



## **Secondary Movements**

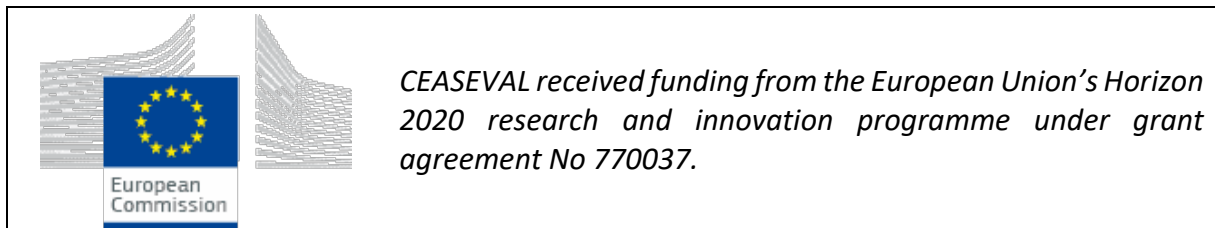
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## Secondary Movements

### Abstract

*Even though secondary movements of applicants for and beneficiaries of international protection are not foreseen in the Common European Asylum System (CEAS), in reality a considerable number of people move across the EU either during their asylum application process, or after receiving the status, taking advantage of the intra-Schengen borderless regime. Although the scale of these secondary movements is unknown, the phenomenon has been on the radar of policy makers since the introduction of the Schengen regime and its prevention became one of the major aims of the CEAS. Twenty years since the Tampere Council Conclusions initiated the establishment of the CEAS, no tangible results have been achieved in responding to secondary movements.*

*The paper at hand maps different CEAS policies addressing secondary movements, discusses contested measures and sketches out the latest proposals of the third generation CEAS with respect to secondary movements. With the aim to learn about its causes in order to properly address them, the paper further summarises the research on the motives why people engage in secondary movements. The latter is based on available literature and on research conducted in the framework of the CEASEVAL project (interviews with migrants, applicants for and beneficiaries of international protection).*

*The paper concludes that a sustainable policy approach, which identifies the main reasons for secondary movements, is needed rather than just reacting to secondary movements with punitive measures*

**Keywords:** Secondary movements, CEAS, mobility, Schengen, Dublin system, responsibility

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## List of Acronyms and Abbreviations

APD	Asylum Procedures Directive
APR	Asylum Procedures Regulation
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
DG HOME	Directorate-General Migration and Home Affairs
EASO	European Asylum Support Office
EBCGA	European Border and Coast Guard Agency (Frontex)
EC	European Commission
ECRE	European Council for Refugees and Exiles
ECtHR	European Court of Human Rights
EMN	European Migration Network
EP	European Parliament
EU	European Union
MS	Member State
EURODAC	European Asylum Dactyloscopy Database
ICMPD	International Centre for Migration Policy Development
IO	International Organisation
JHA	Justice and Home Affairs Council
NGO	Non-governmental organisation
QD	Qualification Directive
QR	Qualification Regulation
RCD	Reception Conditions Directive
SCIFA	Strategic Committee on Immigration, Frontiers and Asylum
UNHCR	United Nations High Commissioner for Refugees

## 1. Introduction

The Common European Asylum System (CEAS) lives in a complex symbiosis with the Schengen system. On the one hand the EU itself evolved around the idea of lifting internal and strengthening its external borders (Schengen Agreement and Schengen Convention). The Dublin regulation on the other hand aimed at establishing norms that make only one Member State responsible for processing asylum applications without the rights to move on after responsibility has been determined. This prohibition of EU internal onward movement for specific groups such as applicants for and beneficiaries of international protection was to compensate for lifting internal borders for the benefit of EU residents.

However, not only EU citizens seize the opportunities of free movement, but also applicants for and beneficiaries of international protection. Despite specific prohibitions, they take the opportunities to reunite with family or relatives, seek better jobs or a more prosperous future.

The prevention of “secondary movements”, “asylum shopping” or “irregular onward movements” runs like a common thread throughout the development of a Europe-wide common asylum system since the birth of a border-free Schengen area. However, the high scale of uncontrolled movements of people in 2015/ 2016 brought this phenomenon in focus again. As the reception and protection of applicants and beneficiaries of international protection is widely seen as a burden posed on receiving countries due to financial, administrative, social and political implications (EC 2015), rules were established determining the responsibility for each asylum procedure. However, the hierarchy of criteria does not sufficiently take into account the interests and needs of applicants, which is partly why secondary movements and the lodging of multiple applications remain an issue (EC 2015, p 5).

The current paper aims firstly, to outline the different approaches which policy makers at EU-level apply when addressing secondary movements and to identify the contested points. Secondly, it looks into the reasons why people engage in secondary movements, with the aim to learn and appropriately address its causes. The latter is mainly based on available literature but also on primary research conducted in the framework of the CEASEVAL project by interviewing migrants, applicants for and beneficiaries of international protection.

### 1. Defining secondary movements

In an attempt to define secondary movements, the European Migration Network (EMN) glossary draws back on UNHCR’s Executive Committee Conclusions No 85 from 1989. According to the EMN glossary, secondary movement is thus,

*“the movement of migrants, including refugees and asylum seekers, who for different reasons move from the country in which they first arrived to seek protection or permanent resettlement elsewhere.”<sup>1</sup>*

While the submission of an asylum claim in more than one country used to be associated with the terms “abusive applications” or “asylum shopping” in the past, the term “secondary movements”

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<sup>1</sup> See EMN retrieved in July 2019 from: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_search/secondary-movement-migrants\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/secondary-movement-migrants_en)

seems to have emerged during the broad consultations in the second phase of the CEAS in 2007/ 2008 and became the more prevalent term since then.

In an EC staff working paper from 2008, secondary movements were explained as an overall term, which “could take the form of either “asylum shopping”, when asylum applications are lodged in more than one Member State, or of simple secondary movements when refugees move from one Member State to another one without applying again for asylum” (EC 2008).

Despite the fact that people move on for a variety of reasons, as detailed further in the paper, the term secondary movement is – similarly as “asylum shopping” – mainly used to refer to an irregular, onward movement seeking better conditions than in the country of first arrival within the EU.

In this paper, we refer to secondary movements mainly in an intra-EU context, where a person who intends to submit or has already submitted an application for international protection or has already been recognised as beneficiary of international protection moves from one EU+ country to another. Commonly, none of the movements is regular regardless of the legal status of the third country national.

## **2. An attempt to capture the phenomenon**

There is no genuine data available that would provide reliable information about the scale of the secondary movement phenomenon – at least not at the level of EU+ countries. Nevertheless, some instruments which were introduced in the context of Schengen and the Dublin system collect certain data which detect (mainly) irregular onward movements of third country nationals.

In order to enforce the Dublin responsibility system, Member States collect dactylographic data (finger prints) of asylum applicants as soon as they submit an asylum request in accordance with the EURODAC Regulation. Once a third-country-national submits an asylum application, the respective Eurodac system uses fingerprints to crosscheck whether this person:

- already submitted an asylum application in another country (described by Eurodac as a “Category 1 hit”),
- has been apprehended crossing an external border irregularly (Category 2) or
- has been apprehended while staying irregularly in a member state (Category 3).

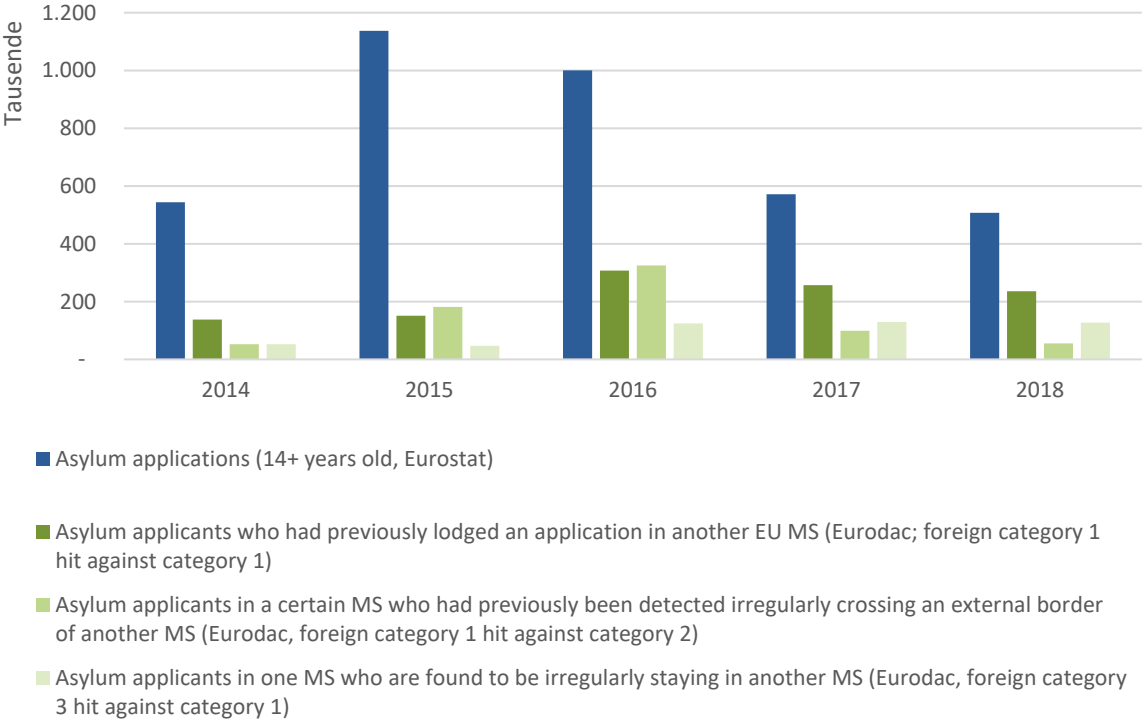
Depending on the results of the Eurodac data exchange, the Dublin procedure determines the Member State responsible for processing the application based on a number of hierarchical elements.

Both systems, the Eurodac as well as the Dublin system therefore collect data that may provide indications on the scope of secondary movements.

While Dublin data (i.e. data on Dublin procedures started by EU Member States, as well as data on effectuated Dublin transfers) are relatively scarce and in many ways cannot capture the phenomenon of secondary movement, Eurodac provides some information that provide a glimpse into this phenomenon. Eurodac data shows when a person who has applied for asylum in a Member State or an Associated Country makes a new application in another country and thus captures secondary movements of asylum applicants.

According to eu-LISA, in 2018 Eurodac recorded 551,253 successfully transmitted fingerprints of applicants for international protection of at least 14 years of age. A quite significant number of those, 236,098 (43%) had already made a previous application in another Member State (Category 1 foreign hits). In 2017 the respective numbers were 257,163 out of 633,324 (41%) recorded applications for international protection; in 2016 307,421 out of 1,018,074 (30%), and in 2015 151,121 out of 789,892 (19%) (eu-LISA 2016, 2017, 2018).

Figure 1. Total asylum applicants recorded by Eurostat versus Eurodac hits



Source: eu-LISA (2016, 2017, 2018), EP (2017)

The EU agencies FRONTEX and EASO monitor secondary movements. In particular, Frontex dedicates a chapter of its annual risk analysis to secondary movements in the EU. Frontex reports that 67,000 applications were withdrawn in the EU+ in 2018. About 80% were withdrawn because the applicant was no longer present and was thought to have absconded (Frontex 2019b, p 22) indicating that about 53,000 may have moved on after having already submitted an application for international protection in one EU+ MS. Data on Dublin requests and transfers suggest significantly higher secondary movement flows: in 2018, the ratio of outgoing Dublin requests (155,192) to applications for international protection (664,815) was 23% (see Eurostat “Outgoing 'Dublin' requests by receiving country (PARTNER), type of request and legal”, retrieved in July 2019). This may imply that a high



number of applicants for international protection continued to pursue secondary movements in the EU+ countries. (EASO 2019, p 15f).<sup>2</sup>

To evaluate and define the phenomenon of secondary movements, however, neither EURODAC nor Dublin data provide reliable information about how many third-country-nationals move from one country to another within the free-border-regime of the Schengen area: Eurodac entails possibly double or multiple counting of people registered in one or more countries. Also, in Eurodac data, minors are not registered, data of persons found illegally staying in the EU "is not stored" and data for people "irregularly" crossing external borders is only held for 18 months (Council of the European Union 2018). Eurodac and Eurostat data are further not connected. The exact ratio or number of persons seeking asylum in more than one European country is thus not known (Takle and Seeberg 2015, p 21). Despite the scarcity of data for a more comprehensive picture of this phenomenon, Frontex concludes that "open sources and data reported by Member States point to significant hidden irregular migratory flows into and within the European Union /Schengen area" (Frontex, 2017).

When it comes to persons who did not register in the first Member State of arrival or who were not apprehended for irregular border crossing or irregular residence, neither Eurodac nor the Dublin system provides data.

Summarised, the available data points at an order of magnitude of the phenomenon ranging from 8% (around 53,000 out of 650,000 applicants absconded according to Frontex (2019b, p22) in 2018) to 23% (155,192 Dublin requests in 2018) to 47% (counting the Eurodac foreign Category 1 hits against overall asylum applications of persons older than 13). As indicated, each data set has significant shortcomings and does not fully grasp secondary movement due to the irregularity of the phenomenon. Nevertheless, we should not underestimate the number.

### **3. Addressing secondary movements**

#### **3.1. Status quo**

One of the main goals of the **Dublin System** (included in the Dublin III Regulation and its predecessors, the Dublin Convention (or Dublin I) and the Dublin II Regulation) was to contribute to preventing applicants for international protection from pursuing multiple applications in different Member States (thereby reducing secondary movements of asylum seekers). The Dublin system contributes to this objective by setting up rules on which EU MS is responsible to process an asylum claim. The Dublin Regulation thus attributes the responsibility of a state for an applicant for international protection following several hierarchical listed criteria (see below). The declared aim of this system is that only one MS shall process and determine the claim of an applicant for international protection. Not the applicant but the Common European Asylum System shall determine the responsibility. Free choice of applicants was not considered an option.

Beside determining the responsibility for a claim, the Dublin Regulation does not comprise any consequences for irregular and unwanted onward movements – neither of punitive nor of non-

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<sup>2</sup> Note however that a part of outgoing Dublin requests refer to "take charge requests", e.g. when asylum seekers claim to have close family members in another MS and are subsequently transferred to this MS. This transfer would not be considered secondary movement, as it is a regular movement.

punitive character. The risk of absconding however can be dealt with by ordering detention for an applicant who is likely to abscond. In an evaluation of the Dublin III Regulation, however, stakeholders emphasised “that some elements in the design of Dublin III are not conducive to (and have even undermined) achieving certain specific objectives: swift access to the procedure and the prevention of secondary movement” (European Commission 2015). The report concludes further that because “secondary movements are driven by multiple factors including many outside of the EU’s area of control (e.g. location of diaspora, location of family, national legislation on citizenship), the value that Dublin III can add as an instrument for reducing secondary movements is limited” (ibid, p 20). Also, the report considers the fact that Dublin transfers rarely take place undermines the deterrent effect of Dublin on secondary movements.

The **Asylum Procedures Directive** lays down minimum procedural standards aimed at safeguarding the right to asylum and preventing secondary movements of asylum seekers. To achieve this, the preparation for the Asylum Procedure Recast Directive was carried by the belief that the “asylum lottery” resulting from deficiencies in procedural and substantive standards has been a driver behind continuous secondary movements” (COM(2009) 554). The recast Asylum Procedures Directive thus addresses secondary movements mainly by further aiming at harmonising the procedures to outbalance different standards in EU MS and setting more clear rules for common standards (COM(2009) 554 final). Also the recast of the **Qualification Directive** was carried by the conviction that further harmonisation of protection standards are necessary to reduce secondary movements in so far as these are due to the diversity of national legal frameworks and decision-making practices (...) (COM(2009) 551 final/2).

Finally, the Reception Conditions Directive contained also the specific objective to ensure higher standards and harmonisation of national rules on reception conditions in order to limit the phenomenon of secondary movements “to the degree that such movements are generated from diverge national reception policies” (COM(2008) 815 final, p 4). The recast Reception Conditions Directives allows to reduce material reception conditions if – among others – an applicant abandons the place of residence determined by the competent authority (Art 20/1a RCD) or does not comply with reporting duties (Art 20/1b RCD).

The whole second generation of the CEAS contains objectives to reduce secondary movements. The focus of this recast package, however was more on harmonising the different systems carried by the assumption that secondary movements are mainly cause by different standards of the asylum systems in different EU member states.

### **3.2. Legislative Proposals**

#### ***What is proposed?***

Corresponding to the related discussions since 2015, references and new proposals for preventing secondary movements feature most of the latest proposals of the CEAS. The proposal for a recast Dublin IV, the proposals for the Asylum Procedures Regulation, the Qualifications Regulation as well as the proposal for a recast Reception Conditions Directive address secondary movements. This is one of the consequences of the reform paper of the Common European Asylum System, which the EC issued in 2016 (EC 2016). In it, the Commission stresses the need to prevent secondary movements within the EU by strengthening procedural measures in its proposals for new CEAS instruments to discourage and sanction irregular moves to other Member States.

As main reasons for secondary movements, the EC identified (EC 2016):

- lengthy procedures for identifying proof for family reunification
- the national differences in the quality of reception and asylum systems continue to exist and continue to encourage secondary movements.
- variations in the duration of residence permits,
- access to social assistance and family reunification
- some Member States said that preferences [of applicants] could not be fully ignored as this would almost inevitably result in secondary movements (...)
- too tight family criterion (Dublin IV Proposal, p13)
- divergences are important drivers of secondary movements and undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union (Proposal for a Qualification Regulation; p 2).

As one of the main aims of the **Dublin IV Proposal** the preamble refers to “discourage abuses and prevent secondary movements of the applicants within the EU, in particular by including clear obligations for applicants to apply in the Member State of first entry and remain in the Member State determined as responsible. This also requires proportionate procedural and material consequences in case of non-compliance with their obligations.”(Dublin Proposal p4). The proposal affirms the overall intention of the Dublin system to make the first country of entry responsible, omitting any free choice element whatsoever (Dublin IV proposal, p15). The first country responsible rule is even further cemented by determining that the criteria of Dublin responsibility shall be applied only once without a change of responsibility in the course of the procedure/ time (Dublin IV Proposal; p15). The discretionary clause is shaped narrower, to ensure that it is only used on humanitarian grounds. It further streamlined the responsibility criteria by – among others – make Member State of first entry, as a rule, responsible in view of preventing unjustified secondary movements after entry. (DR IV, p 16).

On the other hand, the proposal seems to acknowledge that family ties are a dominant reason for engaging in onward movement. It extends the family definition by (1) including the sibling or siblings of an applicant and by (2) including family relations, which were formed after leaving the country of origin but before arrival on the territory of the Member State. The extension may however come short to meet the much broader family concepts of people seeking protection and thereby uniting with their relatives.

The proposal for a **Qualification Regulation** confirms that beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by the Member State responsible in accordance with the procedure laid down by Regulation (Preamble of QR Proposal). The proposed Art 29 determines once more that beneficiaries of international protection have no right to reside in a MS other than the one which granted the protection status. This measure shall further prevent secondary movements. Additionally, and as a punitive consequence for secondary movement, the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection. The **Long Term Residence Directive** 2003/109/EC would require an amendment in this respect (recital 44 QR Proposal)

To prevent applicants for international protection from leaving the Member State responsible for their application is also one of the main elements of the proposal for a recast **Reception Conditions Directive (RCD)**. The EC expresses that “learning the official language or one of official languages of the Member State concerned would increase self-reliance and the chance of integration in the host society (...) and constitutes a deterrent against secondary **movements**. Despite the fact that this has always been the main aim of the RCD, the EC reiterates that common minimum standards in reception conditions are vital in discouraging secondary movements of irregular migrants. (Proposal for a recast RCD). The proposal for a recast Reception Conditions Directive, however also envisages punishing onward movements by withdrawing material reception conditions (Art 19).

### ***What is discussed?***

In its meeting from 28-29 June 2018, the European Council concluded that “secondary movements of asylum seekers between Member States risk jeopardising the integrity of the Common European Asylum System and the Schengen acquis.” According to the Council, “Member States should take all necessary internal legislative and administrative measures to counter such movements and to closely cooperate amongst each other to that end.” (Council Conclusions from 27-28 June 2018). In a note from the presidency to SCIFA, the presidency summarises that “1) Secondary movements of already registered persons and 2) unregistered asylum seekers” have to be addressed to counter secondary movements. Recognising that there is much uncertainty about data, the Council proposes as a starting point, to develop a common “understanding of secondary movements, a list of approved indicators and relevant statistical data to address in a joint manner the issue.”

While it seems a common understanding that secondary movements jeopardise the Common European Asylum System, the ideas on how to address secondary movements differ between various stakeholders.

Austria, Belgium, Cyprus and Hungary requested stricter sanctions to strongly discourage secondary movements with measures such as detention to secure the transfer to the MS responsible (see Council of the European Union (2017)).

The rapporteur of the Committee on Employment and Social Affairs on the proposal for a Qualification Regulation disagreed with the punitive approach chosen by the Commission to regulate secondary movements. According to the opinion of the rapporteur, “a system of possible incentives to remain in the State that granted protection [seemed] more appropriate.” Also with respect to the proposed recast Reception Conditions Directive, the rapporteur disagreed to denying material reception conditions to applicants of international protection if they are not in the Member State responsible for their application under currently revised asylum rules. For the rapporteur, such “an approach (...) seems to denote a continued lack of mutual trust and the unwillingness to establish a truly fair, genuinely European, asylum system.”

The European Parliament understands family links, cultural and social ties as well as language skills as important factors for integration and thus as a source that may trigger secondary movements. The EP proposes therefore that applicants shall be given a limited say of preference of Member States in form of a written statement, duly motivated requesting a specific EU MS according the named criteria to be responsible for his/ her application (European Parliament 2017 – Wikstroem Report). The EP thus sees a mix of incentives and disincentives to ensure compliance with the responsibility rules within the EU.

Consequently, according to this scheme, following the determination of the responsible state, remaining there is considered “the only path to international protection within Europe” (EP 2017).

ECRE strongly criticises that policy makers blame individuals for “absconding” or engaging in “secondary movements” (...) while at the same time MS deliberately violate CEAS standards (ECRE (2018a). ECRE further rejects procedural sanctions and exclusion from reception conditions to address secondary movements as they are “counterproductive and unlawful under CJEU jurisprudence”. In addition, ECRE argues that secondary movements could be best addressed by taking into account “meaningful links of applicants with specific Member States” (ECRE 2018b).

Take & Seeberg (2015, p 22) argue that effectively reducing the ratio of persons who claim asylum in more than one European country is only possible under certain circumstances such as, in order of importance, equal asylum procedures resulting in equal recognition rates, equal future possibilities, and equal reception conditions for asylum seekers. However, Battjes argues that Union law is not able to address the inequalities between member states in order to diminish the incentive for secondary movements (Battjes 2018). Similarly, the level of material reception conditions during the asylum procedure may have only limited impact on secondary movements of asylum seekers because other factors, such as social ties (including family reunification), reputation of other countries or job opportunities would be regarded as more important by applicants (Wagner et al 2015, p 82). Kuschminder (2018, p 2) concludes that destination preferences are relatively fixed at departure, and any changes to these preferences appear to be shaped less by enforcement measures than by migrants’ perceptions of available opportunities.

Illustrated by some of the various ideas and policies on how to address secondary movements it becomes apparent that the CEAS has only limited options to affect the attractiveness of a country. The importance of national asylum systems as factors for picking one country over another is disputed. At the very least, the assumption that the CEAS alone could stop secondary movements seems overstated. Applicants leave one country for another out of a series of reasons, which the following chapter will briefly summarise based on different studies.

## **4. Research on secondary movements**

### **4.1. Motives**

There is considerable interest among policy makers and academics at the EU level in the decision-making of third- country-nationals (here mainly referred to: applicants for international protection and migrants traveling irregularly to Europe) in shaping destination preferences. In the past two decades, a number of studies researched the motives of third-country-nationals for choosing one destination country over another. The emergence of new studies analysing these motives can be observed since 2015, mainly because of the increased numbers of people arriving at the shores of the EU and applying for international protection in 2015 and 2016. This led to an increased interest of politicians and policy makers in seeking ways to control the arrival of applicants for international protection.

On a more general note, migrants and applicants for international protection do not always have a final destination country in mind when leaving their countries of origin. A number of studies support this finding (Crawley and Hagen-Zanker, 2019). People decide on the country of destination often during their journey and this decision is subject to change during the flight (Crawley and Hagen-Zanker, 2019).

There is no clear consensus in literature on individual factors influencing the destination preferences. Most studies agree that the existence of social networks can significantly influence destination preferences of applicants for international protection and other migrants (Crawley and Hagen-Zanker, 2019; Thielemann, 2006; Kuschminder, 2018). The social networks consist of family, friends, acquaintances and agents including smugglers who influence the decision-making by providing information (Koser and Pinkerton, 2002). The mere existence of social networks in the destination country has a greater influence than other information available on the country (Wagner and Platzer, 2010). Social networks are important for accessing information and organizing the travel but also support with the integration after the arrival in the country (Wagner and Platzer, 2010). However, in a small-scale study in the United Kingdom, Collyer (2004), argues that family networks did not play a significant role for the studied Algerian interviewees.

Most studies agree that **job opportunities** in the destination countries are a relevant factor affecting the destination preferences (Wagner and Platzer, 2010; Crawley and Hagen-Zanker, 2019). Thielemann (2006) observed that countries with higher employment opportunities tend to have higher numbers of applications for international protection. Brekke and Brochmann (2014) found that national differences in EU Member States in reception systems including different labour market opportunities motivate applicants for international protection to move from one EU MS to another. However, some scholars conclude that there is no research that can demonstrate the correlation between labour market access and destination preferences (James and Mayblin 2016).

National and EU policy makers argue that the different **reception standards** are the reasons for secondary movements suggesting that applicants for international protection would choose the countries where they would get the best treatment. However, this argument seems misleading. In the interviews with migrants, applicants for and beneficiaries of international protection within the framework of the CEASEVAL project, some interviewees stated that they had left for example Italy, Greece or Hungary because of the reception conditions. However, they did not report or complain low standards of accommodation, but rather their total absence.

*In Italy she was given no medication, although she was pregnant, no accommodation. She and the baby's father were sleeping on the streets. (Fieldnotes) (Interview\_France\_11).*

In Greece, to access the camps, or housing, registration with the asylum service confirming the submission of an application for international protection is essential. As accommodation is scarce, there is significant waiting time of months for someone to find accommodation space:

*'I could not live in the camp... you have seen the camps. We did register our names in the camps but nobody called us until now. I went to Elaionas and told I would like to stay here. They registered our names and they said they will call but nobody called.'*  
(Interview\_Greece\_08)

Furthermore, some studies question the intended effects of asylum policies aimed at deterring applicants for international protection from travelling to particular countries (Crawley and Hagen-Zanker, 2019; Gammeltoft-Hansen and Tan, 2017; James and Mayblin, 2016, Thielemann, 2006). The majority of respondents in the study of Crawley and Hagen-Zanker (2019) had only a vague or general understanding of **asylum and migration policies**. Accordingly, they conclude that respondents did not choose a particular country based on its generous migration policies, or on the content of the policies themselves, but rather on their perception of such policies, which can be inaccurate and incomplete.

Recent studies conclude that destination preferences are influenced by an **interplay of various factors** including the access to protection and family reunification, the availability of information, the overall economic environment and social networks (Crawley and Hagen-Zanker, 2019; Takle and Seeberg, 2015). According to this finding, it is rarely one or the other factor that influences a certain decision, but their interplay, often influenced by certain chances that arise along the route.

The FIMAS project, a quantitative research study carried out by ICMPD in 2019, found that the main reason to apply for international protection in Austria was safety, followed by the countries democratic system and rule of law, and thirdly because of family members residing in Austria. For slightly more than half of the interviewed Austria was also initially the preferred destination country (FIMAS + Integration 2, 2019). Another study in Austria (EQUAS PLUS, 2016) found that people who initially had another destination country in mind stayed in Austria, because they lacked the financial means to move on, they were tired or sick, or they felt safe and welcomed in Austria.

The table below gives an overview of primary data on factors influencing destination choices of applicants for international protection in Europe analysed for this paper.

**Figure 2. Overview of studies on destination choices**

Author(s) of the study or project name	Year of publication	Countries studied	Research method	Reference group	Sample size	Comparative or national study
Crawley and Hagen-Zanker	2019	Germany, Spain, the UK	quantitative methods	Persons from Syria, Eritrea and Nigeria	259	comparative
FIMAS + Integration 2 <sup>3</sup>	2019	Austria	quantitative methods	Persons from Syria, Afghanistan, Iraq and Iran	2400	national
Kuschminder	2019	Italy	qualitative methods	Persons from Eritrea	35 (+ 18 other stakeholders)	national
Kuschminder	2018	Greece	quantitative methods	Afghanistan, Pakistan, Iraq, Iran	519	national
Mallett and Hagen-Zanker	2018	Germany, Spain and the United Kingdom	qualitative methods	Eritrea, Senegal, Syria	52	comparative
Tucker	2018	Germany and Sweden	qualitative methods	Palestinians from Syria	33	comparative
Wissink and Mazzucato	2018	Turkey and Greece	qualitative methods	West and Horn of Africa	40	comparative

<sup>3</sup> ICMPD (2019).

Author(s) of the study or project name	Year of publication	Countries studied	Research method	Reference group	Sample size	Comparative or national study
<b>EQUAS PLUS<sup>4</sup></b>	2016	Austria	quantitative methods	Syria, Afghanistan, Iraq, Iran, Russia, Pakistan, Nigeria, Somalia, Eritrea	1025	national
<b>Kuschminder and Siegel</b>	2016	The Netherlands	qualitative methods	Afghanistan	47 (+ 11 other stakeholders)	national
<b>Brekke and Brochmann</b>	2014	Norway, Italy	qualitative methods	different countries of origin	65 (+ 24 other stakeholders)	comparative
<b>Collyer</b>	2004	France, the UK	qualitative methods	Algeria	65	national
<b>Havinga and Böcker</b>	1999	The Netherlands, Belgium, the UK	qualitative methods	different countries of origin	45	comparative

The literature review shows that the existing studies mainly focus on the main EU destination countries (e.g. Germany, UK, Netherlands, Austria, Norway) and countries of first entry to the EU (e.g. Greece, Italy, Spain). Mostly the studies depict the situation in one country only. There is less or no research on countries less affected by the arrival of people seeking international protection (e.g. Baltic countries, Poland, Slovakia, Czech Republic, etc). However, to gain a better insight on why people choose one country over the other, it would be worthwhile to research also why people go to less targeted countries and why they remain there or move on. The gap in research and literature on a number of EU Member States, in particular on transit countries, is evident.

Also, the research group, the migrants, applicants for and/or beneficiaries of international protection is concentrated on a few major source countries, such as Syria, Afghanistan, Eritrea, Iran, Somalia, Pakistan, etc. Preferences may significantly vary among the different source countries but may be even more enlightening to compare them between the various groups. Comparative studies with persons from different countries of origin are thus essential in gaining a better understanding of the issue of destination preferences.

#### **4.2. Impact of family**

The most commonly identified reason for secondary movements extends to the presence of family members or relatives and the wish to reunite with them. Dubow, Marchand and Siegel (2019, P85), for

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<sup>4</sup> ICMPD (2016).



example emphasise the emotional attachments to family and friends in another country as the most mentioned ground influencing onward migration decisions. Also policy makers have identified this reason and have put family unity as the top criteria in the hierarchy of the Dublin responsibility system, even above the first country of entry criterion.

Among others, the Red Cross emphasised the importance of realising family reunification as the first criteria for determining responsibility among Member States (Red Cross 2016). For Garlic, the hierarchy of criteria in the Dublin system should, in theory, operate firstly to bring families together. If it did so, this would address one of the most powerful reasons why people move onwards within Europe. (Garlic 2016, p 43).

According to Art 7 f Dublin III Regulation, the hierarchy of criteria tops minors (Art 8), followed by family members who are beneficiaries of international protection (Art 9), family members who are applicants for international protection (Art 10), family procedure (Art 11), and only then followed by other criteria such as issuance of residence permit (Art 12) or the entry/ stay (Art 13), etc.

Despite the prominent position of family as the top criteria to determine the responsible MS for an application for IP, two reasons prevent the provision from playing a more dominant role:

**First, the practical implementation of applying the family criteria lags behind.** In 2018, as an example, MS “only” transferred 5,118 cases of take charge requests for family reasons (see table below). More than half of those cases were reunifications of family members of beneficiaries of IP (2,369 cases). Apparently 756 minors have been transferred under the respective criteria (Art 8), which only makes up less than 0.5% of the approximately 200,000 registered minor applicants in 2018.

**Figure 3. 'Dublin' transfers by legal provision**

	2015	2016	2017	2018
<b>Take back request</b>	6,778	15,952	15,112	14,148
<b>Take charge request</b>	3,794	6,162	11,188	12,144
<b>Take charge request - family criteria (articles 8, 9, 10, 11)</b>	44	1,460	4,609	5,118
<b>Take charge request - minors with a family member legally present (article 8)</b>	92	395	729	756
<b>Take charge request - family members who are beneficiaries of international protection (article 9)</b>	69	435	1,879	2,369
<b>Take charge request - family members who are applicants for international protection (article 10)</b>	324	516	1,924	1,952

Source: Eurostat (data code migr\_dubti)

In addition to the practical obstacles of applying the criteria of family unity, the procedure also lasts rather long. According to the available Dublin data at Eurostat, the majority of Dublin procedures for family reasons last longer than 6 months and a significant proportion (1,833 cases out of overall 5,393) lasted between 13 and 18 months (see table below).

The modest use of the criteria relating to family links was also recognised by the EC referring to the difficulty of tracing family or obtaining evidence of family connections and the different evidences accepted for these criteria by MS. The substantial divergence on what is acceptable proof of family

connections makes it difficult to determine responsibility, leading to lengthy procedures (see Dublin IV Proposal). An evaluation of the Dublin III regulation further found that MS are more likely to accept evidence from Eurodac or Visa Information System than evidence on family unity. Thus, although Member States apply the Dublin responsibility criteria, the first country of entry criterion precedes the family criterion. (EC 2015, p 7).

**Figure 4. Duration of Dublin transfers, by legal provision**

	Total	Take back request	Take charge request	Take charge request - family criteria (articles 8, 9, 10, 11)
<b>Total</b>	27,676	15,636	12,040	5,393
<b>From 1 to 6 months</b>	18,945	12,014	6,931	2,460
<b>From 7 to 12 months</b>	5,358	2,654	2,704	1,099
<b>From 13 to 18 months</b>	3,329	930	2,399	1,833
<b>Unknown</b>	22	19	3	1

Source: Eurostat (data code migr\_dubto)

**Secondly, the definition of family is rather tight:** As family members, the Dublin III Regulation specifies the spouse, the minor child as well as the father, mother or another adult responsible for a minor (Art 2g). Furthermore, family ties are only relevant if they have already existed in the country of origin (Art 2g). The current proposal for the Dublin IV Regulation recognises the need to broaden the family definition. The proposal therefore, enlarges the scope of the Regulation to include siblings as well as families formed in transit countries (ibid). However, whether this extension of the scope will contribute to an increased use of Dublin transfers and thus help to impact to diminish (unwanted and irregular) secondary movement is doubtful.

### 4.3. Impact of mobility

As indicated, unlike a negative decision on an asylum application, the recognition of a protection status is not valid throughout the EU. JRS thus frames that “the Dublin Regulation does (...) not only determine where your application will be processed, but ultimately also where you will have to settle if you are recognized as refugee.” (JRS 2018). According to JRS, this plays a crucial impact on a refugee’s path to integration. In the same vein, Battjes considers the lack of mutual recognition of positive asylum decisions among Member States to be incongruous in view of the rights that EU citizens have and a missed opportunity for preventing secondary movements” (Battjes 2018, p 8).

In fact, the Dublin system makes one EU+ country responsible for an applicant for international protection. Following the criteria (see above), the responsible country has to conduct the asylum procedure during which the applicant must remain on the territory. Little changes once a person is granted international protection. However, in 2011 the Long Term Residence Directive was extended to beneficiaries of IP (Council Directive 2011/51/EU amending Council Directive 2003/109/EC). Since then beneficiaries of IP can reside in a territory of another MS than the one who granted her/him international protection after five years and may engage there in economic activities, studies or other purposes (Art 14/2 Council Directive 2003/109/EC).

The European asylum system thus restricts mobility of applicants as well as of beneficiaries of international protection. Practically this means that people who seek protection in an EU MS must stay

in the county where they first applied for a significant time without the possibility to change the place of residence.

In reality, people follow opportunities. The introduction of the Schengen area was a predominantly economic consideration. Today, 1.7 million people in the Schengen border-free area cross a national border on their daily way to work.<sup>5</sup> And many more live and work in a country different from their own. Like EU citizens, applicants for and beneficiaries of IP seek opportunities, be it to unify with their families or seeking employment or education. Still, only the former are mobile and may realise such opportunities.

Although the CEAS is not driven by economic interests, its prohibition of movement contradicts main pillars of the common market. A Commission staff working paper named the asylum allocation system as “an inefficient allocation of human capital throughout the EU common market [as the system] could undermine the internal market’s capacity of distributing potential workforce wherever skill shortages require it” (EC 208, p 27). The paper further concluded that the “current situation does not allow a refugee moving freely to another Member State to cover skill shortages” (ibid).

The Sachverständigenrat Deutscher Stiftungen (SVR) proposed a very nuanced alternative, “a regulated free choice model as solution for secondary migration”, which aimed to address both, the lack of shared responsibility and secondary movements (SVR 2017). The SVR proposes to remain with the federalised asylum system as in the status quo. In parallel, however, the proposal grants recognised refugees more free movement rights. That would not mean that they can move and settle unconditionally and freely in the EU (and have immediate access to benefits at the destination) in the sense of universal free choice. The SVR excludes such wide rights as they could lead to a comparable poor treatment of EU citizens. Contrary to the Commission's view that secondary movements must be combated in general (see, inter alia, COM (2016) 197: 13f.), the SVR proposes to take into account the migration intentions of recognised refugees for corrective redistribution; as a control resource. Refugees could thus move on under certain conditions, e.g. if they have a concrete job offer in another member state (SVR 2017).

## 5. Conclusions

The discussions on how to address secondary movements within the EU dates back to the time before the development of the CEAS. In fact, the prevention of uncontrolled movements of third-country-nationals were the main reason for developing the idea of a Common European Asylum System as this needed to be in place to make the freedom of movement of EU citizens possible in the first place. Schengen therefore depended on an agreement on how to deal with applicants for and beneficiaries of international protection (as well as with people irregularly entering or being present in an EU MS). The specially created Dublin system defined which EU+ MS shall be responsible for an applicant for international protection. The Eurodac system complemented and supported it by providing the necessary evidence (i.e. fingerprints).

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<sup>5</sup> <http://www.europarl.europa.eu/news/en/headlines/security/20190612STO54307/schengen-a-guide-to-the-european-border-free-zone>

Policy makers celebrated initial significant drops in the numbers of applications as a clear signal of the success of the Dublin system in preventing multiple applications by one applicant in various member states. Since, however, further intra-EU onward movements of applicants for and beneficiaries of international protection have been experienced. In the absence of reliable tools to measure onward movements, its scale is subject to estimations. Lately, the rise in numbers of asylum applications in 2015/ 2016 and the uncontrolled onward movement from one country to the next lead to an increased debate on the reasons for secondary movements, how to control them but even more, how to prevent them.

One key to addressing secondary movements lies in analysing why people are moving from one country to another. An increasing number of research studies and literature embarked on this question since 2015. Although the studies do not speak a clear language in their findings, there are some recurring reasons why applicants prefer one country over another.

- 1) The most commonly identified reason extends to the presence of family members and the wish to reunite with them. Although family reunification tops the Dublin criteria hierarchy, the numbers of family-related Dublin transfers are very low suggesting Dublin plays only a minor role in addressing this reason for secondary movement. To take this criteria more into account, efforts should be increased to a) extend the family definition, b) further harmonise the criteria to accept evidence to proof family ties and c) ever more investment in tracing families within EU MS.
- 2) While the key achievement of the EU is connected with free movement within the Schengen area, this movement does not extend to applicants for and beneficiaries of international protection. They are thus bound to remain in the first country of entry for at least five years after recognition of their status. Given that people move for a variety of valid reasons (e.g. reunite with their broader family or relatives or because they see more labour market prospects in another country), immobility deprives them from taking on opportunities as they arise, which – in turn – potentially undermines the economic interest of EU MS. A tempered access to free movement after recognition could have a positive impact on peoples' opportunities and contribute to the prevention of uncontrolled secondary movements.
- 3) Both research and policy seek to find collective answers to very individual and accidental decisions of choosing one country of destination over another. Possible answers and policies cannot sufficiently capture the varieties of decision making processes and eventualities that lead to people ending up in one or the other country. Still, research makes a strong argument that applicants for and beneficiaries of international protection make very understandable decisions on choosing the country of destination, seeking to cover the most urgent needs. It remains doubtful whether such decisions can be prevented by applying punitive measures.
- 4) Research so far mainly covers some of the major destination countries such as Germany, United Kingdom, the Netherlands, Austria or Sweden and major countries of first entry to the EU such as Greece, Italy, Spain. However only little research covers countries with lower numbers of arrivals, although this could add well to the debate to understand why applicants also choose to remain in "less traditional destination countries".

Summarised, addressing secondary movements requires a detailed analysis of the causes for secondary movements. The available research should not only be reviewed more in detail but should also be extended to countries that are – so far – less affected by arrivals of applicants for international protection. Also, the need for more reliable information on the scale of secondary movements within the EU+ countries is necessary. Finally, it requires the insight that not all cases of secondary movements can be prevented with punitive measures. Many reasons are outside the sphere of influence of migration policy makers. Positive incentives (meaning measures that make staying in the first country more attractive than moving on - e.g. the prospect of access to work or education or the prospect of free movement after recognition) could therefore possibly better address intentions for onward movement.

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