

Migration at European Union level in correlation with the Public Administration

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ABSTRACT

The phenomenon of immigration requires special attention in the field of public administration. The article presents in the initial part the correlation between migration and public administration. Following, there are the main developments of migration at EU level, with a focus on September 2019. The “hotspot approach” is also highlighted during the study. At the end of the article is presented the importance of public administration in relation to the new transformations of the society, migration being one of these.

KEYWORDS: *migration, public administration, European Union, hotspot approach*

1. Introduction

Naturally, migration brings changes and challenges throughout the society. In the context of increasing the number of foreigners, the issue of immigration requires special attention in the field of public administration, representing one of the major challenges.

The approach to the field of immigration has two main guidelines that coexist. The first is inextricably linked to a “common area of freedom, security and justice”¹⁾, from the point of view of administration, justice, and politics. The second approach is the one related to the socio-economic dimension centred on the economic and social approach.

The public administration is based on activity through “detailed concretization and analysis of the forms in which it takes place”²⁾. We consider that the most important element of public administration in correlation with immigration is the formulation and implementation of policies. The formulation of immigration policies is autonomous, the influence of the public administration on the content of immigration policies having a

¹⁾ Moroianu-Zlătescu, I.; Marinică, E., 2018, *Dreptul Uniunii Europene*, Bucharest, Romania: Universitară Publishing House and Universul Academic Publishing House, pp. 35-36.

²⁾ Skulová, S.; Potěšil, L.; Hejč, D.; Bražina, R., 2019, *Effectiveness of Judicial Protection against Administrative Silence in the Czech Republic*, in *Central European Public Administration Review*, Vol. 17, No. 1/2019, p. 45.

decisive role on the dynamics in this public sector. Adopting comprehensive policies is not the crucial factor, but their implementation is of overwhelming importance, which is also the responsibility of the public administration.

The convergence of national governments to the selection of immigrants has developed a new approach and new responses on the involvement of states and decision-makers in the design and implementation of immigration policies³⁾. We can speak, rather, of an administrative and dynamic convergence between the regional and the national administration. Theoretical approaches to Europeanization argue that in the relationship between the administration of the European Union and the national one, policies and institutions generate pressures facing politics and administration in national systems.

2. Migration at European Union level and the public administration

In recent years, the European Union and the Member States have stepped up their efforts, by setting strategic priorities, in order to achieve an effective and safe migration policy⁴⁾.

The Charter of Fundamental Rights of the European Union, in article 41, regulates the right to good governance. As the European document states, any individual has the right to enjoy, in the solution of his problems, an impartial and equitable attitude. Also, the aforementioned article calls for resolving the problems encountered by the institutions within a reasonable time. By the fact that the subject of good governance is “any person”, the document extends the applicability of the principle not only to its own citizens, but also to foreigners under the jurisdiction of the Member States. Thus, regardless of their status, foreigners have the right to good governance, as do the citizens of the Member States.

The need for protection arises from strong abusive reasons that appear in the state of origin, on the basis of which, the individual requests to enter another state in order to obtain the protection and, implicitly, his safety. The lack of protection of the state of origin represents a “cracking down” of the link between a state and its own citizen, a situation that generates persecution or serious injury and implicitly, the unfair treatment.

Under the conditions of illicit treatment, by violating fundamental rights and freedoms, persons are entitled to a form of protection granted by another jurisdiction.

State protection is the set of measures, actions, the capacity of institutions to ensure the security of the individual by establishing an efficient system. Diffuse protection is not enough.

³⁾ Moroianu-Zlătescu, I.; Bucur-Ioan, A.; Zlătescu, P.E., 2019, *Migrants, asylum seekers and refugees in a globalised world*, Bucharest, Romania: Universitară Publishing House and Universul Academic Publishing House, pp. 11-12.

⁴⁾ *Idem*, p. 19-20.

In terms of migration routes, the Central Mediterranean route is one of the most used to reach Europe. Thus, many migrants from sub-Saharan Africa and North Africa transit through Libya to Europe. Another important route to Europe is the Eastern Mediterranean route, passing immigrants by sea, from Turkey to Greece. Thus, many people from Syria arrived in Europe using this route. As of 2015, the number of irregular arrivals on this route has decreased due to the cooperation between the European Union and Turkey. Thus, the implementation of the 2016 agreement between the European Union and Turkey has played a particularly important role in reducing the number of immigrants arriving in Europe⁵⁾.

As shown above, the number of migrants in the European Union has increased since 2015. The number of asylum seekers is one that remains high. Thus, as an example, we should mention that more than half a million asylum applications were lodged in the European Union during the first nine months of 2019⁶⁾.

The European Asylum Support Office (EASO), established by Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010, represents one of the key institutions in the concrete development of the common European asylum policy. In accordance with the aforementioned Regulation, EASO, based in Malta, focuses on three main tasks: developing practical cooperation between the Member States of the European Union on asylum, by facilitating the exchange of information on the countries of origin, training asylum officials and assisting with relocation. beneficiaries of international protection; supporting the Member States of the European Union under particular pressure, in particular by establishing an early warning system, coordinating expert teams to assist them in managing asylum applications and in setting up appropriate reception facilities; contributing to the implementation of the common European asylum system by collecting and exchanging information on best practices⁷⁾.

Of course, as is stipulated in the opening part of the Regulation, it respects fundamental rights recognized by the Charter of Fundamental Rights of the European Union and should be applied in accordance with the right to asylum recognized in Article 18 of the Charter. In accordance with the aforementioned article: "The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union"⁸⁾.

⁵⁾ European Council, EU-Turkey statement, 18 March 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

⁶⁾ European Asylum Support Office, Latest Asylum Trends, 2019, September, <https://easo.europa.eu/latest-asylum-trends>

⁷⁾ Official Journal of the European Union, REGULATION (EU) No 439/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 May 2010 establishing a European Asylum Support Office.

⁸⁾ Charter of Fundamental Rights of the European Union (2000/C 364/01), https://www.europarl.europa.eu/charter/pdf/text_en.pdf

One of the directions adopted by the European Union for managing the existing situation of migration is the “hotspot approach”. It was developed by the European Commission as part of the immediate action to assist the Member States of the European Union, located at the external border of the Union and presented in the European Migration Agenda of May 2015.

The operational support provided under the “hotspot approach” focuses on the registration, identification, imprinting and debiting of asylum seekers, as well as return operations. Asylum seekers will be channelled immediately into an asylum procedure where EASO support teams will help process asylum applications as quickly as possible. Also, for those who do not need international protection, Frontex helps European Union Member States by coordinating the return of irregular migrants. Two other institutions, Europol and Eurojust, assists the host European Union Member States with investigations to dismantle smuggling and trafficking networks.

The “hotspot approach” is also contributes to the implementation of the temporary relocation schemes proposed by the European Commission on May 27 and September 9, 2015. Thus, people who clearly need international protection will be identified in the first European Union Member States for relocation to others EU Member States in which asylum applications will be processed.

Thus, Italy and Greece are the first two European Union Member States where this hotspot approach is currently being implemented. Other EU Member States will also be able to benefit from the on-demand hotspot approach.

There are currently five hotspots in Greece (on the islands of Samos, Chios, Kos, Leros and Lesvos) and four in Italy (in Lampedusa, Messina, Pozzallo, Taranto)⁹⁾. In Greece, the Reception and Identification Centres on the Aegean islands (hotspots) remained severely overcrowded, due to significant increase in arrivals over the summer and in September 2019¹⁰⁾.

For example, Samos hotspot, although the capacity is 700 people, is currently accommodating eight times as many applicants as its capacity (around 5,800 people)¹¹⁾. In total, almost 27,000 people were living in the Greek hotspots at the end of September 2019¹²⁾.

It should be emphasized that migration involves human rights issues, their protection being a basic pillar of asylum rights. In these conditions, European Union Fundamental Rights Agency has been visiting the Eastern Aegean islands since April 2016 providing fundamental rights expertise. The Director of European Union Fundamental Rights Agency, Michael O’Flaherty, took part in a European Parliament hearing on 6 November 2019, in Brussels on the situation in the Greek migration

⁹⁾ European Union Agency for Fundamental Rights, Asylum, Migration & Borders, 2019, <https://fra.europa.eu/en/theme/asylum-migration-borders/fra-work-hotspots>.

¹⁰⁾ European Union Agency for Fundamental Rights, MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS, QUARTERLY BULLETIN, 2019, p. 3-4 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-migration-bulletin-4_en.pdf

¹¹⁾ *Ibidem*.

¹²⁾ *Ibidem*.

hotspots. Under the existing conditions, he urged the Member States to show more solidarity and carry out relocations from the hotspots¹³⁾.

The Greek Ministry of Citizen Protection brings about several restrictions on individual rights and procedural guarantees in the Greek asylum system. The draft law, submitted to Parliament on 21 October 2019, after a period of consultation and adopted in recent weeks by Greece, strengthens the rules on qualification, receipt and asylum procedure in a single legislative instrument¹⁴⁾. Among others, the changes to Greek law include: a single-judge composition to deal with inadmissible and accelerated procedure cases; shorter deadlines in the fast-track border procedures, namely three days to appeal a negative decision; no suspensive effect of appeals against certain inadmissibility and accelerated procedure decisions¹⁵⁾.

3. Conclusions

Thus, the policy of the European Union has been accepted at national level by most Member States, being implemented by finding a balance between the needs of immigrants entering the territory of the European Union, legally or illegally, and ensuring the security of the citizens of the host states¹⁶⁾. Of course, the national administration knows best the social realities existing at the state level and implements the policies according to their own needs. At the same time, the function of the public administration is not only to manage the present tasks of the state, but also to prepare strategies, being concerned about the future of the society.

Thus, if there are deficiencies in the formulation of policies or their implementation, civil servants are looking for solutions to remedy the existing errors. The European Union's asylum system, like any other system, is not a perfect and must be constantly improved in correlation with existing realities. As a consequence, we emphasize that it is difficult to establish definitive standards regarding the size of any social science - specifically, public administration - because, being preoccupied with the future of society, public administration must adapt to its evolution. Of course, we can consider that the public administration is undergoing a permanent transformation. Moreover,

¹³⁾ European Union Agency for Fundamental Rights, Parliament hearing focuses on Greek migration hotspots, European Parliament hearing focuses on Greek migration hotspots, 14.11.2019. <https://fra.europa.eu/en/news/2019/european-parliament-hearing-focuses-greek-migration-hotspots>

¹⁴⁾ European Council on Refugees and Exiles & Asylum Information Database GREECE: NEW RESTRICTIONS ON RIGHTS AND PROCEDURAL GUARANTEES IN INTERNATIONAL PROTECTION BILL, 2019, <https://www.asylumineurope.org/news/29-10-2019/greece-new-restrictions-rights-and-procedural-guarantees-international-protection>

¹⁵⁾ Report from European Council on Refugees and Exiles, Greece: Legislation Reform and Chaos on the Islands amid Expected Surge in Arrivals, 2019, <https://reliefweb.int/report/greece/greece-legislation-reform-and-chaos-islands-amid-expected-surge-arrivals>.

¹⁶⁾ Rijavec, D.; Pevcin, P., 2018, *An Examination and Evaluation of Multi-Level Governance During Migration Crisis: The Case of Slovenia*, in *Central European Public Administration Review*, Vol. 16, No. 1/2018, p. 45.

by spreading democracy, the functions and responsibilities from the administrative dimension are multiplied.

The administrations of all EU Member States, including Romania, are currently facing the challenges of achieving positive results during periods with smaller budgets, adapting to demographic and societal changes, as well as improving the climate through less efficient and effective regulations to support competitiveness¹⁷⁾.

With immigration, which effects are not fully foreseeable, the public administration must respond promptly and concretely and adjust the deficiencies according to the new changes.

Migration and diversity are key factors in the transformation of today's society. These transformations not only impact on immigrants, but also on society as a whole.

Adopting comprehensive policies is not the crucial factor, but their implementation is of overwhelming importance, which is also the responsibility of the public administration.

All this involves adapting the institutions and developing the capacity to make effective decisions in the shortest possible time, as well as the implementation of these decisions, through continuity.

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