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Mediterranean Flows into Europe. Refugees or Migrants?

Emanuela Roman¹

Phd Candidate, University of Palermo

Researcher, Forum Internazionale ed Europeo di
Ricerche sull'Immigrazione (FIERI) and International
University College of Turin (IUC)

A Record Year for Migration across the Mediterranean

2014 represented a record year for Europe as a whole, and more intensely for the Mediterranean area, both in terms of the number of migrant and refugee arrivals by sea to Southern European Member States (primarily Italy, but also Greece and Malta) and in terms of asylum applications submitted overall in the European Union (EU). Maritime migration flows in the Mediterranean were characterised by an acute intensification, but the reason these flows are of particular concern is only partially related to numbers and has much to do with their mixed nature. This article will try to consider more analytically the concept of mixed migration, which is increasingly used to describe Mediterranean flows and which permeates the debate on fairness and effectiveness of policy responses to migratory pressures in the Mediterranean.

According to the UNHCR, in 2014 maritime arrivals to Europe across the Mediterranean stood at over 218,000 – three times the number of arrivals registered in 2011, at the height of the Arab Spring.² In 2014, Italy alone witnessed more than 170,000 arrivals on its southern shores, a four-fold increase

compared to the previous year (43,000 arrivals in 2013) and an almost three-fold increase compared to 2011 (63,000 arrivals).³

These figures confirm that the central Mediterranean route is by far the corridor most used by migrants and asylum seekers to cross the Mediterranean and reach the EU. In the midst of a prolonged situation of anarchy, violence and lack of state authority, Libya has become a sort of Mediterranean ‘hub’ or ‘funnel,’ which migrants and refugees from Eastern and Western Africa (as well as from Syria) transit through, gather at and depart from. On the other side of the Mediterranean Sea, Italy is the main destination country (or transit country for those heading towards Central or Northern Europe).

Maritime arrivals to Greece have also significantly increased in 2014 (about 43,500 arrivals – a 280% increase compared to the previous year). This migration flow is of particular concern because it is mainly composed of people who flee situations of conflict, persecution and severe violence: about 60% of those who arrived by sea in 2014 came from Syria and many others came from Afghanistan, Somalia and Eritrea.⁴

The situation is expected to get even more serious and complex in 2015. Figures referring to the first two months of 2015 reveal a sharper increase in maritime arrivals compared to the same period of the previous year. Italy witnessed an increase in sea arrivals of 43% – from 5,500 to almost 7,900 arrivals, according to Interior Ministry statistics.⁵ Moreover, as reported by Gil Arias Fernández, deputy executive director of Frontex, in January-February 2015 the agency re-

¹ This article was finalised in April 2015. I am grateful to Ferruccio Pastore for sharing his ideas on the issue of Mediterranean mixed flows with me on several occasions and for his comments for this article.

² UNHCR, *Asylum Trends 2014. Levels and Trends in Industrialized Countries*, March 2015, www.unhcr.org/551128679.html.

³ Figures released by the Italian Interior Ministry and available at: www.interno.gov.it/sites/default/files/dati_statistici_marzo_2015.pdf.

⁴ UNHCR, *New UNHCR report warns against returning asylum-seekers to Greece*, Briefing Notes, 30 January 2015, www.unhcr.org/54cb698d9.html.

⁵ Available at: www.interno.gov.it/sites/default/files/dati_statistici_marzo_2015.pdf.

corded almost 5,300 arrivals in the eastern Mediterranean, witnessing a 107% increase compared to the same period in 2014.⁶ Moreover, the Greek coast guard counted almost 6,500 arrivals in March alone, meaning that the number of arrivals in the first three months of 2015 has tripled compared to the previous year.⁷ Even more worryingly, the Italian coast guard authorities are reporting that about 10,000 people have been rescued from the sea in just five days between 10-14 April, whilst about 400 people are feared dead after their boat capsized on 13 April 120 km south of Lampedusa.⁸ In a tragic escalation, on 19 April the world witnessed the deadliest shipwreck in the history of migration across the Mediterranean: at the moment of writing, between 700 and 900 people are feared drowned after their overcrowded boat capsized close to the Libyan coast.⁹ Asylum seekers, as already suggested, are a relevant part of Mediterranean migration flows. According to the UNHCR, 50% of arrivals in the Mediterranean consist of Syrian and Eritrean people, who are broadly recognised as people in need of protection (the former fleeing a longstanding conflict, the latter escaping a militarised dictatorial regime). As a consequence, along with the intensification of migration across the Mediterranean, in 2014 asylum applications in the EU increased by 44% as a whole. Germany alone recorded a 58% increase in applications, confirming for the second year its role as the largest recipient of asylum seekers in the industrialised world. Nonetheless, Southern Europe witnessed a 95% increase, which particularly affected

Turkey and Italy: among the top five receiving countries in the industrialised world, Turkey ranked third (after the USA) and Italy fifth (after Sweden).¹⁰ Asylum applications in Italy doubled and, among the EU Member States, Italy ranked third for the first time ever (with 65,000 applications), behind Germany (203,000) and Sweden (81,000).¹¹

Refugees or Migrants? An Analysis of Mixed Migration Flows in the Mediterranean

The concept of mixed migration generally refers to flows consisting of various categories of migrants with different motivations and different protection needs who travel together along the same migration routes, using the same means of transport and relying on the same smuggling networks.

This concept has developed over the past two decades and has become increasingly important in the policy field as of 2000, when the UNHCR launched the Global Consultations on International Protection in response to what the organisation considered as a crisis in international protection.¹² In order to tackle this issue, the UNHCR encouraged reflections and led debates at multilateral level on the so-called 'migration-asylum nexus' and the phenomenon of mixed migration. The outcome was a number of policy papers, the most relevant of which is *Refugee Protection and Mixed Migration: A 10-Point Plan of Action*, published in January 2007.¹³ This series of documents offers clear practical recommendations to

⁶ Rick LYMAN, 'Bulgaria Puts Up a New Wall, but This One Keeps People Out,' *The New York Times*, 5 April 2015, www.nytimes.com/2015/04/06/world/europe/bulgaria-puts-up-a-new-wall-but-this-one-keeps-people-out.html?_r=0#.

⁷ Euractiv.com, *Illegal migrants arriving in Greece by sea triple in 2015*, 10 April 2015, www.euractiv.com/sections/global-europe/illegal-migrants-arriving-sea-greece-triple-2015-313689?utm_source=EurActiv+Newsletter&utm_campaign=585a631fee-newsletter_weekly_update&utm_medium=email&utm_term=0_bab5f0ea4e-585a631fee-245335561.

⁸ EU OBSERVER, *Italy rescues 10,000 migrants in past week*, 16 April 2015, <https://euobserver.com/tickers/128338>; UNHCR, *Latest deaths on Mediterranean highlight urgent need for increased rescue capacity*, 15 April 2015, www.unhcr.org/552e603f9.html; AMNESTY INTERNATIONAL, *Mediterranean crisis: UN points to 50-fold increase in deaths amid European government inaction*, 15 April 2015, www.amnesty.org/en/articles/news/2015/04/mediterranean-crisis-50-fold-increase-in-deaths-amid-european-inaction/.

⁹ IOM, *Migrant Deaths Soar as Mediterranean Sees Worst Tragedy in Living Memory*, 19 April 2015, www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2015/pbn-listing/migrant-deaths-soar-as-mediterra.html.

¹⁰ UNHCR, *Asylum Trends 2014*, cit.

¹¹ Eurostat, *Asylum applicants and first instance decisions on asylum applications: 2014*, March 2015, <http://ec.europa.eu/eurostat/documents/4168041/6742650/KS-QA-15-003-EN-N.pdf/b7786ec9-1ad6-4720-8a1d-430f4c55018>.

¹² Fifty years after the 1951 Geneva Convention, the UNHCR had observed in Western countries a growing prejudice against asylum seekers, who were largely perceived both by governments and public opinion as "economic migrants in disguise."

¹³ UNHCR, *Refugee Protection and Mixed Migration: A 10-Point Plan of Action*, January 2007, www.unhcr.org/4742a30b4.html. Other relevant policy papers are: UNHCR, *Agenda for Protection*, October 2003, www.unhcr.org/4742a30b4.html (in particular Goal 2); UNHCR, *Refugee Protection and Durable Solutions in the Context of International Migration*, Discussion Paper for the First High Commissioner's Dialogue on Protection Challenges, November 2007, www.unhcr.org/4742a6b72.html. The most recent UNHCR document on the management of Mediterranean migration flows is a letter sent by the High Commissioner to the EU, see UNHCR 2015.

states and other international actors on the provision of protection in the context of mixed flows and represents a valuable contribution in the current elaboration of policy responses to such phenomenon.

However, if on the one hand, valuable steps have been done in the policy field to identify concrete ways to manage mixed flows while seeking a balance between protection and migration control, on the other hand, analytical reflection on the concept of mixed migration has been very limited. What do we mean exactly when we talk about mixed migration flows? The heterogeneity and complexity of mixed flows may be tentatively connected to four elements.

1. Contexts of origin

According to a traditional dichotomous analysis of migration, migrants are identified as 'forced migrants' when they *are compelled* to leave their country of origin due to situations of conflict, generalised violence or persecution (asylum seekers and refugees); conversely, they are considered 'voluntary migrants' when they *choose* to migrate with the aim of improving their economic and living conditions (economic migrants). But in reality the borders between forced and voluntary migration are not so clear-cut. For instance, so-called 'voluntary migrants' may have faced situations of extreme poverty or serious humanitarian crises in countries of origin and/or transit, so that their ability to actually choose to migrate may be considered very limited, if not completely absent.¹⁴

2. Individual profiles

Within mixed flows, one may further distinguish vulnerable people (minors and unaccompanied minors, trafficked people, pregnant women, people with serious illnesses) from non-vulnerable people (to simplify, healthy non-trafficked adults). Both vulnerable and non-vulnerable people may be found among forced and non-forced migrants, thus creating a complexity of situations and protection needs.

3. Individual motivations

A migrant may be driven by different kinds of motivations, so that he or she may be escaping from

a conflict while simultaneously looking for social and economic betterment. Motivations related to the political situation in one's country of origin may, thus, mingle with motivations related to future life opportunities in another country. It must be noted that in certain countries of origin, situations of conflict, violence, poverty and inequality actually coexist and all together represent migration determinants.

4. Diachronic stratification

Migration paths may be very long and the time variable may impact on both the objective profile of migrants (points 1 and 2) and the subjective profile (point 3), producing a shift from the 'migration pole' to the 'asylum pole' and vice versa. For instance, migrants may leave their country of origin for economic reasons and settle as migrant workers in another country, from where they may be forced to flee years later due to conflict (this is the case of sub-Saharan migrants escaping Libya in 2011) or they may be unable to return to their country of origin due to a changed political situation and thus become refugees *sur place*.

Although mixed flows exist all over the world, in the Mediterranean area their level of complexity and heterogeneity seems to be increasing, due to various interconnected geopolitical, institutional and socio-economic factors that make Mediterranean mixed flows a very specific phenomenon. Prolonged conflicts, dissolution or instability of states, porosity of borders, widespread violence and persecution (by both state, non-state and pseudo-state – i.e. the IS – actors), as well as economic, environmental and public health issues are among the factors that characterise in different ways Eastern, Western and Northern Africa (Sahel, Horn of Africa, Libya), the Middle East (Syria, Iraq) and the Arabian Peninsula (Yemen).

Policy Responses to Mixed Migration in the European Union: an Open Issue

Mediterranean flows are, thus, more and more populated by diverse groups of migrants, among which

¹⁴ On the continuum between forced and voluntary migration, see Van Hear 2011.

the presence of asylum seekers, refugees and vulnerable people has been constantly growing. This has produced new challenges for receiving countries on the northern shores of the Mediterranean, in particular for Italy and Greece.¹⁵

Consistent with the UNHCR guidelines, these countries are asked to improve their capacity to produce and implement policy responses that consider the mixed nature of migration flows (i.e. the heterogeneity of the contexts of origin, profiles and motivations of migrants) as well as their differentiated protection needs, offering different treatments to different categories of migrants. These countries are also required to balance their protection responsibilities and their duty to respect migrants' fundamental rights with their (legitimate) border control priorities.

However, this is easier said than done, since the whole European legal and policy framework on migration is based on the fundamental distinction between voluntary migration and forced migration. This normative framework is evidently grounded on the assumption that migration is not mixed and that people migrate for a single reason (labour, study, international protection, family reunification). This normative architecture has produced a series of antinomies (voluntary vs forced, migration vs asylum, control vs protection) and a number of mutually exclusive categories of migrants, each category being entitled to a different set of rights and limits to such rights. But, as mentioned above, in reality, migration may be driven by a combination of motivations and factors (to live in a safe place, to improve one's living conditions, to join family, to study) which would need to be addressed by a correspondingly differentiated policy approach.

Therefore, the reality of migration, and in particular the increasingly complex and mixed nature of Mediterranean flows, calls into question the consistency and effectiveness of the European normative and policy framework on migration. On the one hand, mixed flows challenge the conceptual distinction between forced and voluntary migration and call for a revision of such a framework based

on different grounds. On the other hand, maritime mixed flows pose new challenges in terms of their practical management, and countries located at the southern borders of the EU should not be left alone to face these challenges. A common European effort is required in order to overcome the current normative crisis and to pursue a sound, fair and protection-sensitive management of mixed migration in the Mediterranean.

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¹⁵ For a detailed analysis of the implementation of asylum policies in the context of maritime mixed flows in Italy and Greece, see Pastore Roman 2014.