

Facing Migration Flows in the EU: The Cases of Spain and the Czech Republic

Different Views, Different Solutions

Ruth Ferrero Turrión

Abstract

This paper addresses the difficulties the European Union (EU) faces in building a proper Common Migration and Asylum Policy. The author argues that the problem here lies in the different approaches towards migration held by EU member states. Different migratory traditions are one of the key issues related to the misunderstanding among the states. Their approaches are determined by their geographical locations and migration histories. The member states use the same concepts and terms when discussing migration; however, the meanings of these concepts and terms are not equivalent, as each state uses them differently. The main aim of this paper is to give some clarity to the positions held by Eastern and Southern states from a comparative perspective of the Czech Republic and Spain. Even though apparently, they hold opposite positions towards migration, the study finds that they share some common features such as a denial of being an asylum country and the absence of a related public policy. Probably the most important conclusion has to do with the fact that these two member states are appealing to a “selective solidarity principle” depending on the circumstances. In addition, this paper provides some recommendations to the Czech Republic based on the good practices and failures observed in the public policies implemented by Spain since the beginning of 2000 to improve the dialogue and understanding at the EU level.

Introduction

Since 2015, an open debate related to how migration policies should be addressed in the EU is going on. Different approaches have been held by member states in regard to migration after the publication of the Commission’s document [European Migration Agenda](#). Those diverse views could be identified not only with the traditional division of the Northern and Southern countries, or with the division between asylum and host countries, but also in connection with the group of Eastern European

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countries, that is, those integrated in the EU institutions after 2004.¹ They voice their views on how migration flows should be managed. The construction of an EU migration architecture should be based on an agreement among the different views on migration present in the member states. Those different approaches towards the complex process of human mobility are what we call the “Europes of Migration”. The different *Europes* are defined by their respective historical migration contexts and are geographically distributed.

Central Europe (Germany, Belgium, France, the Netherlands, Luxembourg, and Austria) is the traditional recipient of foreign workers; most of its economic development is dependent on them; they have thus developed a sophisticated asylum policy. The Scandinavian countries (Sweden, Norway, Finland, and Denmark) have historically received asylum seekers and developed capabilities and infrastructure to govern their integration. On the other hand, the Southern countries (Greece, Italy, Spain, and Portugal) had been emigration countries until the beginning of the 21st century, when the economic boom between 2000 and 2007 transformed them into host countries. Since then, they were no longer transit countries, but they also had to govern, in a short period of time, the migrant workers on their soil. This structural change not only led them to approach migration as a mere emergency that would require the giving of first aid, but it also led them to adapt their public policies and labour markets to welcoming the new residents.

Finally, there are the Eastern European countries (the Visegrad countries, the Baltic countries, Romania, Bulgaria, Slovenia and Croatia), which came into the EU in the context of the 2004, 2007 and 2013 enlargements, and are the new external border countries. Even though, there has always been human mobility in this geographical area, diversity has traditionally been understood, by the political actors involved, as connected with national and transnational minorities, and the heritage of the implosion of the empires (the Austro-Hungarian Empire, the Ottoman Empire, and the Russian Empire). Since the end of the Cold War, state-building processes in the region were determined by strengthening identities based on ethnic homogeneity. The concept of nation in the region is an ethnocentric one where *ethnos* and *demos* are equivalent. The approach of these countries towards human mobility has been linked to a historical pan-Slavism and it is reminiscent of the former solidarity among the Slavic people from the times when they were under the yoke of the Empires. Economic migrants of Slavic origin are considered as part of a wider Slavic community by them, so they are not perceived as threatening the basis of the nation.

The four views (the Central, Scandinavian, Southern and Eastern views) of human mobility present in the EU composed a complex arena for arguments about how migration should be. The only limits not to be trespassed in the debate are the ones determined by the international and European law, meaning the rule of law approved by all EU member states.

The aim of this paper is to explain how the EU member states’ different approaches to migration management, which are connected to their different visions of human mobility, are colliding in the decision-making process. This will be explained through the debate held at the EU level in 2015 in

¹ This group is composed of Slovakia, Hungary, Poland, the Czech Republic, the Baltic States, Romania and Bulgaria.

relation to the discussion opened on the “resettlement and reallocation quota system” at the EU Council and its compulsory or voluntary nature. The cases of the Czech Republic and Spain are used to explain how different views and perceptions are affecting the negotiations, as well to analyze the arguments given to establish the common interpretations and differences of the two countries. We will argue that neither of them was expecting to be an asylum country; however, their responses to the humanitarian crisis have been totally different².

The European Debate in the Frame of Humanitarian Crisis (2015–2016)

The EU debate on the issue of migration policy is not new. However, there is, indeed, a division in the way that the member states in the European Council have approached this issue. The context in which this debate was taking place is essential for understanding the agreements adopted. In 2015, the EU was dealing with a strong internal collapse related to an institutional crisis caused by Brexit, the Eurocrisis and its social impact, and the failure of the EU in its Eastern Neighborhood Policy provoked by the evidence that the EU could not govern its Southern border, which was collapsed by a strong wave of people searching for international protection. The convergence of these three elements results in an increasing Euroscepticism among European citizens, and the rise of populist movements profiting from that discontent.

The European Council meetings had to deal with all four of these issues, so the negotiations were also dependent on different interests. The Baltics and Poland together with Sweden wanted a reinforcement of the Eastern border through a NATO deployment as a deterrent manoeuvre towards Russia. France and Germany were trying to deal with the Brexit process. Anti-migration/Islamophobic movements were increasing their presence in the public spheres of various EU countries by profiting from the deep discontent of the losers of the globalization process. In addition, Greece and Italy were asking for solidarity to manage the thousands of immigrants that were arriving at their coasts.

In this context, with the divergence of interests, the tensions between the Eastern and Southern Neighborhood were increasing. Meanwhile, the group of countries in the Visegrad Group were uniting their positions on how to approach migration. Even though the V4 have diverse views on how democracy should work or in their approaches toward the EU, at different levels of their confrontations with Brussels, they decided to be a strong group in order to negotiate how migration should be governed at the EU Council. They all agreed that the migration quotas should be rejected, that security should be increased and that the EU’s external borders should be strengthened. They knew that working together as a group would give them the strength and capabilities to have a leading political position in Europe in alliance with other countries. They proved to be right.

In the EU Council meeting of June 2015, the Commission proposed a redefinition of a mechanism that already existed in the Treaty of Functioning of the EU. It is mentioned in art. 78.3, in which it is stated that “[i]n the event of one or more Member States being confronted with an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the

² The author conducted interviews with officials, activists and academics in Prague and Krynica in August and September 2018. They helped in drafting the list of recommendations for the Czech Republic.

Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament”. This legal basis allowed for the introduction of the so-called EU quotas. The [Conclusions of the Council](#) stated under which conditions the distribution would be done; namely, the refugees would be distributed among the member states according to the states’ abilities based on “objective, quantifiable and verifiable criteria that reflect the capacity of the member states to absorb and integrate refugees”. The indicators used to determine the states’ abilities in this respect were population size, the state’s capacity to absorb refugees and the gross domestic product, which could presumably show how well the refugees would be able to integrate into the host country’s economy. Within this distribution, countries such as France or Germany were each expected to take in around 15–20% of all the refugees; and countries such as Romania or Hungary would each take in around 4% or 2%. Finally, the member states reached a compromise according to which there would be 160,000 relocations from Italy, Greece and Hungary in two years’ time.

The conflict between the President of EU Council, Donald Tusk, and the President of the EU Commission, Jean-Claude Juncker, over the quota issue was probably the most representative episode of the tensions among the different states. The resulting controversy over whether the quotas of resettlement and relocation should be compulsory or voluntary polarized the positions of the member states. The EU Council meeting of June 2015 will be remembered for the strong fight between the Prime Minister of Italy, Matteo Renzi, and the Prime Minister of Latvia, Laimdota Straujuma, regarding the EU’s migration approach. The final resolution of the fight resulted in the quotas being voluntary.

Once again, the securitization axis dominated over reception policies. The follow up was further externalization of the policies towards Turkey, the Balkans and Africa; the impossible reform of the European Asylum System being locked permanently and the criminalization of the third sector, which was blamed for the “Call Effect”. The latest proposals focused on the development of landing platforms for migrants coming from the Mediterranean, either on European or African soil. This shows how much distrust there is regarding the actual management mechanisms. Nevertheless, linking migration policies to national security was a goal that was accomplished in the EU.

On the other hand, none of the member states have fulfilled the commitment to the expected relocation numbers made in 2015. In June 2017, when the two-year time period ended, there were only 34,689 relocations carried out thus far, i.e. only 22% of the total expected number. The debate on the issue of [relocation and resettlement quotas](#) has drawn a very sharp and accurate picture of the different positions of states towards the model of migration policies that should be built up in Europe. In addition, the quotas had provoked an unprecedented breakage between the Eastern European countries, which believe that the quotas are an attack on their sovereignty and a threat to their security, and the Western member states, which demand more solidarity.

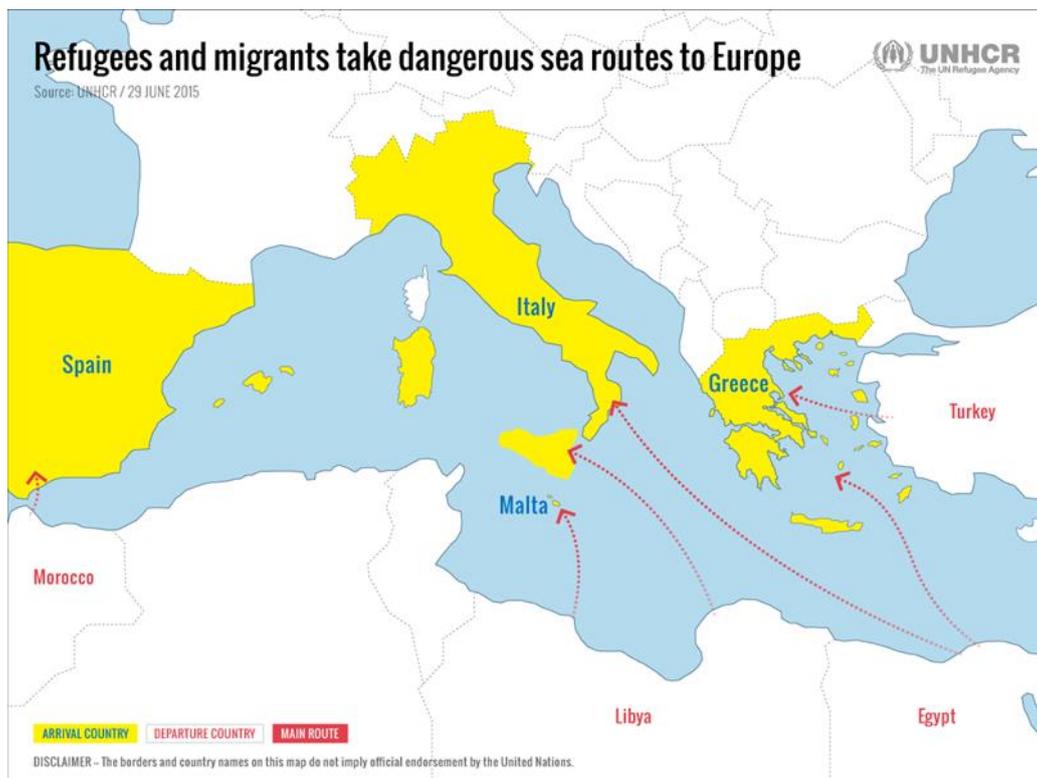
Migration Management: the Southern and the Eastern Perspective

Diverse Impacts

The impacts of the humanitarian crisis in the countries of the EU have been diverse. The geographical situation is an important aspect considering that according to the Dublin Regulations the refugee

should ask for asylum in the first EU country of his/her arrival. However, the responses to this humanitarian crisis have also had an impact on different countries (Map 1). The effects of the closures of different routes (Eastern, Central or Western) to Europe affected European countries at different levels and in different timelines of the crisis. The reduction of arrivals and the increasing of the deaths of migrants can only be explained by the deviation of the flows, which led to migrants taking the most dangerous routes to Europe (Map 2).

Map 1. Mediterranean Routes Used by Refugees and Migrants on Their Way to Europe.



Source: ACNUR

Map 2. Arrivals and Deaths in the Mediterranean 2017–2018

MEDITERRANEAN DEVELOPMENTS

TOTAL ARRIVALS BY SEA AND DEATHS IN THE MEDITERRANEAN 2017-2018					
Country of Arrival	1 JANUARY – 1 JULY 2018		1 JULY 2018	1 JANUARY – 1 JULY 2017	
	Arrivals	Deaths	Arrivals	Arrivals	Deaths
Italy	16,585	1,068 (Central Med. route)	14	85,091	2,162 (Central Med. route)
Malta	243 <small>(IOM est.)</small>		9	N/A	
Greece	13,507	45 (Eastern Med. route)	41	9,046	37 (Eastern Med. route)
Cyprus	47		0	273	
Spain	15,426	292 (Western Med. route)	160	6,513 <small>(as of 30 June)</small>	69 (Western Med. route)
Estimated Total	45,808	1,405	224	100,923	2,268
<small>Data on deaths of migrants compiled by IOM's Global Migration Data Analysis Centre. All numbers are minimum estimates. Arrivals based on data from respective governments and IOM field offices.</small>					

Source: International Organization for Migration (OIM).

During the first phases of the arrivals in 2014 and the beginning of 2015, the country most affected by the arrivals was Italy. Later, with the closure of the Central Mediterranean route by the Triton operation of the EU, the flows of people looking for refuge deviated towards the Eastern Mediterranean route through Turkey and the Balkans. Then the most affected country was Greece, and the rest of the transit countries in this area were affected as well. It was then that Central and Eastern EU countries started to act as transit countries for these flows of refugees, as they went through Hungary, Slovakia and the Czech Republic towards Germany.

After the [EU-Turkey Statement in 2016](#), this route was controlled and the numbers of migrants travelling through it started to decrease dramatically. However, the flows did not stop at all; they just deviated again, this time towards the Western Mediterranean route, meaning Spain (Fig.1).

Fig. 1. Sea and Land Arrivals 2018



Source: International Organization for Migration, IOM

Spain

Traditionally, Spain never considered itself as an asylum country. Nevertheless, until the end of the 90s Spain considered itself as an emigration country. However, the economic boom based on construction and the need for low-skilled workers forced Spain to develop a legislation to manage the amount of people to be integrated into the labour market. Spanish authorities were working under the assumption that all migrants going to Spain were economic migrants. Irregular migration was one of the top priorities, especially during and after of the so-called “cayuco crisis” in 2005 and 2006. This crisis was managed on the basis of three main pillars: border control, bilateral Agreements with countries of origin and transit, and integration policies.

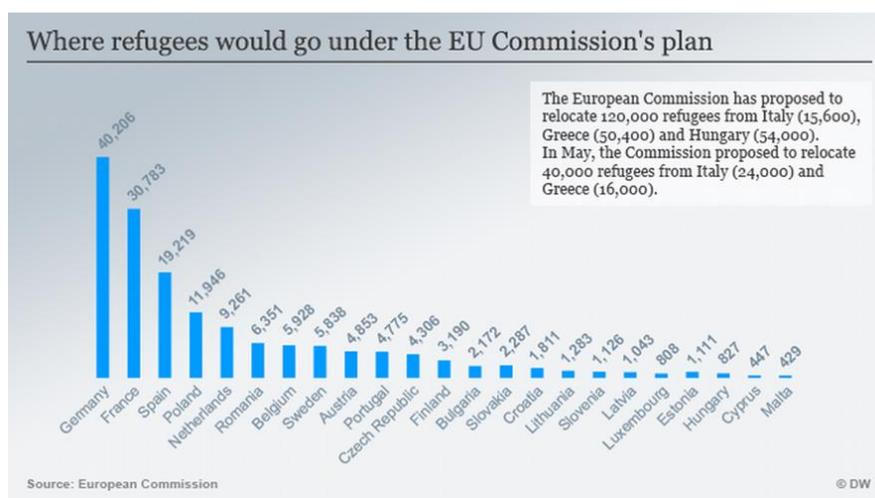
In this context, refugee and asylum policies were not given much attention, with administrative shortages and dramatic delays in the resolutions of asylum files, which could currently take over two years to resolve. At present, there are more than 40,000 files of this sort waiting for a resolution. In addition, the Refugee Law passed in 2009 is still without a proper regulation.

Following this line, the position of the conservative Government, led by Prime Minister Mariano Rajoy, during the first moments of the humanitarian crisis, was to stick to the formula of favoring economic migrants. During the debate on the EU quotas in 2015 (Fig. 2), Spain did not oppose the compulsory

option, as it followed the German position, but its main argument was that there needs to be a focus on the distributive mechanisms to measure the impact of the reception. Even though Spain was responsible for the relocation of some 15,888 refugees already on the European soil, only 1,359 were relocated by Spain between the start of the crisis and November 11th, 2018, less than 9% of the total agreed number. However, in the context of the resettlement quotas, Spain made a commitment to resettle 1,449 refugees; in this case, the data shows that almost 100% of this target was reached.

Besides Spain’s non-compliance with the agreement, over the first semester of 2018, the Spanish government was calling for “more European solidarity”. This time, the deviation of the flows towards the Western Mediterranean routes directly impacted Spain. If in 2015, Spain was not very proactive in regard to the quota system proposed by the Commission, in 2018 its alignment was very clear from its signing of a joint declaration between itself, Italy, Cyprus, Malta and Greece. In [this document](#), a Southern front was created against the V4 front that operated in early 2015 at the EU Council level. They argued for more solidarity from the non-border countries in the shape of a revision of the Dublin Regulations and asked for more “voluntary” allocations. Their claims include that the time in which a country is responsible for asylum seekers should be reduced from 10 to 2 years, and demands for more burden sharing among Member States. In addition, the frontliners do not agree with the solution for the countries that do not want to participate in the relocations, in which they have to make a financial contribution of 30,000€; the frontliners argue that this solution would not reduce the burden of the Southern countries. Either way, the failure of the EU Council under Bulgarian Presidency in June 2018 was a *fait accompli*, with the blockage of the reform of the Dublin Regulations and the EU being on standby until the Brexit process ended.

Fig. 2. The Quota Distribution under the EU Commission’s Plan, 2015



Source: European Commission

The Czech Republic

On the other hand, we have the Czech Republic, a country in Eastern Europe and a member of the regional association V4, and a country that, like Spain, focuses on economic migrants rather than refugees. The Czech Republic is one of the countries with the lowest unemployment rates in Europe; in fact, the need for foreign workers is essential for its economy. Meanwhile it never expected to receive asylum seekers at all. In 2015, only 3,644 people in the country were refugees, and in 2017, it was 3,580, according to the World Bank Database.

During the humanitarian crisis of 2015, its position in the quota debate was slightly different from the other V4 members, such as Hungary and Poland, which refused the Commission proposal of voluntary quotas straight away. The main complaint made by the Czech authorities was related to the procedure of voting at the June EU Council meeting. The decision on voluntary or compulsory quotas was not made by consensus, but by a qualified majority, and the result was perceived by the Czech authorities as mandatory and was read as an attack on the Czech Republic's sovereignty. Since then, not many differences can be seen between the Czech position and those of the other V4 countries. They all defended a position in which the numbers of accepted refugees depend only on the will of each individual state, and argued that the EU cannot make them accept any quota in a clear denunciation of the legality of the decision taking in the EU Council. Under the EU relocation quotas, the Czech Republic had to take in 4,300 people, around 410 refugees per one million people in the country. The Czech authorities have accepted only 12 refugees so far. In addition, as for resettlement of refugees, no offer was made by the country so far. The Czech Premier Bohuslav Sobotka showed then that the political line of the Czech Government would be a security-based one. This narrative was followed and reinforced by the subsequent Andrej Babis government.

The field work in the Czech Republic revealed two main types of explanations of the Czech position on the EU level. The first one, which is more organic and essentialist, appeals to the security narrative based on stereotypes and prejudices that equates Muslims with terrorists, and sees them as a threat to the national identity. This position is explained by the political actors through the concept of "non-integrable communities" developed by Giovanni Sartori in his work *The Multiethnic Society* (2000). Nevertheless, this explanation was not empirically based since the Czech Republic does not have a large Muslim community. Despite that, the main reason for developing this kind of explanation is linked to "what happened in Germany or other countries with big Muslim communities". From their point of view, most of the problems happening in those countries, especially Germany, are a direct consequence of the Muslim presence there. All the major Czech political parties have adopted this narrative of migration as a security threat and as linked to crime. Migration as a security issue is outside of the political debate. The discussion is only about through which tools and policies it should be managed. The way in which the Czech political class is dealing with this issue makes people perceive migration as a threat to their security and to a national identity that should be preserved.

The second explanation, which is more pragmatic and legalistic, justifies the Czech position with five main arguments. The first one is "refugees cannot be treated as a flock; they need to be asked where they want to go". This statement is reinforced by arguing that the EU relocation violates the Geneva Convention "because the right to asylum is purely individual". The second argument is that refugees do not want to go to the Czech Republic because they do not have social networks in the country, so "they do not want to stay here" but arrive in Germany instead. The third is that "the Czech Republic

has its own migration pressure coming from the East [i.e. Eastern European countries], but countries in Western Europe do not know it”, and thus foreign workers coming from the East “are our migrants”. The fourth is that “the Czech Republic is helping in the border control operations, especially in the Balkans, so it is further implicated in the EU migration policy”. In addition, the fifth argument is that “our complementary plan to solve the migration problem is to work in reception countries such as Jordan, Lebanon or Turkey”. The Czech position is based on there being no need to develop policies towards the arrivals of refugees because its efforts are focused on the refugees’ countries of origin.

In addition, there were some reservations made by Prague concerning the UN Global Compact on Migration, which was to be approved in Marrakesh on December 12th, 2018. The September 2018 interviews that were conducted for this study revealed that their reservations were not political but technical ones: for example, in the Compact, there was no proper distinction between regular and irregular migration, and there was also no provision on deportation of irregular migrants. However, apparently the non-compliant nature of the document has not been enough for the Czech authorities to sign this proposal of global governance of migration. Once again, the [Czech Republic is aligned with Hungary, Poland and Slovakia](#) in an anti-migration crusade, thus feeding populist and xenophobic discourses around Europe.

Conclusions

Probably the most important finding of this paper is the way in which EU member states are using what we call “selective solidarity” at different moments. We could observe it in the Spanish case in connection with the quota debate and the period after it, but it is also possible to see it in the Eastern European countries in connection with other issues such as the demand for [European regional funds](#).

The Czech and Spanish cases seemed very different at first. However, a closer view reveals similarities between them regarding this topic as well. Even though one country (Spain) is at the frontline of dealing with migration, and the other (the Czech Republic) is in *Mitteleuropa*, both countries did not expect to be asylum countries such as the historical ones (Germany, Denmark, and Sweden), but remain countries that require economic migration to fulfill the needs of their labor markets. The gap in their approaches towards the management of the humanitarian crisis is in the ways in which they read the answer. Spain, for the time being, designed its migration and asylum policy so that it would be a host country, and it does not only focus on security issues, but also on integration policies, whilst the Czech Republic has tried to respond to the crisis by focusing on the countries that the refugees come from such as Jordan, Lebanon or Turkey. Back home, the Czech authorities are facing the humanitarian crisis through security policies based on border control and questioning, a key pillar of the EU integration process like the Schengen space.

Recommendations

- 1) The Czech Government should approach human mobility from a holistic perspective. It should cover all transversal areas. Management of legal migration, integration policies, cooperation with third countries and control of irregular flows are essential pillars for properly addressing a complex phenomenon such as migration. The Czech Republic has successfully addressed the management of legal migration, especially that from the East; however, an absence of integration policies in its diverse and multicultural society has been detected.
- 2) The Czech Government should work from a multilevel governance, giving an important role to the local administrations that are the closest to the citizens and their demands.
- 3) The Czech Government should launch integration policies composed of different areas such as sensitization, gender, education, health, training, anti-discrimination policies, etc. The Government and local administrations should coordinate those policies together. Some good practices of this sort have already been launched in the international and European arena, such as the [Council of Europe Intercultural Cities Network](#), which works on problems of coexistence and break stereotypes by explaining reality through empirical data rather than mere perceptions. Social cohesion can be maintained once prejudices are eradicated.
- 4) Development and migration policies should not be linked. Various international researches from the [OECD](#), the ILO, etc. show that development does not stop human movement. On the contrary, where there is more development, there are more migration flows.
- 5) The Czech Government should study how bilateral agreements for readmission have been working and how difficult it is to send people back to their transit country or country of origin. An approach to the frontline countries of Southern Europe will help the Czech Republic to understand it and avoid easy political discourses against irregular migration flows.
- 6) Human mobility can only be managed and its main causes can only be addressed efficiently through global governance. The UN Global Compact on Migration was trying to provide a non-compelling framework for a starting point for work on this problem. The refusals to sign it of Eastern and Central EU member states will delay the reaching of the goal. A unanimity at the EU on this point would be a good start for governing the different faces of migration. The Czech Government must sign the UN Global Compact if it really supports the global governance of migration, especially if it wants the global governance to be effective.
- 7) Finally, more working groups made up of different nationalities and composed of public servants, experts and policy-makers should be launched to give more clarity to the concepts that are being discussed at the EU level.

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ANNEX

Interviews held in Prague and Krynica in August–September 2018

Jaroslav BŽOCH – ANO

Dušan DRBHOLAV – Associate Professor in the Department of Social Geography and Regional Development, the Faculty of Science at Charles University in Prague, and a leader of the GEOMIGRACE (Geographic Migration Centre) research team

Tomáš JUNGWIRTH – Consortium of Migrants Assisting Organizations (Czech Republic)

Martina KAMENICKÁ – Ministry of the Interior (Czech Republic)

Myroslava KERYK – Foundation Our Choice, Warsaw (Poland)

Irena KRASNICKÁ – Former Special Advisor for Migrations, MFA (Czech Republic)

Helena LANGŠADLOVA – TOP 09 (Czech Republic)

Tomáš LINDNER – RESPEKT (Czech Republic)

Jan LIPAŤSKÝ – PIRÁŤSKÁ STRANA (Czech Republic)

Sandor ORBAN, Center for Independent Journalism (Hungary)

Tomáš PROUZA – Former Secretary of State for European Affairs (2014–2017) (Czech Republic)

Thomas SMETANKA – Special Advisor for Migration, MFA (Czech Republic)

Jan STEHLÍK – European Values Think-tank (Czech Republic)