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# Gaps on migration

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Molise Region

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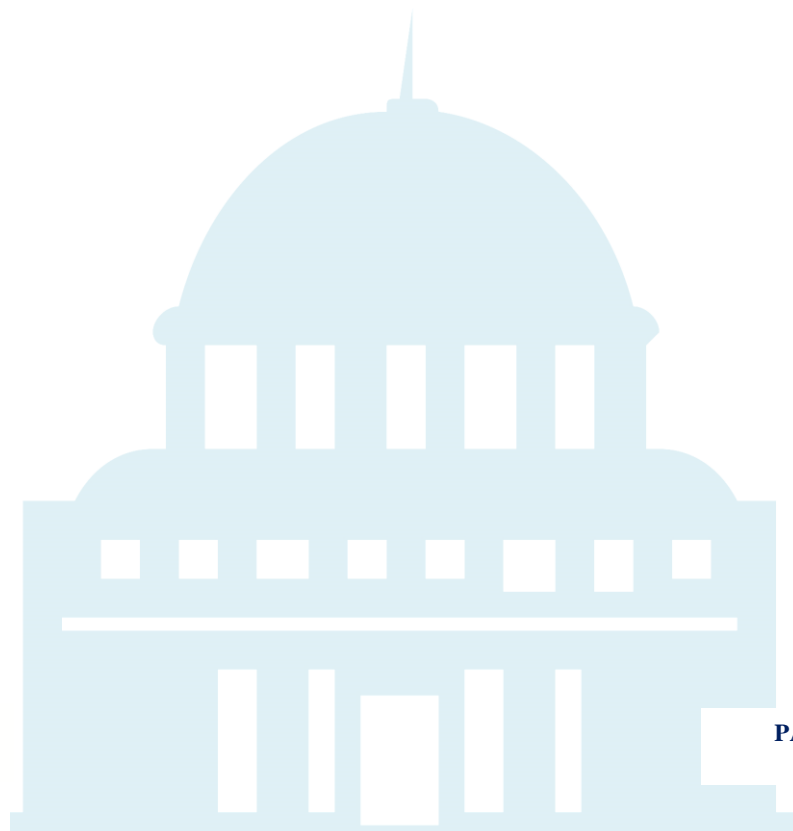


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## INDEX

<b>1. INTRODUCTION</b>	3
1.1 PANORAMED PROJECT. AN OVERALL VIEW	3
1.1.1 Project summary	3
<b>2 THE MEDITERRANEAN CONTEXT</b>	4
<b>3 EU MIGRATION POLICIES</b>	6
3.1 The “Dublin system”	7
3.2 The reform of the “Dublin system”	9
3.3 The new European Pact on Migration and Asylum	10
3.4 The financial plan 2021-2027	12
<b>4 IDENTIFICATION OF GAPS ON MIGRATION</b>	14
4.1 Gaps on EU initiatives and programme	14
4.2 Factual gaps on migration in Italy	15
<b>5 INTERREG AND MIGRATION. EVIDENCE FROM INTERREG PROJECTS</b>	17
<b>6 CONCLUSIONS AND POSSIBLE OPPORTUNITIES</b>	18
<b>7 ANNEX</b>	19



## 1. INTRODUCTION

This document is the result of the work carried out by Molise Region and University of Molise for the analysis of gaps of migration in terms of national and international legal schemes and national and European/international policy development.

The Gaps on migration will analyse and collect key documents with reference to governance in the MED area. It will consist of an action plan, normative and policy papers at national and EU level. It also will take into account strategic initiatives and the best practices reports delivered in Panoramed Project.

The Member States have developed instruments for managing migration, resettling refugees and working on integration in cooperation with different stakeholders and other countries. The report will examine examples from one of the Med Countries, Italy. We take into consideration that the extent of the policies that are in place can differ quite substantially across European countries and territories.

The first part of the report presents the Panoramed Project in a nutshell, that means contents, work packages and main objectives. The second part analyses the latest changes in the Mediterranean migration routes and impact of pandemic. The third part will be focused on EU migration policies and law: the so-called “Dublin system” and its reform, the new EU Pact on Migration and Asylum and the financial plan related to the next six years (2021-2027). The fourth section provides the identification of the different types of gaps on migration. The last section is devoted to the relevance of migration in Interreg projects and related evidence.

### 1.1 PANORAMED PROJECT. AN OVERALL VIEW

#### 1.1.1 Project summary

The MED Programme, in complement to its 3 thematic priorities – innovation, energy and environment - integrates in its architecture a cross-sector axis specifically tackling the capacity of national and regional authorities to contribute to governance processes in the Mediterranean Region: the axis 4 Enhancing Mediterranean Governance. This will be achieved through a top-down evidence-based platform of national and regional authorities, the PANORAMED project.

The overall goal of PANORAMED is to establish an innovative permanent dialogue and decision-making process among national and regional public authorities and stakeholders to contribute to informed policy and decision-making processes at national and transnational level on common challenges and opportunities in the Mediterranean Region. Specifically, the initiative will support the definition of transnational governance joint frameworks for the identification and implementation of shared approaches, policies and strategic projects.

The top down partnership scheme includes 17 ministerial and regional partners from the MED eligible countries identified directly by the MED programme Monitoring Committee. The identified associated partners complement the partnership scheme, comprise the main actors and initiatives and strategies present in the basin, and are recognized as key driver for exploring and developing complementarities and synergies as well as for defining possible alignment of initiatives.

The main objectives of the project are to:

1. identify and promote strategic projects regarding coastal and maritime tourism and maritime surveillance, starting from an analysis of the impact of cooperation projects funded in the framework of the 2007-2013 and 2014-2020 programming periods;
2. strengthen the relationships among Institutions that promote strategies, programs, projects and initiatives for the Mediterranean and to promote a systemic vision of the Mediterranean policies, sharing governance tools to improve the policies themselves.

The project foresees three main themes organized in work packages:

- Work Package 5: “Coastal and Maritime Tourism”;
- Work Package 6: “Maritime Surveillance”;
- Work package 10: “Innovation”.

It completes the project architecture three cross cutting tasks:

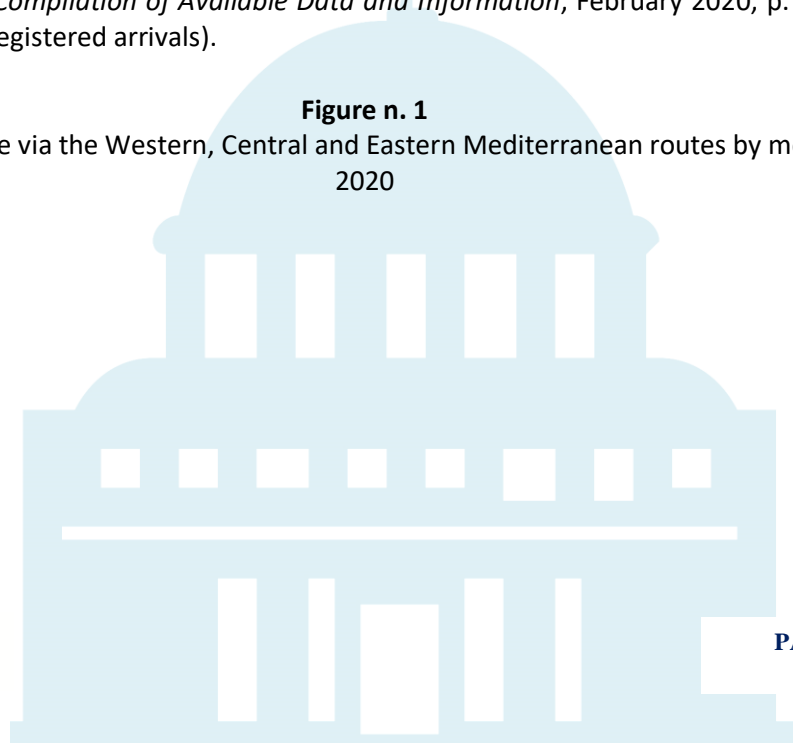
- Work Package 7 “Liaising”: connexion of the MED programme with other Mediterranean INTERREG programmes, strategies, initiatives and organisations;
- Work Package 8 “Migration”: reflexion on how to take into account the issue of “migration” in the activities of the MED programme;
- Work Package 9 “Mainstreaming”: experimentation of the share and transfer of outputs produced by MED and other ETC Mediterranean programmes towards other programmes and public policies (capitalisation and transfer of outputs).

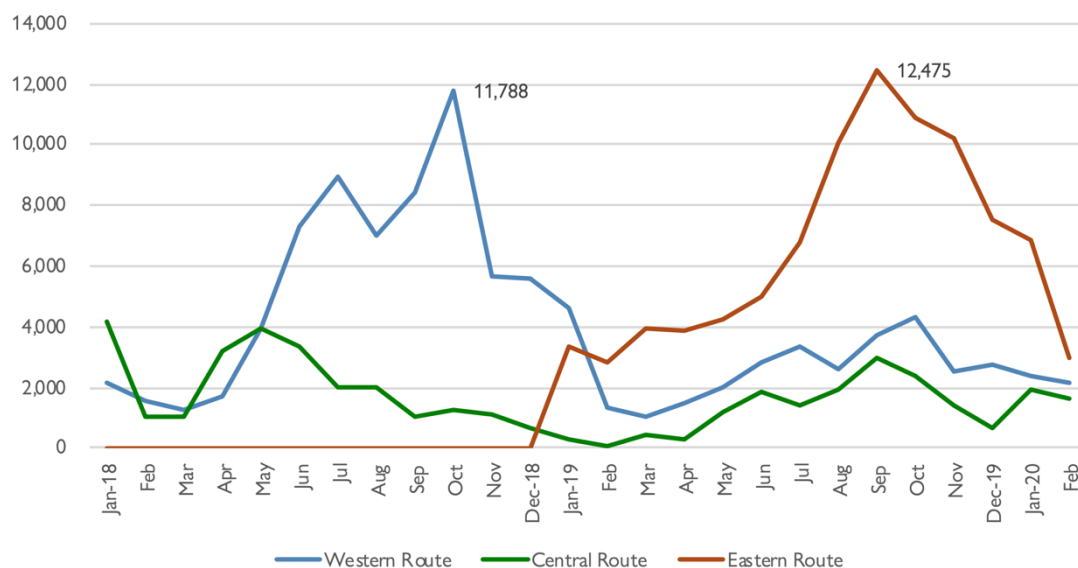
## 2 THE MEDITERRANEAN CONTEXT

Available data, mainly based on OECD regional monitoring systems – which usually do not include the number of asylum seekers -, indicate an increase in overall migration flows in 2019 (OECD, ILO, IOM, UNHCR, *2020 Annual International Migration and Forced Displacement Trends and Policies Report to the G20*, p. 4-5). Across Southern European countries the dynamic was quite different, as migration to Spain increased consistently (+18% in 2019) while migration to Italy decreased slightly (-9%, *Ibidem*). Regarding mixed migration flows, the numbers of registered arrivals show that the Eastern Mediterranean route – leading to Greece and Bulgaria – was the main route taken by migrants and refugees travelling to Europe by sea and by land in 2019, compared to those travelling in 2018 (DTM, *Mixed Migration Flows in the Mediterranean. Compilation of Available Data and Information*, February 2020, p. 3-4, whose data include all registered arrivals).

**Figure n. 1**

Arrivals to Europe via the Western, Central and Eastern Mediterranean routes by month, 2018-2020





\*Arrivals to Spain include arrivals to the Canary Islands

The issue of migration was prevalent in the public debate of the EU Mediterranean countries in the past years, and it still remains among the major focuses of their decision-makers, policy experts and national legislators. The underlying socio-economic challenges of the presence and the handling of temporary and permanent immigrants have a significant impact on the political scenario in terms of workable solutions to the main administrative problems and capacity of the national leaderships to present them to voters and to deal with cross-cutting tasks (as managing identification and relocation procedures, redefining national welfare systems or access to job market etc.).

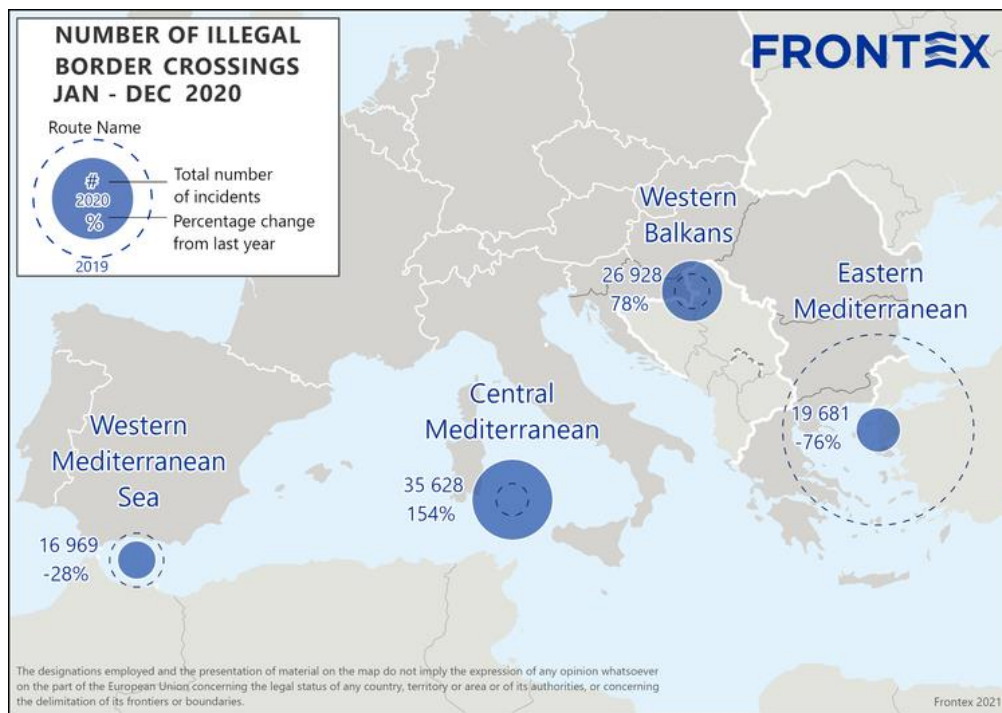
**Figure n. 2**  
Number of arrivals of migrants via the Mediterranean Sea (years 2015-2019)

Anno	Grecia	Italia	Spagna
2019	59.726	11.471	26.168
2018	32.494	23.370	58.569
2017	29.718	119.369	22.103
2016	173.450	181.436	8.162
2015	856.723	153.842	5.312

Source: UNHCR

The impact of Covid-19 pandemic on the evolution of migration flows ultimately shows the biggest fall in the number of registered arrivals through the Eastern Mediterranean route. As documented by Frontex (figure 3), there was a significant decrease of over three quarters, to around 20.000, while the number of detections of irregular border crossing in the Western Mediterranean region decreased by 29% to around 17.000 and the arrivals through the Central Mediterranean route almost tripled to over 35.600 (Frontex New Release, *Irregular migration into EU last year lowest since 2013 due to Covid-19*, 8 January 2021).

**Figure 3**  
Number of illegal border crossings Jan.-Dec. 2020



During the meeting of the EU Member States' Ambassadors of 16 June 2020, Italy, together with the Mediterranean countries Spain, Greece, Cyprus, Malta (Med 5), confirmed their willingness to negotiate an agreement on the European Asylum Agency. At the time of writing the present report however it is clear that the way of strengthening EU sectoral decision-making bodies is still long and difficult and that most of the small improvements so far realized at supranational level were deeply connected with political circumstances and compromises.

Among the most interesting civic and government initiatives deserve consideration the "From the Sea to the City" Consortium, born in 2020 and launched by Mayors and city representatives from all over Europe that have shown their willingness to uphold fundamental refugees' and migrants' rights. With the aim of pursuing a welcoming and human-rights based migration and refugee policy, they offer a very significant example of bottom-up approach to socio-economic problems. The small dimension of towns, villages and cities of the Mediterranean landscape is in fact the right one to ensure an adequate, tailored and diffuse integration of migrants and refugees coherent with European common legal traditions and values and respectful of its socio-economic fabric.

### 3 EU MIGRATION POLICIES

The EU has no specific competence in the field of immigration. The policy of the European institutions has long been characterized, on the one hand, by the effort to pursue the common interest, on the other hand, by the protection of the Member States national prerogatives, in



accordance to Articles 79 and 80 TEU. The following analysis will be focused, as first, on the so-called “Dublin system” and its failures and inefficiencies. Second, the new European Pact on Migration and Asylum<sup>1</sup> will be considered, marking its new features and lack of significant improvements. In the final part, the future of migration policies is reviewed, through an analysis of the planned funding of the 2021-2027 financial framework.

### 3.1 The “Dublin system”

The Treaty of the European Economic Community, signed in Rome on 25 March 1957, contains no provision devolving to the European institutions power in the field of immigration. The regulation of this matter is therefore left to the discretion of the Member States, without any regulatory framework. In the years following the signing of the Treaty of Rome, the increasing migratory flows towards Europe have placed immigration at the top of the EU Member States' agenda. Strengthening border controls, combating illegal immigration and the important role that controlled immigration plays in the economic and demographic development of the Union represent a major challenge for the EU. Traditionally visas, asylum and immigration issues are left to intergovernmental cooperation only.

The Dublin Convention, signed by 12 Member States (Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom) on the 15<sup>th</sup> of June 1990, was set up to determine the Member State responsible for examining an application for international protection (the minimum coordination among MS, their national policies through the adoption of a common criterion of responsibility) and to fulfil international obligations, in accordance with the Geneva Convention (1951) and the New York Protocol (1967). The so-called “Dublin system” was born as an international agreement, closely linked to the Schengen Agreement: they became two pillars of European asylum and immigration policies. As stressed in several EU documents, it is the ‘cornerstone’ of the Common European Asylum System-CEAS (i.e. European Council, ‘The Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens’ [2009] OJ C115/1, para 6.2.1). The Dublin regulation should prevent an application by the same applicant from being examined in more than one Member State and requires it to be examined by the State where the applicant entered the EU. Furthermore, Dublin established other criteria for determining responsibility apart from first Member State of the entry. On its basis asylum seekers have the right to remain in the country of arrival, despite not having regular entry documents, and to be assisted (precisely, according to the Reception conditions directive, the Asylum procedures directive and the Qualification directive). After the entry into force of the Treaty of Amsterdam in 1999, the right to asylum fell within the Community competences because of the approval of the Dublin II Regulation (Regulation (EC) No. 343/2003), which replaced the Convention in 2003 and consisted also in the so-called “Eurodac-Regulation” (Regulation (EC) No. 2725/2000) as well as the related Implementing Regulations (Regulation (EC) No. 1560/2003 and Regulation (EC) No. 407/2002). Five different criteria underlie the decision of which country should be responsible for an asylum claim. First, the principle of family unity: the State where a family member is located is competent. Second, the issuance of residence permits or visas: if the applicant holds a valid residence permit, the issuing State is responsible. Third, the application submitted in the international transit zone of an airport: it is foreseen that when “the desire to seek international protection is manifested in the international transit

<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions (COM(2020) 609 final, of 23.9.2020).

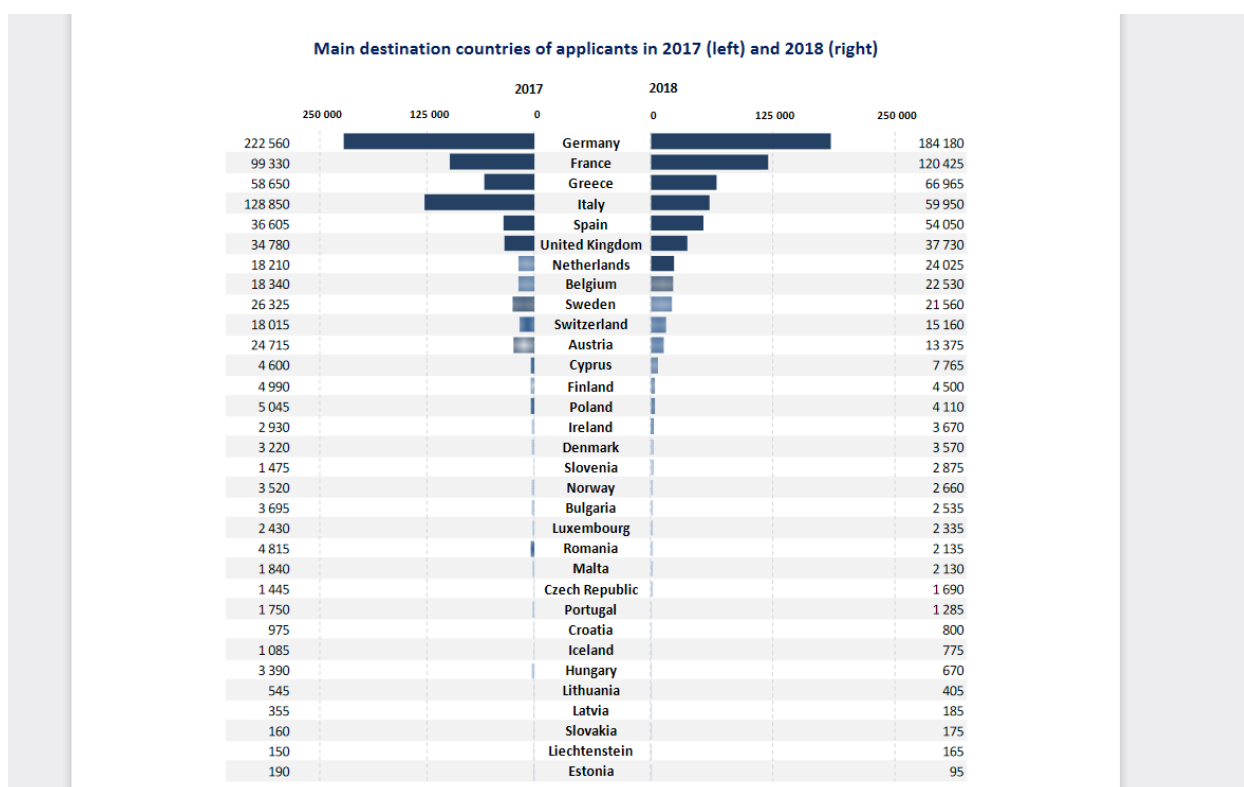


zone of an airport of a Member State, that State is the competent one". Forth, in case of legal entry into a Member State, the latter will be competent for it. Last, in the opposite case of illegal entry or presence in a Member State, if the applicant has illegally crossed the border of a Member State by land, sea or air from a Third country, the Member State is responsible for the illegal entry or residence.

The EU Commission evaluated the Dublin system in 2007 and suggested a reform which led to the adoption of recast Regulations for Dublin (Regulation (EU) No. 604/2013, "Dublin-III-Regulation") and Eurodac (Regulation (EU) No. 603/2013) in 2013 and to changes to the Dublin Implementing Regulation (Regulation (EU) 118/2014). The main objects of the recast were to strengthen the efficiency of the system and to improve the standard of protection for asylum seekers. In 2014, the Dublin III Regulation came into force, replacing the previous one with measures not detailed enough to give a substantial change. The competence to examine an application for international protection still lies with the Member State that plays the greatest role in relation to the applicant's entry into the EU territory, with certain exceptions. The criteria for determining the State responsible is still the same, with the residual criterion, but one that is predominantly applied, being the State of first entry into the EU. This very criterion leads to an imbalance in the responsibilities of the EU Member States: frontier and costal States – like Italy, Spain, Malta and Greece – are overloaded by the double burden of border control in the interests of all the Member States and the task of receiving asylum seekers. Since 2014 the increasing numbers of flows made more and more clear the failures and inefficiencies of the Dublin system. Frontier and costal EU Member States administrations were unable to handle the great number of asylum and international protection applications they received. These countries found themselves not equipped to monitor and control the great migrant inflows and flows out of the country and, in several cases, managed to circumvent the system by shifting the weight of the flows to the countries of last destination, such as Belgium, France, Germany, the Netherlands and Sweden. Further, the inter-administrative coordination among different national authorities was (and is still) lacking. Migrants often found (and still find) themselves stuck in a 'limbo' for long periods, awaiting a decision on their legal *status*. In addition, the Dublin system does not take sufficient account of several type of family members for reunification, which is currently the main reason for entry, and obviously places greater pressure on the countries on the Union's southern borders. The need for broadening the definition of "family links" to include also siblings and family formed in third states, for instance, has been often outlined by experts and scholars (D. Thym, *Secondary Movements: Overcoming the Lack of Trust among the Member States?*, October 2020, in [emigrationlawblog.eu](http://emigrationlawblog.eu)). What does not work, finally, are the repatriations to the countries of first entry of the so-called 'Dubliners'. Migrants tend to redistribute themselves after their arrival in Europe, mainly to countries, such as Germany and Sweden, which are not always able to trace migrant's movements and send them back, both for operational difficulty in avoiding illegality and economic reasons since repatriation has a cost. As documented by IOM, "[a] total of 28,256 migrants were assisted to return from the European Economic Area-EEA in 2019, which accounted for 43.5 per cent of the total caseload. Despite a 17 per cent decrease as compared to 2018, the EEA remains the top host region (*IOM, 2020*). Most of the beneficiaries were assisted to return from Germany (13,053, or 46 per cent of the total number of beneficiaries assisted from the EEA). Greece (3,804) remains the second main host country, despite a 22 per cent decrease in the number of migrants assisted compared to 2018. Austria (2,840) and Belgium (2,183) have lost their respective third and fourth positions, being overtaken by the Netherlands (3,035), which experienced a 41 per cent increase in the total caseload of migrants assisted (*ibid.*)" (available at [migrationdataportal.org](http://migrationdataportal.org)).

The most controversial aspect is the willingness of Member States to counteract the phenomenon so-called asylum shopping, i.e. the practice of asylum seekers applying for asylum in different countries or in a particular country after having transited through other countries. The EU legislation, through the so-called Dublin Regulation, establishes that asylum applications must be presented and registered in the country of first arrival and that the decision of the first Member State where the application has been formalized is the final decision in and for all other EU countries. This practice is very common amongst the so-called economic migrants and the whole mechanism therefore ends up entrusting the “filtering” role of the border countries, in order to control flows and limit entries (on this topic, see C. Odorige, *The Shoppers; Venue Shopping, Asylum Shopping: A Resolution in EURODAC?*, in *CEE e/Dem and e/Gov Days*, 2018, p. 229-237).

Figure n. 4



EASO Annual Report on the Situation of Asylum in the EU 2018

### 3.2 The reform of the “Dublin system”

As a consequence of the “migratory crisis” in 2015, the EU Commission launched on 4 May 2016 – as a first step of a full revision of the CEAS – a recast Dublin Regulation (“Dublin IV”), a recast Eurodac-Regulation as well as a proposal for the establishing of a European Union Agency for Asylum. The Commission Proposal “for a Regulation establishing the criteria and

mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person” (Proposal com(2016) 270 final) aimed at streamlining the Dublin rules “to enable an effective operation of the system, both in relation to the swifter access of applicants to the procedure for granting international protection and to the capacity of Member States’ administrations to apply the system”. Besides it was intended to contain and limiting “secondary movements within the EU, including by discouraging abuses and asylum shopping” and to identify tools enabling sufficient responses to situations of disproportionate pressure on Member States’ asylum systems” through a “corrective allocation mechanism” that ensures a “high degree of solidarity and fair sharing of responsibility” among Member States. In the critical studies of EU Law scholars was unanimous evaluation that the 2016 Proposal would not enhance the efficiency of the system and from a practical implementation perspective streamlining the Dublin rules was bound to fail (i.e. M. Di Filippo, *The Dublin Saga and the Need to Rethink the Criteria for the Allocation of Competence in Asylum Procedures*, in *Securitisating Asylum Flows*, ed. by V. Mitsilegas, V. Moreno-Lax and N. Vavoula, Brill, 2020, pp. 196-235). Shortly before the presentation of the Dublin IV proposal, a temporary and unprecedented derogatory scheme was approved (the so-called relocation scheme; Decision EU 2015/1523 of the Council of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece OJ L239/146; Decision (EU) 2015/1601 of the Council of 22 September 2015, establishing provisional measures in the area of international protection for the benefit of Italy and Greece [2015] OJ L248/80). The latter, at recital 34, expressly establishes that:

The integration of applicants in clear need of international protection into the host society is the cornerstone of a properly functioning Ceas. Therefore, in order to decide which specific Member State should be the Member State of relocation, specific account should be given to the specific qualifications and characteristics of the applicants concerned, such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation.

A different way to allocate asylum seekers to Member States was thus defined and it recalls the same logic of Art. 38 of the Asylum Procedures Directive: due regard must be given to the existing connection ‘between the applicant and the third country concerned on the basis of which it would be reasonable for that person to go to that country’. Giving more weight to objective links between an asylum seeker and a given country, this scheme fueled a broader debate on the overall reform of the Dublin system. Despite the circumstance that the 2016 Dublin IV Proposal has been withdrawn in 2020, the new Asylum and Migration Management Proposal recalls for many aspects the Dublin IV Proposal.

### 3.3 The new European Pact on Migration and Asylum

Presented at the end of September 2020, the new European Pact on Migration and Asylum (Communication of the EU Commission, COM(2020)609 final, 23.9.2020) follows years of complete deadlock and failed negotiations. It comes in a peculiar moment, after the failure of the last legislature to reach an agreement on the reform of the rules governing asylum at European level. At the same time the world panorama has changed drastically: from the spreading feeling of aversion towards reception and hostility towards NGOs or private entities

among the Member States population and above all because of the SARS pandemic Covid-19. Irregular migrant arrivals on the EU territory have been falling sharply for some time (2019 saw the lowest figure since 2013, minus 92% from the peak in 2015) and asylum applications, while remaining constant (around 700,000 requests per year from 2017 to 2019), are just over half of those recorded by Member States in 2015 and 2016. This is a far cry from the situation in the middle of the last decade. Nevertheless irregular migration is still a cause for concern due to the volatile circumstances playing as push-factors driving migration in countries of origin.

Promised as “a fresh start”, the new Pact however does not provide a proper binding regulation and it is a rather timid proposal, a useful starting point for further discussion among EU Member States, with strong limitations, as further analysed. The strategy of the Commission is twofold: on one side, a proposal for an Asylum and Migration Management Regulation, on the other, a “new solidarity mechanism” connected to “robust and fair management of the external borders” and capped by a new “governance framework”. It recognizes that no Member State should bear a disproportionate responsibility and that all MSs should contribute to solidarity on a regular basis. To come to the contents, it provides four relevant novelties. First, the emphasis on the principle of solidarity between States of first arrival and destination, as well as on the harmonisation of procedures. Second, a pre-screening procedure at the border aimed at identifying those arriving from a country on the list of so-called “safe countries” of origin and for whom the accelerated procedure is envisaged. Third, the outsourcing of controls. Fourth, the inclusion - for the first time - of siblings among the “family links”, i.e. as persons to whom they can apply for reunification. The most controversial profile is related to the choice of focusing on border procedures oriented to quick and summary decisions - basically, of “no entry” - instead of an organic reform of the Dublin Regulation (for which the political conditions are clearly not yet ripe; see F. Maiani, *A “Fresh Start” or One More Clunker? Dublin and Solidarity in the New Pact*, October 2020, available at [www.eumigrationlawblog.eu](http://www.eumigrationlawblog.eu)).

The new Pact has been described as “a three-story building” where the first floor is the external dimension, agreements with countries of origin and transit. The aim is to help people in their countries of origin: to deepen cooperation on migration through comprehensive, balanced and tailored partnerships with them. The second floor consists of measures to strengthen the control and management of the EU's external borders through several elements: a robust screening system that includes identification, health checks, fingerprinting and registration in the Eurodac database; a new European border and coast guard, with more personnel, boats and equipment. Border and migration management information systems has to work in unison by 2023, giving coastal and frontier guards the information they need to know who is crossing EU borders. Last but not least, the third floor is tailored to address the most complicated subject of European migration and asylum policies, namely solidarity and the distribution of responsibility for the management of asylum seekers among Member States. The new solidarity mechanism focuses primarily on relocation or sponsored returns. In the frame of the “return sponsorship”, the Commission first determines whether a State is faced with “recurring arrivals” following SAR operations and determines the needs in terms of relocations and other contributions (capacity building, operational support proper, cooperation with third States). Afterwards it invites Member States to notify the “contributions they intend to make”. They can choose to offer relocations for the eligible persons or return sponsorship of migrants not entitled to stay in the EU, and if the return is not carried out within eight months, the relevant State must accept the migrant on its territory. Eligible persons are those who applied for protection in the benefitting State, with the

exclusion of those subject to border procedures in force of Article 45(1)(a) and of those assigned on the base of “meaningful links” – family, abode, diplomas – to the benefitting State, in coherence to Article 57(3). The assumption related to these measures is that the benefitting State must carry out identification, screening for border procedures and the first shortened Dublin procedure before it can declare a person eligible for relocation.

12

If offers are sufficient, the Commission combines them and officially establishes a “solidarity pool”. In other words, Member States can decide whether and to what extent to share commitments, choosing between relocating applicants or sponsoring returns. At the same time, they are bound to cover at least 50% of the relocation needs set by the Commission through relocations or sponsorships, and the rest with other contributions. In fact, if offers are not sufficient, the Commission provides - by means of an implementation act - specific relocation targets for each Member State and summarizes other contributions as offered by them. If such targets are not reached and the relocations offered fall 30% short of them, a “critical mass correction mechanism” will be adopted (with the obligation for the interested Member States to meet at least 50% of the relocation needs set by the Commission). A quite similar scenario is open by the declaration that a Member State is “under migratory pressure”, by the EU Commission on its own motion or at the request of the concerned State (Art. 50). In this case, the beneficiaries of protection become eligible for relocation too (art. 51(3)). The measures thus set contribute to realize an “half-compulsory” solidarity which is far from effectively solving the failures of the system. There is a lack of strategic and long-term measures and a loss of focus on the fundamental values of the Union, while irregular immigration is encouraged.

As the EU Commission stated, the new Pact put “no effective solidarity mechanism in place”. The choice to emphasize the voluntary nature of the solidarity mechanism is undoubtedly a weak point of the proposal, as it does not allow for the introduction of the much preferable compulsory relocation. In short, The Pact is the result of consultations in which, among many disagreements, the only points of agreement were the following three: improving the effectiveness of returns, establishing a European return system, improving cooperation with third countries in the area of ‘migration management’.

### 3.4 The financial plan 2021-2027

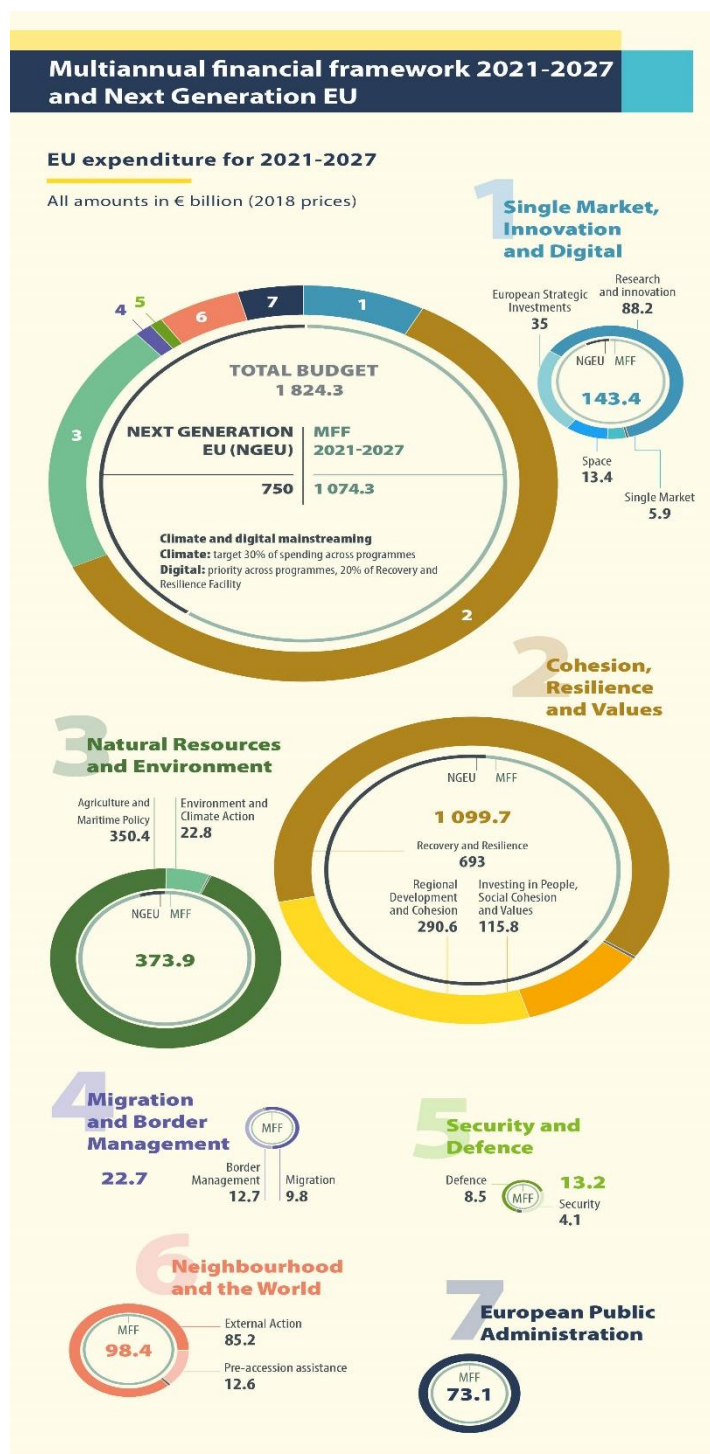
The Covid-19 pandemic that struck the world and its unexpected consequences generated the largest health emergency Western countries have faced since the postwar period. In this epochal moment, the European people and the Union’s Member States have united to achieve a common goal, a post-pandemic economic and social reconstruction, through the approval of the Recovery Fund, the largest package of measures ever financed by the EU, amounting to 1,800 billion euros. The plan, which represents an important opportunity for the European integration process and for EU’s competitiveness worldwide, is based on the principles of sustainability and equity. These two values also inspired during the pandemic the initiatives and actions carried out by the Third Sector actors, volunteers and NGO to address the needs related to assistance, care and education. Without the intervention of this important component of our society, most of the vulnerable people, like migrants, would not have received help.

On December 17, 2020, the European Council adopted the regulation laying down the EU's Multiannual Financial Framework (MFF) for the period 2021-2027 (2020/2093). The



regulation provides for a long-term EU budget of EUR 1074.3 billion for the EU-2, including the integration of the European Development Fund.

**Figure n. 5**  
Multiannual financial framework 2021-2027 and Next Generation EU



Source: official website of the Council of Europe  
([www.consilium.europa.eu/en/infographics/mff2021-2027-ngeu-final/](http://www.consilium.europa.eu/en/infographics/mff2021-2027-ngeu-final/))

Together with the €750 billion Next Generation EU Recovery Facility, it will enable the EU to provide unprecedented funding in the coming years to support recovery from the COVID-19 pandemic and the EU's long-term priorities across policy areas. The 2021-2027 European budget is distributed in seven (7) policy areas and allocates around €23 billion for immigration, primarily for border management. This is a very low percentage, less than 2%, but at the same time the funds represent an increase compared to previous years. The general objective of the EU is to strengthen security in the management of entry and exit flows both by negotiating agreements with third countries and by strengthening the Schengen Information System. A large part of the funds will be allocated mainly to the strengthening of the security approach and about 75% of the EU budget on migration and asylum would be allocated to returns, border management and the outsourcing of controls. In this perspective it is planned to hire up to 10,000 border guards at the disposal of the European Border and Coast Guard Agency by 2027. The first element that catches the eye is the imbalance between the resources foreseen for border management (over 10 billion in total) and those for the integration of migrants, a sign of the political will to reduce arrivals as much as possible. This choice is based on the awareness that the pandemic fuels the socio-economic crisis and consequently the migratory flows towards Europe.

## 4 IDENTIFICATION OF GAPS ON MIGRATION

Gaps on migration are of two types and can be separately considered, in relation to EU initiatives and programs and independently from these aspects. The next two parts will be dedicated to the analysis of the two types of gap.

### 4.1 Gaps on EU initiatives and programme

The previous section examined the major complexities of the European Union's immigration policies. The regulation of the subject is left to the discretion of the Member States until the Dublin Convention and the Treaty of Amsterdam. A common approach to the subject has not yet been developed. Yet strengthening cooperation in this area is one of the expressed goals of the European Union, which, however, in the search for agreements that bring together the will of all Member States, focuses more on border control and security than on the subsequent phase of reception and integration. As outlined above, the pillar of EU policies on asylum is represented by the Dublin Convention, which provides that the first country of entry is in charge for the reception of migrants and asylum seekers. This approach has so far led to greater difficulties for the Mediterranean countries, which are obliged to manage huge numbers of people and asylum requests without the support of other EU Member States, most of which are against the relocation of foreigners.

Despite the fact that the European Commission hopes with the European Pact on Migration and Asylum to find a final agreement on these issues, overcoming the Dublin system, the political prejudice and the consequent opposition between border/frontier States and internal States remains strong, mainly for avoiding secondary movements of migrants. The approach of responsibility and voluntary solidarity among EU Member States adopted in the new Pact does not provide a satisfactory solution.

Even in the assessment of the 2021 - 2027 MFF funds allocated to immigration, no better perspectives are in sight. The largest share of the funds is reserved for border security. The EU is aware that, what is coming will be a difficult season: the post-pandemic health and economic crisis and the arrival of summer will lead to an increase in regular and irregular immigration that will test Europe's strategy on migrants.



With regard to the use of European public funds for the national protection systems and facilities, the issue of controls and checks deserves attention. Many recent judicial enquiries and scandals have shown that fraud and misconduct put in place by the managers of reception and protection facilities, are possible due to the lack of checks on the side of the recipients of the goods and services contracted or in other word, the lack of regular, protected hearings of the migrants hosted in these facilities. An agreement on an European Asylum Agency strengthened in its operational and control powers over these national system might be a useful, significant improvement.

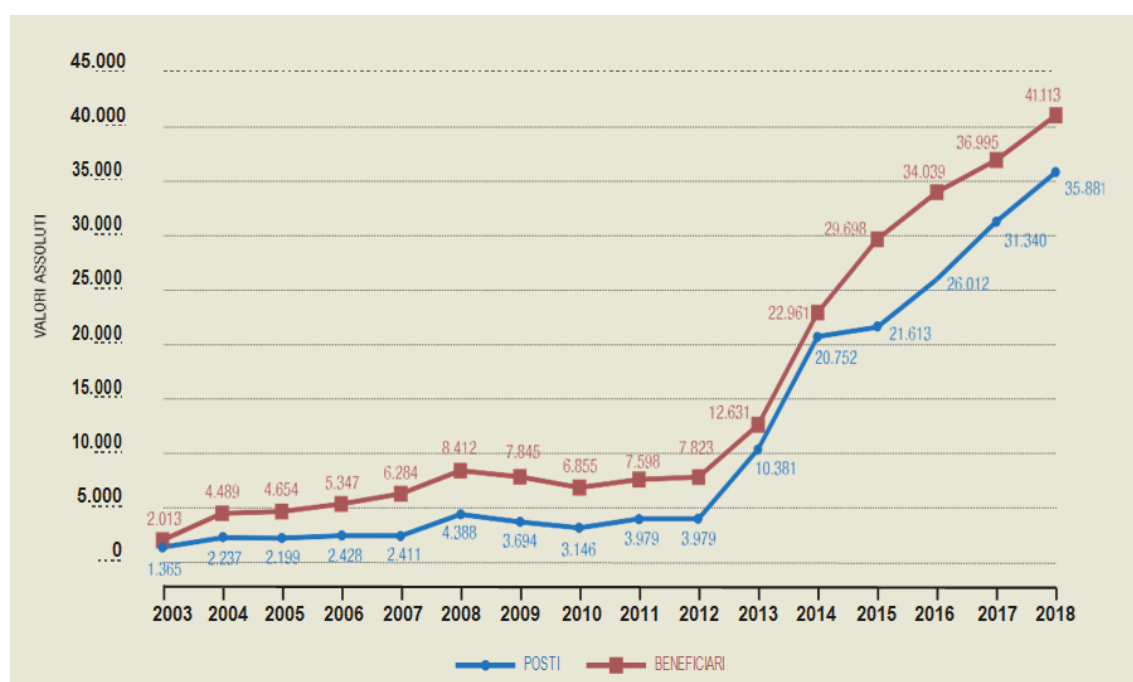
## 4.2 Factual gaps on migration in Italy

Factual analyses conducted by various national observatories reveal different types of gaps. First of all, several gaps are related to public policy instruments, like legislation, through which new rules are introduced. Regarding national legislation, the governance of the system is often obsolete and inadequate to reach both the match with labor market needs – the strongest integration factor - and the demand for welfare service. Despite the existence of a whole subordinate labor market, disregarded by natives, channels for a regular entry of foreign workers - interested to take that kind of jobs (heavy, precarious, dangerous, low-paid jobs; M. Ambrosini, *Migrazioni*, 2019) - in Italy have long been closed. Generally sectoral legislation is flattened on the European security approach in a manner inconsistent with specific national needs. Besides there is a lack of comprehensive immigration policies. For instance, the skilled workers shortage, affecting several technical areas of industrial production and service sectors in Italy, has not led to the adoption of measures facilitating the employment of specialized non-EU workers to back-up for domestic demand. On the contrary, the German government has faced this problem and introduced a new legislation allowing foreigners with certain skills to apply for work permits and move to Germany using legal channels. Under the new Skilled Immigration Act, the "Fachkräftezuwanderungsgesetz", which came into effect on March 1, 2020, work permits are made available to anyone who manages to get a work contract in these professions.

A second gap exists between legislative provisions, on one side, and executive and administrative measures and standards, through which laws are implemented, on the other. Despite the asserted centrality of economic integration of foreigners and their active participation in the labor market as a fundamental objective, explicitly stated in the integration strategies of the European Union, it takes no less than 60 days in Italy for an applicant for international protection from the filing of the application to the possible signing of a labor contract. The long waiting times for asylum seekers (even when equipped of sought-after professional skills) to obtain work permits are, for instance, one of the main bureaucratic barriers concretely preventing job placement and economic empowerment of a large part of migrants. Another significant example is drawn from the application of Article 22bis of the Italian law decree n. 13 of 2017. This provision allows foreign citizens who are guests in the protection facilities (former SPRAR, now SAI-Reception and Integration System) to carry out socially useful activities in favor of the local communities. It aims to implement a "support and demand" approach that is to say integrating is not just about helping migrants. It also means asking them to contribute to the development of the host community and enabling them to do so. Despite the correct approach and the clear aim of the legislator, territorial immigration committees – competent for the evaluation procedure of the international protection applications - may not recognize any reward value for such activities. The positive evaluation is left to their discretion and it is not compulsory by law. On this regard, the Court of Cassation

has recently ruled that: "In assessing the right to international protection for humanitarian reasons, the judge, as part of the actual comparative assessment of the subjective and objective situation of the applicant in case of repatriation, in correlation with the integration situation achieved in the host country, must also take into account the work, training and education activities carried out by the person concerned" (Court of Cassation, section II Civil, order no. 7396/21; filed on March 16, 2021). In several cases, the migrant's educational, training and work experience, which shows his or her personal commitment to integration, is not taken into consideration by the decision-making bodies simply because it falls in their discretion to do so and no motivation is due. In Italy the refugees and asylum seekers protection facilities-Sprar (recognized as good practice at European level) has guaranteed until 2018 both language and work training to those who were waiting for the evaluation of their international protection requests. Over the years there has been an exponential growth in the number of places available by Sprar projects over the course of ten years - from just over 1000 places in 2003 to 26 thousand in 2016 and over 35 thousand in 2018.

**Figure n. 6**  
**Number of places and beneficiaries of SPRAR in Italy (years 2003-2018)**



Source: Annual Report SPRAR 2019.

On the other hand, 2019 represents, with the full implementation of SIPROIMIs, the year of the reversal of the trend both in the number of places (33,625 units, - 6.3% compared to 2018) and in the number of beneficiaries received (39,686 units, -3.5% compared to 2018; data *Atlante Siproimi* 2019, Roma, 2020). Since the entry into force of the decree n. 113 of 2018 there has been a progressive emptying of the protection facilities (former SIPROIMI, now SAI) and in a short time the reception has been reduced only to those entitled (holders) of international protection and unaccompanied foreign minors, excluding asylum seekers. The law n. 173 of 2020 has changed the relevant provisions and the system is now open again to asylum seekers: currently about 30 thousand refugees and asylum seekers are hosted in 400 Italian villages and municipalities.

The frequent changes in discipline and its fragmentation constitute an additional problem. The administrative apparatus is unprepared: it is enough to think that even in the job centers it is often not possible, for potential employers, to acquire information regarding the administrative fulfilments necessary to hire the foreign guests hosted in the reception and protection facilities.

Third, a gap is evident in the existing resource exploitation and regeneration. Several experimental researches (Robert Bosch Foundation, 2020; Grignoli-Tramontano, 2021) showed that the broader involvement of local government bodies in the management of micro-housing services is crucial to the success of integration initiatives. In this perspective there is a lack of incentives to use common properties and real estate of municipalities of depopulated villages and towns situated in internal areas. Further the competences of migrants hosted in the national protection facility system (SAI) are often not properly assessed. Many of them are unable to document their studies or the skills they learned at home and therefore a procedure and an organizational machine for the identification of skills useful for the most rapid job placement would be useful. Universities, educational institutions and third sector actors may play an important role in the skill assessment and provisional evaluation of performance by the interested persons. At the same time, a strengthening of essential and strategic services for integration (transport, health and education) on the territory is required, with the serious commitment not only of public but also of private actors.

## 5 INTERREG AND MIGRATION. EVIDENCE FROM INTERREG PROJECTS

The main instrument of the European Union for the managing of the migration issue is the Asylum, Migration and Integration Fund (AMIF) that focused the action on the achievement of four specific objectives: Asylum, Legal migration and integration, Return and Solidarity. However, other Programmes funded the support of integration process, such as Interreg Programmes. Although the programs have not specific axes on migration, these have funded projects that have addressed this issue. The two best practices transferability reports, produced during the project, analyzed projects related to the migration issue through two types of analysis: desk and field. Despite the small number of projects found<sup>2</sup>, in the desk and field analysis, their relevance was able to bring out the gaps regarding migration in the Mediterranean area.

The main gaps can be summarized as follow:

- gap on labor market inclusion with the focus on entrepreneurship. The gap emerged in services to support migrants to increase self-entrepreneurship and the potential for self-employment through information, counselling, training and mentoring services. Coaching for existing small businesses, networking events and business awards, multilingual business services. Improved services for the transfer of know-how in the countries of origin, as well as promotion of exchanges between countries of origin and host regions are needs to be addressed;
- gap on information and communication (data management) in terms of development, production and organisation of information about migrants: database, digital platforms, dedicated digital channels, etc.;

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<sup>2</sup> See the Annex

- gap on health. With the widespread of the Covid 19 pandemic, a special issue inserted was related to the health. Gaps in this field also include aspects such as accessibility to basic services and prevention services, as well as information and the capability to reach irregular people;
- gap on social inclusion. This issue regards in general: social participation, education, housing, poverty reduction services, and participation. Very often, it emerges the lack in the involvement of migrants into the host societies. The demographic decline of the internal and rural areas ask for the development and improvement of policies and innovative learning systems that address this demographic change and match it with migration.

## 6 CONCLUSIONS AND POSSIBLE OPPORTUNITIES

The report has summarised gaps on migration taking into account the different dimensions of the phenomena at European, national and territorial level. Moreover, it has considered the Interreg dimension, as result of the analysis carried out for the two best practices transferability report. Considering that, we can define and suggest the following possible opportunities that emerge from the document.

- Establishing efficient policies and governmental solutions (less fragmented, more focused, etc.).
- More efficient international/regional cooperation and harmonisation (related to policies, legislation, etc.).
- Creation of a common regulatory framework/legislation among the different countries.
- Establishing more favourable legislative framework.
- Supporting jobs creation and maintaining European competitiveness and development of business models.
- Minimizing the bureaucratic barriers in order to match labor market needs and the demand for welfare service.
- Developing nation/international funds/programmes and mechanism.
- Defining new jobs' profiles addressing current & future needs, creation of Know-how services.
- Training programmes that should address specific topics as well as soft skills, e.g. regarding cooperation among stakeholders, policy and decision makers, civil society, etc.
- Strengthening synergies among all involved stakeholder.
- Building/promotion of international networks (database, digital platforms, dedicated digital channels, etc.).

## 7 ANNEX

The desk research analyzed 20 projects. Below the projects coming from the field analysis and contained in the Best practices reports in the second analysis.

19

<b>ACRONYM / TITLE</b>	REGIN/The Regions for Migrants & Refugees Integration
<b>PROGRAMME</b>	European Union's Asylum, Migration and Integration Fund (AMIF)
<b>PRIORITY</b>	
<b>DURATION (START-END)</b>	February 2020 - January 2022
<b>WEBSITE</b>	<a href="https://reginproject.eu/">https://reginproject.eu/</a>
<b>COUNTRIES INVOLVED</b>	Sweden, Italy, Spain, Portugal
<b>LEAD/PARTNER</b>	REGIN is led by a consortium of 10 partners, coordinated by the Conference of Peripheral Maritime Regions.
<b>PARTNERS</b>	Skåne (Sweden), Puglia (Italy), Campania (Italy), Catalonia (Spain) Murcia (Spain), Azores (Portugal)

<b>ACRONYM / TITLE</b>	MIGRANTI E COMUNITÀ INCLUSIVE: DIRITTI, PRATICHE DI CITTADINANZA E PREVENZIONE DEI RISCHI (MeCi)- MIGRANTS AND INCLUSIVE COMMUNITIES: RIGHTS, CITIZENSHIP PRACTICES AND RISK PREVENTION
<b>PROGRAMME</b>	FISR (Fondo Integrativo Speciale per la Ricerca/National Special Found for Research)
<b>PRIORITY</b>	Inclusion, migration, socio-economic and cultural integration
<b>DURATION (START-END)</b>	01/03/2018 – 29/02/2020 (extended to 29/09/2021)
<b>WEBSITE</b>	N/A
<b>COUNTRIES INVOLVED</b>	Italy
<b>LEAD PARTNER</b>	University of Molise
<b>PROJECT PARTNERS</b>	

<b>ACRONYM / TITLE</b>	Exploring social innovation approaches for the social and economic integration of non-EU nationals/Arrival Regions
<b>PROGRAMME</b>	2014 - 2020 INTERREG VB Central Europe
<b>PRIORITY</b>	Innovation and knowledge development
<b>DURATION (START-END)</b>	01-04-2019 31-03-2022
<b>WEBSITE</b>	<a href="http://www.interreg-central.eu/Content.Node/national/information/Arrival-Regions.html">www.interreg-central.eu/Content.Node/national/information/Arrival-Regions.html</a>
<b>COUNTRIES INVOLVED</b>	Germany Poland Czech Republic Croatia Bosnia Herzegovina Italy

<b>LEAD/PARTNER</b>	Leibniz InstitutNe for Regional GeogRaphy
<b>PARTNERS</b>	Burgenland district Center Rotunda, Koper National Union of mountain municipalities and mountain communities – UNCEM Piemonte University of West Bohemia in Pilsen City of Osijek LAG Escartons and Waldensians Valleys Information legal centre Mountain Union of Mongia e Cevetta Valley Langa Cebana Alta Valle Bormida University of Szczecin Municipality of Postojna Lodzkie Region Westpomeranian Region

<b>ACRONYM / TITLE</b>	<b>PLURALPS - ENHANCING CAPACITIES FOR A PLURALISTIC ALPINE SPACE</b>
<b>PROGRAMME</b>	2014 - 2020 INTERREG VB Alpine Space
<b>PRIORITY</b>	Innovative Alpine Space
<b>DURATION (START-END)</b>	01-11-2016 31-10-2019
<b>WEBSITE</b>	<a href="http://www.alpine-space.eu/projects/pluralps/">www.alpine-space.eu/projects/pluralps/</a>
<b>COUNTRIES INVOLVED</b>	Austria Italy Slovenia France
<b>LEAD/PARTNER</b>	Regional Development Vorarlberg eGen
<b>PROJECT PARTNERS</b>	Urban Planning Institute of the Republic of Slovenia Auvergne Rhone-Alps Region Regional Development Agency Upper Styria East GmbH Community Network Alliance in the Alps CIPRA International Lab GmbH Franco Demarchi Foundation Lucerne University of Applied Sciences and Arts European Academy of Bozen-Bolzano Piedmont Region