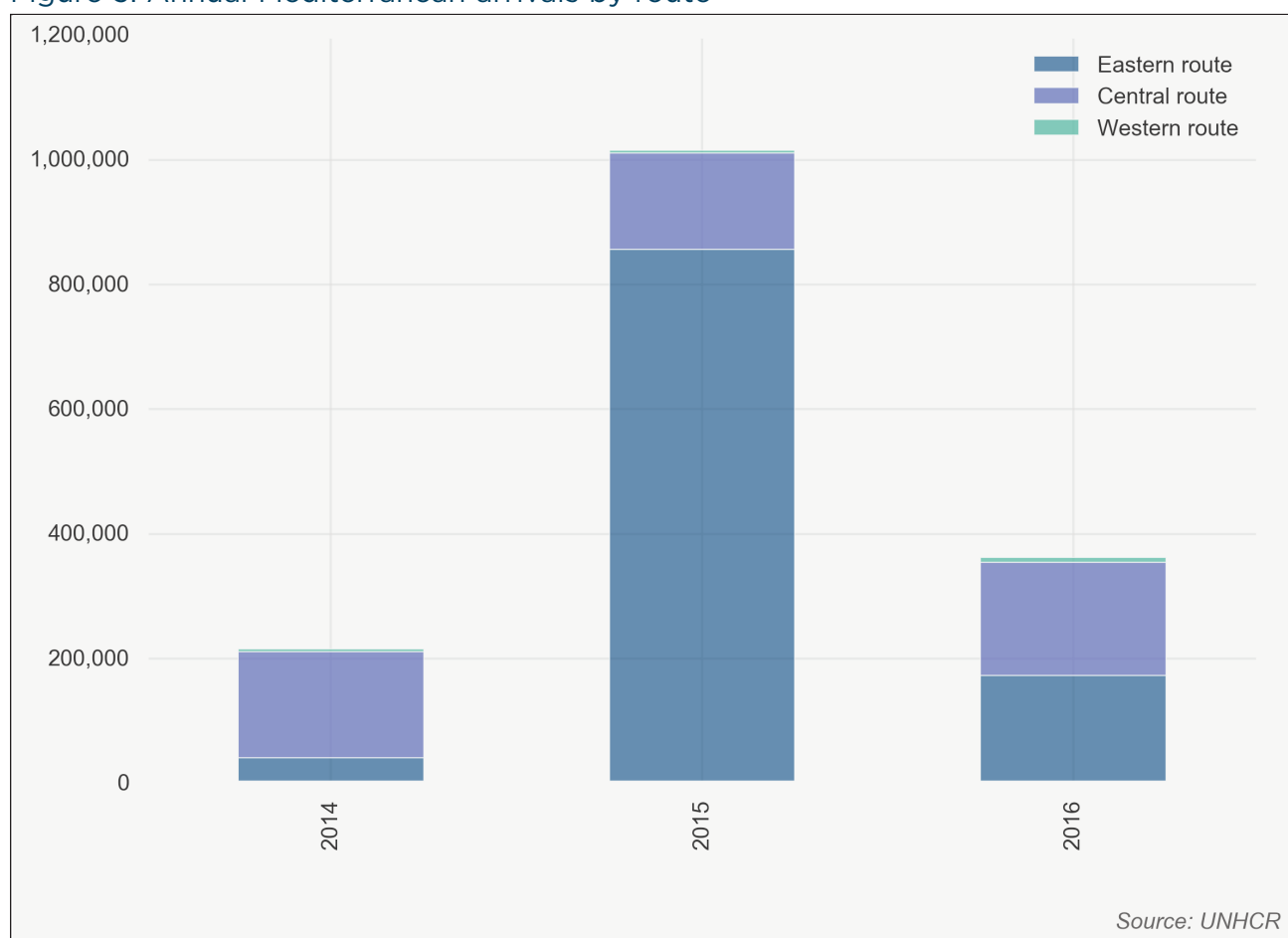


Figure 3. Annual Mediterranean arrivals by route¹⁰

PUSH FACTORS

Factors pushing refugees and migrants from countries of origin toward the Central Mediterranean route include armed conflicts and situations of generalized violence, fear of political or religious persecution, political instability, human rights violations, chronic poverty, lack of economic opportunity, and natural or human-made disasters. Conditions in countries of first asylum, including lack of legal protection, lack of economic opportunities, and violence, also contribute to the onward movement of refugees and migrants toward Europe.

Conditions in Countries of Origin

While a number of armed conflicts and situations of political instability influence migratory trends

toward and along the Central Mediterranean route, those in Syria, Somalia, Eritrea, and Nigeria have contributed most significantly to the unprecedented number of refugees and migrants moving toward Europe in recent years.

The Syrian civil war, which has now entered into its sixth year, has left approximately 13.5 million people in need of humanitarian assistance, more than 6 million internally displaced, and over 470,000 dead.¹¹ The protracted conflict in Somalia also continues to displace large numbers of people, and more than 2 million Somalis remain displaced, both inside and outside the country's borders.¹² Syrians represented the largest group of sea arrivals in Italy in 2014, and Somalis were the third largest group in 2015. However, the Central Medi-

¹⁰ UNHCR, "Monthly Sea Arrivals to Italy, Malta, and Spain Jan 2016," February 26, 2016, available at <https://data2.unhcr.org/en/documents/details/47042>; UNHCR, "Mediterranean Arrival Data 2017," February 23, 2017, available at <https://data2.unhcr.org/en/documents/details/53876>.

¹¹ UNHCR, "Syrian Emergency," 2017, available at www.unhcr.org/syria-emergency.html; Human Rights Watch, "World Report 2016," 2017, available at www.hrw.org/world-report/2017/country-chapters/syria.

¹² UNHCR, "Refugees in the Horn of Africa: Somali Displacement Crisis," available at <http://data.unhcr.org/horn-of-africa/regional.php>.

terranean route has seen a decline in movement from both countries, particularly from Syria; in 2016 just 0.6 percent of sea arrivals to Italy were from Syria, with most having shifted to the Eastern Mediterranean route.

At the same time, migration from Eritrea along the Central Mediterranean route has remained consistently high between 2014 and 2016. In Eritrea, ongoing human rights abuses, a dire economic situation, and the threat of indefinite military conscription caused over 5 percent of the country's population to flee by 2014;¹³ more than 34,000 Eritreans arrived in Italy in 2014, representing the second largest group. The number of Eritreans moving via the Central Mediterranean route increased to over 39,000 in 2015 (the largest group of sea arrivals to Italy and over 25 percent of the total), and dropped to around 20,000 in 2016 (the second largest group and 11 percent of the total).¹⁴

Nigerians have represented the sharpest increase in arrivals to Italy over the past three years. Nigeria is plagued by a long history of political and communal violence, and its security environment has remained volatile, with ongoing insurgencies in the north leading to more than 2.5 million internally displaced people by the end of 2015.¹⁵ By 2016, 21 percent of all arrivals to Italy via the Central Mediterranean route originated from Nigeria, a 68 percent increase from the year before, making Nigerians the largest group.¹⁶

However, only 21 percent of Nigerians were granted asylum in Europe (refugee status, subsidiary protection, or humanitarian protection) in the third quarter of 2016. This contrasts with Syrians (98 percent recognition rate in the same period), Eritreans (90 percent), and Somalis (63 percent),¹⁷ reflecting the fact that many Nigerians are migrating for reasons other than violence, including lack of economic opportunity at home. Indeed, an increase in sea arrivals to Italy from

across West Africa in 2016—including from Guinea, Côte d'Ivoire, the Gambia, Senegal, and Mali—reflects the growing importance of socioeconomic conditions as a push factor driving people toward the Central Mediterranean route.

Conditions in Countries of First Asylum

In addition to the push factors in countries of origin, a number of factors have contributed to refugees and migrants moving on from their countries of first asylum in the journey toward Europe. These include lack of legal protection, deteriorating socioeconomic conditions, and violence.

Those who have made it to Libya, for example, are often driven onward by violence. Surveys of refugees and migrants who had arrived in Italy by crossing the Mediterranean indicate that more than a third left Libya because they feared for their lives. Of those surveyed, 65 percent reported witnessing migrant deaths during their journey; 44 percent of these were reported in Libya, of which 82 percent were attributed to physical abuse, including execution, torture, beating, starvation, dehydration, or denial of medical attention while in detention.¹⁸

In many receiving countries, particularly those bordering Syria, high levels of migration have had a serious impact on the socioeconomic, political, and security situation. As of March 2017, more than 4.9 million Syrian refugees were registered with UNHCR, and almost all were hosted by neighboring countries. Turkey has taken in over 2.9 million Syrian refugees, Lebanon is hosting more than 1 million, and Jordan is accommodating over 600,000.¹⁹ The demographic shock of absorbing such a large number of refugees can place strain on public services and resources, decrease investment, depress the wages of unskilled workers, and potentially undermine social and political stability.²⁰

13 Human Rights Watch, "The Mediterranean Migration Crisis: Why People Flee, What the EU Should Do," June 2015, available at www.hrw.org/report/2015/06/19/mediterranean-migration-crisis/why-people-flee-what-eu-should-do.

14 UNHCR, "Monthly Sea Arrivals to Italy, Malta, and Spain Jan 2016" and "Mediterranean Arrival Data 2017."

15 Human Rights Watch, "World Report 2016," 2017, available www.hrw.org/world-report/2017/country-chapters/nigeria.

16 UNHCR, "Mediterranean Arrival Data 2017."

17 Eurostat, "Asylum Quarterly Report," December 14, 2016, available at http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report.

18 Mixed Migration Hub, "Survey Snapshot: Italy," January 2017, available at www.mixedmigrationhub.org/wp-content/uploads/2017/02/Italy-MHub-Survey-Snapshot-Jan-2017.pdf.

19 UNHCR, "Syria Regional Refugee Response," March 15, 2017, available at <http://data.unhcr.org/syrianrefugees/regional.php>.

20 Uri Dadush and Mona Niebuhr, "The Economic Impact of Forced Migration," Carnegie Endowment for International Peace, April 22, 2016, available at <http://carnegieendowment.org/2016/04/22/economic-impact-of-forced-migration-pub-63421>.

This strain, as well as rising security concerns related to mixed movements, have led a number of countries to change their policies toward refugees. Some have partially restricted entry or have closed border-crossing points, which has resulted in further onward movement. For example, Jordan began restricting border crossings in 2012 and closed the entire border area in 2016, leaving 75,000 Syrians stranded.²¹ In 2014 Lebanon barred new refugees and increased the requirements for obtaining and renewing residence permits,²² and in May 2015 it instructed the UNHCR to suspend the registration of Syrian refugees within its borders.²³

Refugees already within countries of first asylum are further targeted by discriminatory measures, including restrictions on access to public services such as free healthcare. In some countries, they also face policies that restrict movement beyond refugee camps. In Jordan, for example, a “bailout” policy stipulated that refugees must live in camps rather than cities until they could provide proof of Jordanian sponsorship by a direct relative over the age of thirty-five, leaving refugees living in camps with little opportunity to move to other areas in the country.²⁴

In addition, several countries hosting large refugee populations do not recognize the full legal status of refugees and the rights they are entitled to under the 1951 Refugee Convention.²⁵ Libya, Lebanon, and Jordan have not signed the convention, and while Turkey is a signatory, it adopted the convention with geographical limitations: it is only required to provide protection to refugees originating from Europe, while non-European refugees are only eligible for temporary asylum.²⁶

Lack of socioeconomic opportunity is a major push factor not only in countries of origin but also in countries of first asylum. A growing number of Syrians list lack of educational opportunities in countries like Lebanon and Jordan—whether basic education for children or continuing education for adults—as a key factor in their decision to move onward to Europe.²⁷ In Sudan, lack of economic opportunity in and around refugee camps has led many Eritrean refugees to move onward through smuggling networks.²⁸

The number of people on the move continues to overwhelm humanitarian actors, placing further strain on resources in host countries. Aid shortfalls have become common, as in Jordan when the World Food Program had to cut 229,000 refugees from food assistance in 2015.²⁹ At the same time, the international community has failed to implement any meaningful system to share the burden of migration more evenly; developing regions currently host 86 percent of the world’s refugees.³⁰ With aid shortfalls further increasing long-term vulnerability, many refugees and migrants travel onward in search of greater stability, only to arrive in Europe impoverished, having drained their resources along the way.

PULL FACTORS

In addition to being “pushed” out of their countries of origin, migrants and refugees are often “pulled” toward Europe to pursue increased opportunities for long-term employment, to reunite with their family, or to gain improved access to education. But with refugees fleeing violence, persecution, and instability increasingly following the same routes as migrants seeking greater livelihood opportunities,

21 Amnesty International, “Jordan: Risk of Humanitarian Disaster as 12,000 Refugees from Syria Stranded in ‘No Man’s Land,’” December 9, 2015, available at www.amnesty.org/en/latest/news/2015/12/jordan-risk-of-humanitarian-disaster-as-12000-refugees-from-syria-stranded-in-no-mans-land/; Dana Khraiche and Mohammad Tayseer, “Jordan Closes Border Area with Syria to Limit Refugee Influx,” Bloomberg, October 6, 2016, available at www.bloomberg.com/news/articles/2016-10-06/jordan-closes-border-area-with-syria-to-limit-refugee-influx.

22 Philippe Fargues, “2015: The Year We Mistook Refugees for Invaders,” Migration Policy Centre, December 2015, available at http://cadmus.eui.eu/bitstream/handle/1814/38307/Policy_Brief_2015_12.pdf?sequence=1&isAllowed=y.

23 UNHCR, “Syria Regional Refugee Response.”

24 CARE, Danish Refugee Council, International Rescue Committee, Norwegian Refugee Council, Oxfam, Save the Children, and World Vision, “Right to a Future: Empowering Refugees from Syria and Host Governments to Face a Long-Term Crisis,” November 9, 2015, available at www.oxfamamerica.org/explore/research-publications/right-to-a-future-empowering-refugees-from-syria-and-host-governments-to-face-a-long-term-crisis/.

25 Human Rights Watch, “EU Policies Put Refugees at Risk: An Agenda to Restore Protection,” November 23, 2016, available at www.hrw.org/news/2016/11/23/eu-policies-put-refugees-risk.

26 Wendy Zeldin, “Refugee Law and Policy: Turkey,” US Library of Congress, March 2016, available at www.loc.gov/law/help/refugee-law/turkey.php.

27 Danish Refugee Council, “Going to Europe: A Syrian Perspective,” 2016, available at <https://drc.dk/media/2126540/drc-going-to-europe-report-pdf.pdf>.

28 Ahmed Saeed, “Sudan’s Eritrean Refugees Flee for ‘Money and Freedom,’” Al Jazeera, July 3, 2015, available at www.aljazeera.com/news/2015/06/sudan-eritrean-refugees-flee-money-freedom-150629114157143.html.

29 Ariane Rummery, “Worsening Conditions inside Syria and the Region Fuel Despair, Driving Thousands towards Europe,” UNHCR, September 8, 2015, available at www.unhcr.org/news/latest/2015/9/55eed5d66/worsening-conditions-inside-syria-region-fuel-despair-driving-thousands.html.

30 UNHCR, *Global Trends: Forced Displacement in 2015*, 2016, available at <http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>.

the importance of these pull factors has diminished in relation to the factors pushing people out of their countries.³¹ Moreover, some countries that migrants once sought out as attractive destinations—notably Libya—no longer exert the pull they once did. Increased opportunity for movement through greater access to smuggling networks has also influenced the nexus of push and pull factors.

Libya: A Gateway to Europe

Historically, Libya has been a destination country for migrants and refugees from other Arab countries and sub-Saharan Africa due to the economic opportunities it presented and liberal migration policies. In the 1990s, for example, as part of a policy of pan-Africanism, the Gaddafi regime allowed sub-Saharan Africans to enter the country without visas.³² As a result, the country developed a reputation as an attractive destination for migration, and smuggling networks proliferated even after migration policies tightened in the 2000s.³³ Despite political stability and a decrease in economic opportunities since the fall of the Gaddafi regime, Libya remains a destination country for many migrants.³⁴

For others, however, Libya is not a destination but a gateway to Europe. Libya's geographic location makes it an ideal platform for refugees and migrants to depart across the Mediterranean. The country's Mediterranean coastline is 1,770 kilometers long, and it shares more than 4,300 kilometers of land borders with Algeria, Chad, Egypt, Niger, Sudan, and Tunisia. The Sahara Desert makes up an estimated 90 percent of the country, which makes border control a serious challenge, particularly since the collapse of a functioning central government in 2011. Libya's borders with Chad, Niger, and Sudan, for example, are theoretically only open to nationals of those countries; in reality, however, they are partially controlled by tribes who

often allow free movement across the borders.³⁵ In comparison to other countries in the region like Tunisia and Morocco, Libya's weak state institutions make it an attractive hub for smuggling refugees and migrants.

The Attraction of Europe

Prospects of a better life draw many refugees and migrants to Europe. Syrian refugees, for example, have varied but high expectations of life in Europe, including access to language classes, employment opportunities, healthcare, education and training opportunities, and government-provided accommodation. They also expect that governments will protect their human rights and dignity. However, many also feel hesitant to migrate due to the risks of the journey, as well as fears regarding differences in culture, tradition, and language.³⁶

Refugees and migrants receive most information about Europe from family and friends who have previously made the journey. The presence of existing social networks can also contribute to onward movement, with many refugees and migrants arriving in the EU in search of family members.³⁷ The EU Directive on Family Reunification, which lays out the right to family reunification for third-country nationals, further encourages movement.³⁸

Moreover, as previously mentioned, certain groups, including those from Syria and the Horn of Africa, have a high refugee recognition rate in Europe, which acts as a pull factor for those considering the journey. For example, 98 percent of asylum applications submitted by Syrians in the third quarter of 2016 were granted, as were 90 percent of those submitted by Eritreans. In 2015 Malta had the second highest positive decision rate for asylum applications in the EU (84 percent).³⁹

In an effort to reduce support for rescue-at-sea operations, many EU states have argued that they

31 Altai Consulting, "Migration Trends across the Mediterranean: Connecting the Dots," IOM, June 2015, available at https://publications.iom.int/system/files/altai_migration_trends_across_the_mediterranean.pdf.

32 Migration Policy Centre, "Migration Profile: Libya," June 2013, available at www.migrationpolicycentre.eu/publications/migration-profiles-fact-sheets/.

33 Mattia Toaldo, "Migrations through and from Libya: A Mediterranean Challenge," Istituto Affari Internazionali, May 2015, available at www.osce.org/networks/newmedtrackII/166526?download=true.

34 International Organization for Migration, "Most Migrants in Libya Intend to Stay, Not Heading for Europe," November 22, 2016, available at www.iom.int/news/most-migrants-libya-intend-stay-not-heading-europe.

35 Altai Consulting, "Mixed Migration: Libya at the Crossroads," UNHCR, 2013, available at www.refworld.org/pdfid/52b43f594.pdf.

36 Danish Refugee Council, "Going to Europe: A Syrian Perspective."

37 Ibid.

38 European Council, *Council Directive 2003/86/EC on the Right to Family Reunification*, September 22, 2003.

39 Eurostat, "Asylum Quarterly Report," December 14, 2016.

act as a pull factor toward Europe. As a result, while Operation Mare Nostrum, the Italian-led rescue-at-sea operation, was credited with saving thousands of lives, it was put to an end in December 2014 and succeeded by smaller EU-led operations. These operations were allocated fewer resources, were more focused on border control, and had limited rescue capacity.⁴⁰ However, this did not reduce the number of refugees and migrants attempting the crossing; the number actually increased following Mare Nostrum's termination. While the relationship between rescue-at-sea operations and smuggling routes is complex and contentious,⁴¹ humanitarian organizations argue there is no evidence that these operations serve as a pull factor for migration.⁴²

Traveling the Central Mediterranean Route

Refugees and migrants receive information about the Central Mediterranean route from a variety of sources, including their communities, those who have previously made the journey, and individuals and groups they meet at particular points en route or in major transit hubs. New information and communication technologies, along with social media platforms, facilitate access to and spread of information across and throughout networks. Migrants and refugees who reach Europe often call, text, or use social media to contact those in Libya, who in turn often call family and friends in their country of origin and relay information about their journey. This information then spreads throughout the relevant community.⁴³

Despite the existence of these networks, studies have shown that many refugees and migrants begin

their journey with little information on what to expect, partly because they often do not want to hear of the risks involved, instead focusing on how those who have made the journey are making a living. Moreover, those who have reached Europe rarely send negative information home, often because there is a certain level of pressure on them to succeed, which can create unrealistic expectations of life in Europe. Studies also show that information often flows less fluidly among refugees than migrants, largely because they flee their countries with little time to plan, tend to have less access to technology, and often have limited means of communication while living in refugee camps, in detention, or in hiding.⁴⁴

The conditions of the journey from North Africa to Europe via the Central Mediterranean route vary according to the route taken, the time of the year, the security situation, political developments, and the smugglers used. Food tends to be the responsibility of the individual, while it is generally expected that smugglers will provide water, though they often do not provide enough. This, combined with high temperatures, preexisting malnutrition, and confined modes of transport, can often cause migrants and refugees to fall sick, sometimes leading smugglers to abandon them.⁴⁵

Human smuggling between North Africa and Europe is carried out through sophisticated transnational networks, in which organized criminal groups and individuals make large profits moving thousands of men, women, and children.⁴⁶ Vulnerable groups using smuggling services run a high risk of falling into human trafficking, which can lead to kidnapping, detention, and various forms of abuse, such as sexual exploitation.⁴⁷ Over the past several years the number of victims of

40 Frontex, "Annual Risk Analysis 2015," 2015, available at http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf.

41 See Duncan Robinson, "EU Border Force Flags Concerns over Charities' Interaction with Migrant Smugglers," *Financial Times*, December 15, 2016, available at www.ft.com/content/3e6b6450-c1f7-11e6-9bca-2b93a6856354; and Aurélie Ponthieu, "Bounties Not Bodies: Smugglers Profit from Sea Rescues though No Clear Alternative Available," MSF, 2016, available at <http://msf-analysis.org/bounties-not-bodies-smugglers-profit-sea-rescues-though-no-clear-alternative-available/>.

42 International Organization for Migration, "IOM Applauds Italy's Live-Saving Mare Nostrum Operation: 'Not a Migrant Pull Factor,'" October 31, 2014, available at www.iom.int/news/iom-applauds-italys-life-saving-mare-nostrum-operation-not-migrant-pull-factor.

43 Altai Consulting, "Migration Trends across the Mediterranean: Connecting the Dots," and "Mixed Migration: Libya at the Crossroads."

44 Ibid.

45 Ibid.

46 Altai Consulting, "Irregular Migration between West Africa, North Africa and the Mediterranean," IOM, 2015, available at www.altaiconsulting.com/insights/irregular-migration-between-west-africa-north-africa-and-the-mediterranean/.

47 It is important to note the difference between smuggling and trafficking. Smuggling is defined as "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident." Trafficking is defined as "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime*, 2000, Art. 3(a).

trafficking along the Central Mediterranean route has increased greatly. Between 2013 and 2014 alone, the number of women arriving in Italy who identified as victims of sex trafficking increased by over 300 percent.⁴⁸ There have also been reports that traffickers kidnapping refugees and migrants have used torture in an attempt to extract higher ransom payments, especially in Libya.⁴⁹

ROUTES TO NORTH AFRICA

The East Africa route to Libya is most often used by refugees and migrants originating from Ethiopia, Eritrea, Somalia, and Sudan (see Figure 4). Along this route, Ethiopia and Sudan have emerged as important transit countries due to their well-established migration routes and advanced smuggling networks. For example, refugees and migrants departing from Somalia and Somaliland often head toward Addis Ababa, Ethiopia, where they are joined by people originating from Ethiopia and Eritrea, to find a smuggler to take them to Khartoum, Sudan.⁵⁰ Once in Khartoum, they tend to either stay or move directly on to Libya—a relatively easy crossing due to lax border control since 2012. The level of risk can quickly change due to political developments, which causes frequent fluctuations in the specific routes used.⁵¹

Migrants and refugees from West Africa often pass through Mali or Niger and then continue on to Libya, sometimes via Algeria. These routes are complex and long and, as a result, must take place in stages. Many make the journey from Mali to Agadez in Niger by bus, which is relatively easy due to free movement policies within the Economic Community of West African States (ECOWAS).⁵² Niger has become the most common transit country for refugees and migrants from West and Central Africa, with an estimated 120,000 to 150,000 people expected to have crossed through the country in 2016 alone.⁵³ It has been estimated that more than half of all West African refugees

and migrants who reached the Italian island of Lampedusa in 2014 passed through Agadez (an estimated 80,000).⁵⁴ Refugees and migrants arriving in Algeria from Niger or Mali have the option of departing from the Algerian coast to Europe or moving on to Libya. Most depart from Libya, as greater controls in northern Algeria increase the risk of apprehension. A less frequently used but important alternative route to Libya is through Chad, which is most often used by Chadians, western Sudanese, and Cameroonians.⁵⁵

Those fleeing Syria use land, sea, and air routes (mostly from Jordan) to arrive in North Africa. Before 2013, Algeria, Libya, and Egypt did not require visas for Syrians, making travel by air a possibility. However, the number of Syrians arriving by air to Libya decreased following the outbreak of violence and the closure of the Tripoli airport in 2014, with some flying instead to Sudan, which still does not require visas. Syrians arriving in Egypt who are planning to move onward to Europe either depart directly from the coast or travel to Libya and then depart to Europe.⁵⁶ As previously mentioned, however, the number of Syrians taking the Central Mediterranean route has drastically decreased since its peak in 2014.

Once refugees and migrants arrive in Libya, most head north to the coastline where more employment opportunities exist. Many continue to use smugglers within Libya due to the number of checkpoints that have to be crossed,⁵⁷ though there are few reports of detention and deportation along the routes heading north. The deteriorating security environment, however, is a constant risk factor, leading to the proliferation of criminal networks and armed groups, including some that have pledged allegiance to the so-called Islamic State. Many refugees and migrants are subject to human rights abuses, including arbitrary detention, torture, forced labor, and sexual

48 Altai Consulting, "Migration Trends across the Mediterranean: Connecting the Dots."

49 Altai Consulting, "Mixed Migration: Libya at the Crossroads."

50 Ibid.

51 Ibid.

52 Altai Consulting, "Irregular Migration between West Africa, North Africa and the Mediterranean."

53 Maggie Fick, "Niger Asks EU for €1bn to Stem Migrant Flow," *Financial Times*, May 4, 2016, available at www.ft.com/content/fd2c92e2-11d0-11e6-91da-096d89bd2173.

54 Mixed Migration Hub, "Mixed Migration Trend Report," August 2015, available at www.mixedmigrationhub.org/wp-content/uploads/2015/09/MHub-Trend-Bulletin-August-2015.pdf.

55 Altai Consulting, "Mixed Migration: Libya at the Crossroads."

56 Altai Consulting, "Migration Trends across the Mediterranean: Connecting the Dots."

57 Ibid.

violence.⁵⁸

The sea crossing from Libya to Europe is undertaken through smugglers. Refugees and migrants are usually sent to a port located between Tripoli and the Tunisian border. However, departure points are flexible, moving along the coast depending on the level of controls. Once weather and security conditions allow for the crossing, refugees and migrants board dinghies, which are almost always unsafe and overcrowded, and leave during the night to avoid detection. The journey across the sea to Italy or Malta generally lasts between two and six days but can often take longer if boats drift off course. This sea journey can have a lasting impact on survivors, both physically and mentally.⁵⁹

Even though Libya remains the main departure point for refugees and migrants from North Africa to Italy (90 percent in 2016), the number of boat departures from Egypt has increased (an estimated 6 percent of arrivals to Italy in 2016 departed from Egypt).⁶⁰ Most departure points are close to Alexandria, but as in Libya, they shift depending on the level of controls. However, the political situation is much more stable in Egypt, and strict exit conditions have led to high detention rates (3,025 people arrested in 2014, most of whom were released).⁶¹

ENTRY POINTS TO THE EUROPEAN UNION

Italy and Malta are the main destination countries for refugees and migrants using the Central Mediterranean route. However, in the past two years many refugees and migrants have also chosen to move onward once reaching Europe, particularly to Germany, Sweden, and the United Kingdom.

Arrival trends in Malta and Italy are influenced by geopolitical and security shifts in the Mediterranean region. For example, following the collapse of the regimes in Libya and Tunisia in 2011, arrivals to Malta and Italy increased. A

combination of interrelated factors led to increased arrivals in 2014, with over 170,000 people arriving in Italy by sea.⁶² In the same year, Malta saw a decrease in arrivals that was partially attributed to the implementation of Operation Mare Nostrum, which meant those rescued at sea were brought to Sicily instead. In 2015 migratory movement shifted toward the Eastern Mediterranean route, which curbed the flow of arrivals to both Italy and Malta. However, by December 2015, sea arrivals in Italy had risen by 43 percent in comparison to the year before (see Figure 3).⁶³

As member states of the European Union, both Malta and Italy are signatories to the 1951 Convention Relating to the Status of Refugees, and both uphold the European Convention on Human Rights. While asylum standards apply uniformly across the EU based on the Common European Asylum System, shared values, and the principle of solidarity, how one country receives and processes refugees and migrants is based on national law and therefore differs between member states.

Entry Point Malta

While the number of sea arrivals in Malta has dropped steeply (from 568 in 2014, to 105 in 2015, to 0 in 2016) Malta (together with Sweden) received the highest number of refugees relative to its population among high-income countries in 2015 (17 per 1,000).⁶⁴

Under Malta's Refugees Act and Procedural Standards in Examining Applications for Refugee Status Regulations, which are overseen by the Office of the Refugee Commissioner, two types of international protection can be granted to applicants: refugee status and subsidiary protection status. In addition, Malta offers temporary humanitarian protection, which applies to those who do not qualify for other forms of protection but cannot be sent home on medical grounds, on humanitarian grounds, or because they are an unaccompanied minor.⁶⁵

58 UN Support Mission in Libya and Office of the UN High Commissioner for Human Rights, "Detained and Dehumanised: Report on Human Rights Abuses against Migrants in Libya," December 13, 2016, available at www.ohchr.org/Documents/Countries/LY/DetainedAndDehumanised_en.pdf.

59 Altai Consulting, "Migration Trends across the Mediterranean: Connecting the Dots."

60 UNHCR, "Desperate Journeys: Refugees and Migrants Entering and Crossing Europe via the Mediterranean and Western Balkan Routes," February 2017, available at www.unhcr.org/58b449f54.pdf.

61 Altai Consulting, "Migration Trends across the Mediterranean: Connecting the Dots."

62 Ibid.

63 UNHCR, "Monthly Sea Arrivals to Italy, Malta, and Spain Jan 2016."

64 UNHCR, "Global Trends: Forced Displacement in 2015" and "Mediterranean Arrival Data 2017."

65 UNHCR, "Temporary Humanitarian Protection," January 27, 2011, available at www.unhcr.org/mt/component/content/article/234.

Until recently, Maltese law deemed any person entering Malta without a valid visa a “prohibited migrant.” This meant that most asylum seekers, including unaccompanied minors, were detained upon arrival. This practice was criticized by UNHCR and other humanitarian organizations for not meeting human rights and refugee law standards. Maltese authorities also faced pressure to adequately incorporate the amended EU Reception Conditions Directive of 2013 (Dublin III) and several judgments by the European Court of Human Rights into national legislation.⁶⁶

Malta has since revised its legal and policy framework, incorporating a number of changes aimed at improving reception standards and the treatment of refugees. Since 2014, families arriving with children are no longer detained upon arrival. In 2015 revised legislation stopped immediate and mandatory detention of all individuals who arrive in Malta by irregular means. The revised legislation also provides for a reception facility that oversees admission and delivery of services by NGOs and assists with assessing vulnerability, determining the legal grounds for detention, exploring alternatives to detention, and establishing safeguards for individuals who face the possibility of forced return.⁶⁷

However, concerns remain that these safeguards are insufficient. Under the new legal framework, migrants are still initially detained for around 70 hours, but this period sometimes extends beyond seven days for health reasons. In addition, the legal grounds for detention remain vague, which increases the potential for arbitrary detention.⁶⁸

Entry Point Italy

Italy is the main destination country for refugees and migrants traveling on the Central Mediterranean route, largely because it lies on the European mainland, enabling onward movement to other EU member states. Italy also transfers

refugees and migrants who arrive on the island of Lampedusa to the mainland for processing. Lampedusa, which marks Italy’s southernmost border, is only 220 kilometers from Libya. Other points of entry used by refugees and migrants include the islands of Sicily and Sardinia and the mainland regions of Calabria and Puglia.

Italy is one of the few European countries to include a right to asylum in its constitution. As in Malta, asylum seekers can be granted refugee status, subsidiary protection status, or temporary humanitarian protection. Under Italian law, those granted refugee status receive a residence permit that is valid for five years and is renewable. Those granted subsidiary protection status and humanitarian protection also receive temporary residence permits.⁶⁹

In 2016 over 123,000 asylum applications were lodged in Italy—a significant increase to the number processed in 2015 (around 84,000) and 2014 (around 63,000). Territorial commissions across Italy determined over 90,000 of these applications, recognizing 5 percent as refugees, granting 12 percent subsidiary protection, and giving 21 percent humanitarian protection. Unaccompanied minors represented 14 percent of sea arrivals to Italy in 2016 (up from 7 percent in 2015).⁷⁰ Although Italy offers protection to unaccompanied minors, they tend to move onward, heightening their exposure to risk factors.⁷¹

Italy’s recently established three-tier reception system consists of first-assistance facilities and hotspots, first-line reception facilities (and regional hubs), and second-line reception facilities. The first-assistance facilities fingerprint and identify refugees and migrants who are later transferred to the other reception facilities. By December 2016, over 78 percent of arrivals (176,553) were accommodated in temporary facilities.⁷²

66 UNHCR, “UNHCR’s Position on the Detention of Asylum-Seekers in Malta,” September 18, 2013, available at www.refworld.org/docid/52498c424.html.

67 UNHCR, “UNHCR’s Observations on Malta’s Revised Legislative and Policy Framework for the Reception of Asylum Seekers,” February 25, 2016, available at www.refworld.org/docid/56e963824.html.

68 Amnesty International, “Malta 2016/2017,” available at www.amnesty.org/en/countries/europe-and-central-asia/malta/report-malta/.

69 Dante Figueroa, “Refugee Law and Policy: Italy,” US Library of Congress, March 2016, available at www.loc.gov/law/help/refugee-law/italy.php.

70 UNHCR, “Italy Update #10,” December 2016, available at <http://reliefweb.int/report/italy/italy-sea-arrivals-unhcr-update-10-december-2016>.

71 Rosie Scammell, “Why Child Migrants Are Playing Grown Up in Italy,” IRIN, July 27, 2015, available at www.irinnews.org/analysis/2015/07/27.

72 UNHCR, “Italy Update #10,” December 2016.

The EU Response

The unprecedented number of arrivals to European shores has placed frontline countries, particularly Italy and Greece, under considerable strain and highlighted the weaknesses of the EU's policies and operational responses to the migrant crisis. While migration policy was propelled to the top of the European agenda, negotiations between the EU and its member states, as well as third countries, became heated, exposing numerous challenges to regional management of migration. The main issues that continue to hinder effective management include a lack of institutional solidarity between the EU and its member states (as well as among member states), a lack of political will to share responsibility for managing the flow of mixed movements, and inadequate implementation and enforcement of existing EU laws and standards by member states.⁷³

To address these shortcomings, in May 2015 the European Commission (EC) released the European Agenda on Migration, which essentially became the framework for the EU response to the crisis. The agenda was the first concrete action taken at the EU level to address the migration crisis. It proposed six immediate actions to assist frontline states in dealing with migrant arrivals:

1. Increasing funding and capacities for rescue-at-sea operations;
2. Improving the collection and sharing of information on criminal smuggling networks;
3. Adopting a temporary emergency relocation scheme for refugees and asylum seekers already in Europe;
4. Developing a common approach to protection and resettlement;
5. Working with third countries to tackle migration upstream; and
6. Supporting frontline states in implementing a new "hotspot" approach.

In addition, the agenda had the long-term goals of: (1) reducing the incentives for irregular migration; (2) reforming border management policies and systems; (3) forming a common asylum policy; and (4) implementing a new policy on legal migration.⁷⁴

TEMPORARY EMERGENCY RELOCATION SCHEME

The proposed temporary emergency relocation scheme was one of the most controversial ideas resulting from the European Agenda on Migration. As a result, many concrete measures have yet to be implemented. The relocation scheme temporarily repealed parts of the "Dublin system," which required the EU member state of first entry to examine asylum applications. Departing from this model, the temporary relocation system introduced a "distribution key" allocating this responsibility to member states according to criteria including gross domestic product (GDP), population size, and unemployment rate. The scheme led member states to adopt a resolution in July 2015 on the relocation of 40,000 people in need of international protection from Greece and Italy to other EU member states. This was shortly followed by a decision by the EC to temporarily relocate 120,000 people in need of international protection from Greece and Italy, and a further commitment from member states to resettle over 22,000 people in need of international protection from outside of the EU.⁷⁵

Although the number of relocations increased over the course of 2016, member states failed to meet the EC's proposed target of relocating 6,000 people a month.⁷⁶ As of December 6, 2016, only 1,950 people in need of international protection had been relocated from Italy and 6,212 from Greece (as well as 13,887 from Turkey, Lebanon, and Jordan).⁷⁷ This has been met by heavy criticism from international organizations, UN agencies, EU institutions, and the European public, which perceive the limited progress as reflecting a lack of commitment to the cause. While the EC has visibly

73 Sergio Carrera, et al., "The EU's Response to the Refugee Crisis: Taking Stock and Setting Policy Priorities," Centre for European Policy Studies, December 16, 2015, available at www.ceps.eu/system/files/EU%20Response%20to%20the%202015%20Refugee%20Crisis_0.pdf.

74 European Commission, 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, EC Doc. COM(2015)240, May 13, 2015.

75 Carrera, et al., "The EU's Response to the Refugee Crisis."

76 Ibid.

77 France, the Netherlands, and Finland relocated the largest number of applicants in 2016. European Commission, Communication from the Commission to the European Parliament, the European Council and the Council: Eighth Report on Relocation and Resettlement, EC Doc. COM(2016)791, December 8, 2016.

stepped up its efforts through continued negotiations with member states and monitoring activities, the program's minimal success highlights that the EC has limited ability to enforce laws and implement policies, and that it is restricted in part by the lack of political will of its member states.

THE HOTSPOT APPROACH

Among the European Agenda on Migration's most important provisions for frontline states was the so-called "hotspot approach" implemented in Italy and Greece. The approach aims to control the situation on the ground by adopting a standard operating procedure that includes the fingerprinting of refugees and migrants, quick selection and relocation of asylum seekers, establishment of adequate reception facilities, and fast return of people determined not to need international protection.⁷⁸ Since 2015 Italy has opened four hotspots in Lampedusa, Pozzallo, Taranto, and Trapani, with two additional hotspots being implemented in Porto Empedocle and Augusta. Frontex, Europol, and Eurojust are mandated to support Italian authorities within the hotspots, which on average can manage 400 people at a time.⁷⁹

According to an assessment by the European Parliament, hotspots have helped to provide greater order in migration management in Italy. By March 2016, registration and fingerprinting rates of arrivals in hotspots had reached 100 percent (up from 8 percent in September 2015).⁸⁰ While this reflects some level of success on the ground by Italian authorities, humanitarian organizations and NGOs continue to voice criticism of the hotspots scheme. The main concerns relate to people being deprived of their right to international protection and the absence of mechanisms to assist in the relocation of unaccompanied minors. Moreover, in December 2015 UNHCR noted incidents of people being denied access to asylum procedures and of more asylum applications being rejected, including

those of people from refugee-producing countries.⁸¹

In response to these criticisms, the EC increased its efforts to address humanitarian concerns, including through increased training to hotspot staff in Italy and Greece on the standard operating procedures. In addition, it developed a pilot relocation program for unaccompanied minors, though this has yet to be implemented or tested.⁸² Nonetheless, existing relocation and resettlement mechanisms continue to function inadequately, aggravating the situation on the ground. A full evaluation of the effectiveness of the hotspot approach, along with relocation and resettlement mechanisms, is necessary in order to build future crisis management capacity.

RESCUE-AT-SEA OPERATIONS

To strengthen the EU's response to high death rates at sea, the EC also reinforced Operation Triton (the initiative that superseded the Italian-led Operation Mare Nostrum) with material assets, an extended operational area, and an increased budget, in accordance with the European Agenda on Migration. Operation Mare Nostrum, a year-long naval and air initiative operating in international, Italian, and Maltese waters, had focused on search-and-rescue with the mission of increasing maritime safety in the Mediterranean Sea and disrupting smuggling networks. It was estimated that the operation enabled at least 150,000 refugees and migrants to arrive safely on European shores.⁸³ Given its success, the Italian government requested funds from other EU member states to continue the operation, but aside from €1.8 million from the EC, no further support was given, leading to its cessation in October 2014.

When Operation Triton superseded Mare Nostrum, it had an estimated monthly budget of just €2.9 million. While the operation had a border enforcement mandate, its operational range only extended thirty nautical miles from the Italian

78 European Parliament, *On the Frontline: The Hotspot Approach to Managing Migration*, 2016.

79 Frontex is the European Border and Coastguard Agency, Europol is the European Police Office, and Eurojust is the EU agency for judicial cooperation in criminal matters. European Commission, "Hotspot State of Play," March 13, 2017, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_hotspots_en.pdf.

80 European Parliament, *On the Frontline*.

81 European Commission, Communication from the Commission to the European Parliament, the European Council and the Council: Sixth Report on Relocation and Resettlement, EC Doc. COM(2016)636, September 28, 2016.

82 European Commission, Communication from the Commission to the European Parliament, the European Council and the Council: Fifth Report on Relocation and Resettlement, EC Doc. COM(2016)480, September 28, 2016.

83 International Organization for Migration, "IOM Applauds Italy's Live-Saving Mare Nostrum Operation: 'Not a Migrant Pull Factor.'"

coast. As a result, while participating vessels responded to boats in distress, they did not proactively search for them, leading to heavy criticism from humanitarian agencies. In the first quarter of 2015, following its launch, 479 refugees and migrants drowned or went missing, compared to an estimated 15 in the first quarter of 2014. After a tragic shipwreck led to the deaths of 800 refugees and migrants just off the Libyan coast on April 19, 2015, the EU decided to reinforce the operation by tripling its budget and extending the operational area to 138 nautical miles south of Sicily.⁸⁴

Nonetheless, the operation's efforts continue to be criticized by humanitarian actors, which has led many private and non-state actors to launch their own search-and-rescue operations. One of the most comprehensive and successful initiatives has been led by Médecins Sans Frontières (MSF) in cooperation with the Migrant Offshore Aid Station, a search-and-rescue charity. This operation includes three search-and-rescue ships, which assisted over 23,000 people in 120 separate rescue interventions in 2015.⁸⁵ Due to an initial decrease in deaths at sea in late 2015, MSF put its activities on standby, but it resumed and extended them in April 2016.⁸⁶ By the end of November, MSF operations had rescued nearly 20,000 people and assisted more than 7,000 in reaching Italy throughout the year.⁸⁷ The Norwegian Society for Sea Rescue and Sea-Watch also launched search-and-rescue operations in 2016.

Other relief efforts responded to the short-term needs of the crisis. For example, UNHCR's Central Mediterranean Sea Initiative presents twelve concrete steps aimed at lowering risk and increasing action to save lives at sea. These steps fall across three main areas of action: (1) steps within the EU, (2) steps in collaboration with countries of

transit and first asylum, and (3) steps in collaboration with countries of origin.⁸⁸

COUNTERING HUMAN TRAFFICKING AND SMUGGLING

The European Agenda on Migration put the fight against trafficking and smuggling networks in the Mediterranean region as a high priority. This led to the adoption in 2015 of the EU Action Plan against Migrant Smuggling (2015–2020), as well as the EU Action Plan on Return and the EC's recommendation to establish a common "Return Handbook." All three measures aim to facilitate the return of third-country nationals who are entering or residing irregularly and to increase cooperation with third countries, particularly in regard to readmission agreements.⁸⁹

Further actions to counter human trafficking and smuggling were implemented as a part of Operation Sophia, also known as the EU Naval Force Mediterranean, which has the mandate to board, search, seize, and divert vessels suspected of being used for human smuggling or trafficking.⁹⁰ The aim of the mission is to disrupt smuggling routes and capabilities based on the EU's Political Framework for a Crisis Approach. To achieve this, Operation Sophia was built on the following three operational phases: (1) strategic information gathering on human trafficking networks; (2) the boarding, search, seizure, and diversion on the high seas of vessels used for human smuggling; and (3) the implementation of the first two phases in the territorial and internal waters of Libya, according to the mandate laid out in UN Security Council Resolution 2240 on October 9, 2015.⁹¹

Operation Sophia has entered into its third operational phase, training the Libyan coastguard and navy and supporting the implementation of

84 Alessandra Bonomolo and Stephanie Kirchgaessner, "UN Says 800 Migrants Dead in Boat Disaster as Italy Launches Rescue of Two More Vessels," *The Guardian*, April 20, 2015, available at www.theguardian.com/world/2015/apr/20/italy-pm-matteo-renzi-migrant-shipwreck-crisis-srebrenica-massacre; Amnesty International, "A Safer Sea: The Impact of Increased Search and Rescue Operations in the Central Mediterranean," July 9, 2015, available at www.amnesty.org/en/documents/eur03/2059/2015/en/.

85 Médecins Sans Frontières, "Mediterranean Migration," November 21, 2016, available at www.msf.org/en/topics/mediterranean-migration.

86 Médecins Sans Frontières, "MSF Resumes Search and Rescue Activities in the Central Mediterranean," April 24, 2016, available at www.msf.org/en/article/msf-resumes-search-and-rescue-activities-central-mediterranean.

87 Médecins Sans Frontières, "10 Things You Need to Know about the Mediterranean Crisis," December 2, 2016, available at www.msf.org/en/article/10-things-you-need-know-about-mediterranean-crisis.

88 UNHCR, "Central Mediterranean Sea Initiative," March 2015, available at www.unhcr.org/en-us/protection/operations/531990199/unhcr-central-mediterranean-sea-initiative-cmsi-eu-solidarity-rescue-at.html.

89 Carrera, et al., "The EU's Response to the Refugee Crisis."

90 European Council, "EUNAVFOR Med: EU Agrees to Start the Active Phase of the Operation against Human Smugglers and to Rename it 'Operation Sophia,'" press release, September 28, 2015, available at www.consilium.europa.eu/en/press/press-releases/2015/09/28-eunavfor/.

91 European Commission, 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 European Agenda on Migration, EC Doc. COM(2016)385 final, June 7, 2016.

the UN arms embargo off the coast of Libya. Within the first twelve months of its implementation, Operation Sophia assisted with the arrest of eighty-seven suspected smugglers and traffickers and neutralized more than 225 vessels. Although Operation Sophia does not have a specific mandate for search-and-rescue activities, as of August 2016 it had rescued more than 22,000 people and assisted in the rescue of 36,000, which led the EC to extend its mandate to July 27, 2017.⁹² Assessing the effectiveness of these measures is difficult due to the variety of factors that impact the journey at sea.

EUROPEAN BORDER AND COAST GUARD

Under the European Agenda on Migration, the EC presented steps to create a European Border and Coast Guard Agency (an expansion of Frontex based on a semi-military structure) in September 2015. This was approved in October 2016, with operational activities set to commence in early 2017.⁹³

The agency's competencies are twofold: first, to facilitate the development and implementation of an operational strategy based on common EU border management standards; and second, to provide operational support for member states to implement such standards and uphold their responsibilities under the Schengen Agreement. Furthermore, it has a mandate to work in third countries, to operate in collaboration with the European Fisheries Control Agency and European Maritime Safety Agency, and to play an increased role in returns through the establishment of a European Return Office.⁹⁴ Overall, the agency provides the EU with the capacity to exert oversight and to be involved on the ground, making it one of the most comprehensive EU-wide mechanisms.

Lessons Learned

The unprecedented number of refugee and migrant arrivals in Europe over the past several years has created new and complex challenges for the EU, member states, and the international community at large. The factors influencing mixed migration

trends along the Central Mediterranean route explored in this paper should be taken into consideration as discussion continues on how best to manage mixed movements toward Europe. Drawing from the insights presented in this paper, the following lessons seek to inform policy discourse on how the EU and, the international community as a whole can respond more effectively to the challenges of mixed migration along the Central Mediterranean route.

Focusing on push factors: Deteriorating conditions in countries of origin and transit have made push factors more influential than pull factors in driving mixed migratory movements. The most significant push factors include violent conflict, persecution, political instability, human rights violations, chronic poverty, and lack of livelihood and educational opportunities in countries of origin. At the same time, facing political instability, poor socioeconomic conditions, and violence in countries of first asylum, and with little hope of returning home, more refugees and migrants are pushing onward toward Europe. These factors have led to increased levels of desperation, making it more likely that individuals will undertake high-risk journeys in search of safety and security. The case of Libya demonstrates this phenomenon; once a major destination for migrants seeking livelihood opportunities, deteriorating conditions and violence are increasingly pushing people arriving in Libya across the Mediterranean. This highlights the need to address the migration crisis at its source by identifying and responding to the factors that cause people to flee and move onward.

Looking beyond border control: While border control mechanisms can lead to shifts in migration routes, they do not stem overall movement. Instead, they often leave those fleeing violence and persecution with no choice but to travel via more dangerous paths and to use smuggling networks, which further increase their vulnerability. For example, restrictions on the Eastern Mediterranean and Western Balkan routes in late 2015 and early 2016 slowed arrivals in Greece, but movement via

⁹² European Commission, "EUNAVFOR MED Operation Sophia Authorized to Start Two Additional Supporting Tasks," press release, August 30, 2016, available at www.consilium.europa.eu/en/press/press-releases/2016/08/30-eunavfor-med-sophia-op-add-supporting-tasks/.

⁹³ European Commission. (2015). Communication from the Commission to the European Parliament and the Council – A European Border and Coast Guard and effective management of Europe's external borders, (COM(2015) 673 final)

⁹⁴ European Commission, Communication from the Commission to the European Parliament and the Council: A European Border and Coast Guard and Effective Management of Europe's External Borders, EC Doc. COM(2015)673, December 15, 2015

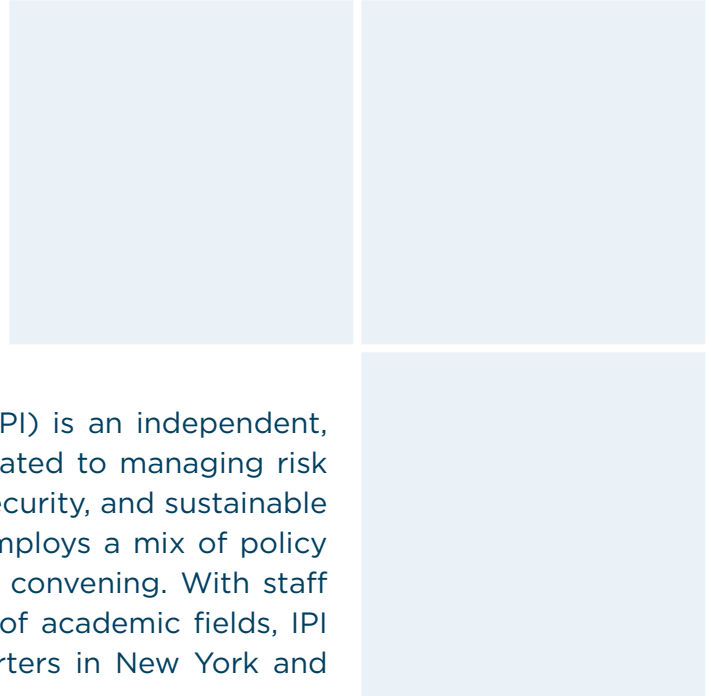
the Central Mediterranean route remained steady, with signs of increasing toward the end of 2016. Similarly, while increased border control measures in the Spanish exclaves of Ceuta and Melilla several years earlier were successful in decreasing movement toward the exclaves, they only heightened pressures at the Moroccan border, illustrating that refugees and migrants had shifted course. The dynamic and highly adaptive nature of migratory movements and the strength and size of smuggling and trafficking networks must be kept in mind when border management policies are being developed and implemented.

Improving collaboration and solidarity: The European Commission has made significant progress in strengthening its migration management capacity with the introduction of the temporary emergency relocation system and the hotspot approach, the creation of a European Border and Coast Guard Agency, and the overall reform of the Common European Asylum System. However, the movement of over 1 million refugees and migrants across the Mediterranean Sea over the past two years has drawn much-needed attention to the inadequacies of European migration policies and the international community's incapacity to respond to large-scale humanitarian crises. While the EC has implemented some pragmatic and innovative ideas, EU member states have failed to match its commitments and actions on improving management of mixed movements across the Central Mediterranean. Effective management requires increased collaboration and solidarity among all actors, including member states, the EU, civil society, and countries of transit and origin.

Bolstering rescue-at-sea operations: While a number of operations have been launched in the Mediterranean to rescue refugees and migrants,

disrupt smuggling and trafficking networks, and strengthen border protection, 2016 has seen more lives lost in the Mediterranean Sea than in any other year. As different actors carry out different operations with different mandates, the need for collaboration is evident. This begs the question: How might these actors join efforts in a bid to reduce deaths at sea? The extension of Operation Triton and the establishment of a European Border and Coast Guard Agency illustrate increased European commitment to regional migration management, but these efforts need to be reinforced with the establishment of internationally supported, long-term protection mechanisms geared toward preventing deaths at sea.

Creating more legal alternatives: Despite progress in other areas, action has been limited on creating alternative legal avenues through which refugees and migrants can enter the EU. The lifting or suspension of visa requirements, at least for those in greatest need of refuge, could help significantly reduce the size of irregular mixed migratory movements to Europe. In turn, this could decrease death rates by reducing the number of individuals undertaking dangerous irregular journeys in the first place. Further, a variety of access options could be introduced—and existing mechanisms expanded—to provide refugees and migrants alternatives to smuggling networks. These could include “humanitarian evacuation programmes, humanitarian visas, increased resettlement and humanitarian admission, and a more extensive use of existing migration visas for family reunification, work, study or research.” These legal alternatives should be promoted through targeted information campaigns, particularly in origin and transit countries, to help challenge unrealistic expectations and provide individuals with the opportunity to make informed decisions.



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