

# Secondary movements of asylum seekers in the EU

**Advisory  
Report**



Adviescommissie voor  
Vreemdelingenzaken

**ACVZ**

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# Summary

The Dublin system determines which Member State is responsible for processing an asylum application. This is often the Member State where an asylum seeker first enters the European Union (EU). Asylum seekers from third countries, who enter the EU in an irregular manner, often do not remain in the Member State where they first arrive. For various reasons, they may decide to move on to another Member State. This kind of transit is referred to as 'secondary movements'.

## **Increasing demonstrable secondary movements of asylum seekers**

Asylum seekers may move onwards immediately after arriving in the EU, during an asylum procedure, or after rejection of their asylum application. Hence, the potential for secondary movements of asylum seekers is determined by the number of asylum seekers arriving in the EU, the number of pending asylum procedures, and the number of rejected asylum seekers who have not left the EU. It is difficult to arrive at a comprehensive overview of secondary movements of asylum seekers: not only because this is a form of irregular migration, but also because of the technical and legal limitations of EU registration systems. Nevertheless, there is a number of indicators that can be used to obtain an indicative overview of the observed secondary movements. These include the number of first-time asylum applications in the EU, the number of detected irregular crossings of external EU borders, the number of foreign nationals found to be staying irregularly in the EU, the number of hits with fingerprints of migrants who have previously applied for asylum elsewhere in the EU or have irregularly entered the EU (Eurodac hits), and the number of requests submitted by Member States to one another to take back or to take charge of an asylum applicant (Dublin requests). All of these indicators show that, although the number of asylum applications since the end of 2016 has returned to the 2014 level, there has been a substantial increase in the demonstrable extent of secondary movements, and therefore also in the proportion of asylum applications involving demonstrable secondary movements. However, the total size of secondary movements of asylum seekers remains unknown.

Our research also reveals that secondary movements of asylum seekers in the EU are characterised by multi-faceted transit patterns. In addition, the overall picture has become much more diffuse. There is less one-way traffic from south to north, less secondary movement from east to west, and increased transit between the Member States of north-west Europe. Moreover, in all the Member States surveyed, asylum seekers abscond at an early stage to avoid being transferred to the Member State responsible for processing their asylum application. This shows that the Dublin system only offers a limited remedy for secondary movements of asylum seekers



## **Lack of perspective is the main motive, force of attraction of Member States is overestimated**

The difference in the nature of migration experienced by north-western and central Europe as compared to migration in the southern Member States determines the difference in views on secondary movements. In the north, the focus lies on countering secondary movements, while in the south, it is about managing the number of irregular crossings of the external borders.

The government representatives we interviewed regard secondary movements as undesirable behaviour, which must be combated. On the other hand, respondents from civil society organisations, lawyers and academics see it as the logical consequence of the lack of a level playing field (in terms of asylum procedures, recognition rates and reception conditions) within the EU in combination with the fact that asylum seekers have no say in the choice of the Member State that will handle their asylum application.

Based on a literature review, examination of case files and interviews, we have deduced that secondary movements of asylum seekers are or may be influenced by the following factors:

- Potential for secondary movements
- Expected socio-economic perspective (for asylum seekers who move onwards immediately after arriving in the EU) and specific events that may lead to a considerable deterioration in someone's personal situation (for asylum seekers who move onwards during an asylum procedure or after rejection of their application)
- Actual transit opportunities.

The last factor, among other things, depends on the availability of information, social networks and smugglers. Measures taken by the EU and Member States in the context of the migration policy may also influence the transit behaviour of asylum seekers. Government perception that the asylum policy and quality and accessibility of social services form an important source of attraction for secondary movements does not correspond to findings from scientific studies. No clear picture can be derived from the literature about how asylum policy in Member States affects the transit behaviour of asylum seekers.

## **Measures to combat secondary movements only have a partial effect**

Member States try to counter the secondary movement of asylum seekers via a range of measures: carrying out information campaigns designed to discourage them from coming to their country, reintroducing or intensifying border controls and mobile surveillance of foreign nationals, speeding-up and improving the identification and registration of asylum seekers upon first arrival, making asylum procedures more efficient, cutting-back reception facilities, introducing residence status restrictions, and where possible, applying detention measures. Many of



these measures are not aimed at addressing root causes, but are simply ways to deter asylum seekers.

We cannot make any firm statements about the effectiveness of national measures that are fully or partly targeted at preventing secondary movements, because our research did not yield any information about impact assessments or evaluations and secondary movements are influenced by many factors. However, the significant decrease of the number of asylum applications in Sweden after the implementation of tightening policies there clearly is an indication that policies can actually deter asylum seekers from going to or encourage them to leave a particular Member State. At the same time, this leads to secondary movements to other Member States.

After 2016, there has been a shift from secondary movements immediately after arrival in the EU to secondary movements of asylum seekers who choose not to await the decision regarding their application because they are aware of the low chance of success, and asylum seekers whose applications have been rejected. Some of the measures (in particular, the implementation of the EU-Turkey Statement and the so-called 'closure' of the Balkan route) have had an effect on the first form of secondary movements, but not on the second and third forms. This points towards a faulty implementation of transfer and return decisions.

## **Recommendations**

Secondary movements of asylum seekers cannot be entirely prevented because people will keep preferences for certain Member States based on personal circumstances. But it can be managed better. This requires a consistent, integrated approach that goes beyond the present unilateral focus on deterrence and sanctioning. Taking measures aimed at reducing asylum-related migration in a general sense is certainly a first, logical and necessary step, but it is not the only step that can be taken to counter secondary movements of asylum seekers. Such measures must be embedded within a broader approach based on an addressal of the root causes by the EU, differentiation in the handling of different groups of asylum seekers, further standardisation of the common European asylum system, a fundamental reform of the Dublin system, and improvement of the return policy. To this end, we have formulated the following recommendations. A more detailed explanation can be found in the Advisory Report and the underlying Research Report.

### **Further address the root causes of asylum-related migration in a general sense and secondary movements of asylum seekers**

This requires actions at the national level, efforts in the area of EU foreign policy as well as an unwavering commitment to standardising the CEAS (see section 3.5).

## **Focus on making the Dublin system more fair, balanced and efficient**

A future Dublin system should encourage both asylum seekers and Member States to abide by the rules by introducing positive incentives for this. In addition, it should differentiate between types of asylum seekers, i.e. those who have social, economic and cultural ties with Member States, those from safe countries of origin who submit manifestly unfounded asylum applications, and other asylum seekers (see sections 3.4 and 3.5 and section 5.2.3. of the Research Report).

## **Continue to focus on improving the return policy at the EU level**

For this, it is important to:

- Focus more explicitly and consistently on monitoring and enforcement in order to reduce the improper use of asylum procedures and promote the rapid return of asylum seekers who submit manifestly unfounded applications
- Do not focus solely on countering irregular migration in the relationship with countries of origin
- Identify successful examples of bilateral co-operation between Member States and countries of origin in the area of compulsory returns
- Focus on common standards for offering assistance for return procedures (see sections 4.6 and 4.7).

## **Continue to focus on more extensive analysis opportunities**

To better understand secondary movements, it is essential to have a better idea of its extent and characteristics. Therefore we advise to continue arguing in favour of granting EASO access to Eurodac for performing statistical analyses during the negotiations on the revised Eurodac Regulation. There is also a need to focus on extending eu-LISA's reporting obligation, from merely using Eurodac and the hits with other Member States, to reporting in more detail on asylum seekers and their transit routes on a cohort basis.

In this respect it could also be helpful to argue in favour of granting EASO access to the new centralised, common statistical reporting tool which comes with the Regulations on interoperability when devising the implementing rules. Also, it is important to emphasise the need to use this tool to report on a cohort basis.



**This Advisory Report is concerned with secondary movements of asylum seekers in the EU+.<sup>1</sup> It is based on and must be read in conjunction with the Research Report.<sup>2</sup>**

## **1. INTRODUCTION**

### **1.1 Request for advice: how do EU(+) Member States deal with secondary movements of asylum seekers?**

On 9 April 2018, the Minister for Migration requested our advice on how to deal with secondary movements of asylum seekers. He particularly wanted to know how other EU(+) Member States deal with this and whether the Netherlands can learn anything from their approach. For this, we carried out research in Belgium, Germany, Greece, Italy, the Netherlands, Austria, Spain, Sweden and Switzerland. We based our research on the following research questions:

1. To what extent and in what way are EU+ Member States confronted with secondary movements of asylum seekers?
2. How do Member State governments clarify the existence of this type of migration?
3. What types of measures do the Member States take to counter secondary movements of asylum seekers?
4. How do the Member State governments assess the effectiveness of these measures?
5. Based on the comparative research, to what extent can we derive prospects for action for the Netherlands, both at the national and European level?

Since the abolition of border controls in the Schengen Area<sup>3</sup>, migrants from third countries can make use of the open borders once they have entered the EU. The ability to transit without facing border controls facilitates secondary movements of asylum seekers within the EU. In order to prevent asylum seekers in the Schengen Area from being sent from one Member State to another and to ensure that they were not left in the dark for too long regarding the processing of their asylum application, European leaders signed the Dublin Convention in 1990.<sup>4</sup> This treaty, later transposed into EU law, is one of the cornerstones of the later Common European Asylum System (CEAS), whose goal is to implement clear-cut, uniform, fair, humane and effective asylum procedures throughout the EU.

The large-scale, uncontrolled arrival of asylum seekers in the EU in 2015 and at the beginning of 2016 exposed the inadequacies of external border controls and

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<sup>1</sup> The EU+ consists of all countries that are part of the Dublin system. These include all EU Member States, plus Norway, Switzerland, Iceland and Liechtenstein.

<sup>2</sup> Advisory Committee on Migration Affairs, Secondary movements of asylum seekers in the EU: Research Report, The Hague ACVZ, 2019.

<sup>3</sup> The Schengen Area currently comprises most of the EU Member States (excluding Bulgaria, Cyprus, Ireland, Croatia, Romania and the United Kingdom) and Liechtenstein, Iceland, Norway and Switzerland.

<sup>4</sup> Preamble to the Dublin Convention, OJEC, No. C 254/1.

placed great pressure on the asylum systems of various Member States. This revealed systematic shortcomings in the CEAS, including the complexity and ineffectiveness of the Dublin system. In this context, the European Commission presented a proposal in 2016 for a reform of the CEAS.<sup>5</sup> This proposal was also intended to improve the monitoring of secondary movements within the EU and to discourage and penalise this.<sup>6</sup>

Discouraging secondary movement is also one of the most important objectives of the Dutch government's integrated migration agenda.<sup>7</sup>

## 1.2 What are secondary movements?

*Giorgi, a Georgian national holding valid identity documents, submits an asylum application in the Netherlands in mid 2017. Eurodac shows that he has previously applied for asylum in Austria (mid 2008), Germany (early 2009), the Netherlands (early 2010), Sweden (mid 2010 and mid 2012), Lithuania (late 2013), Austria (early 2014), the Netherlands (mid 2014), Lithuania (late 2015), Austria (mid 2016), Belgium (late 2016) and Luxembourg (late 2016). The Netherlands has submitted a request to Germany in 2010, Germany has accepted this request, and based on this Giorgi has been transferred by the Netherlands to Germany at the time. When Giorgi applies for asylum in the Netherlands for the second time in 2014, the Netherlands submits a request to Lithuania. This request is also accepted and the Netherlands hands Giorgi over to Lithuania, who then departs him to Georgia. When Giorgi submits his third asylum application in the Netherlands in 2017, it appears that shortly after his transfer to Lithuania and deportation from Lithuania to Georgia, he has travelled to Austria and again applied for asylum. The Netherlands submits a request to Austria. The request is accepted and a date is agreed for the transfer. Shortly before this date, the Netherlands reports that the transfer cannot take place because Giorgi has left for an unknown destination.<sup>8</sup>*

Migrants from third countries entering the EU+ often do not remain in the Member State where they arrive. For various reasons, they may decide to move on to another Member State. This kind of transit within the EU is referred to as 'secondary movement'. This Advisory Report deals with the secondary movement of asylum seekers.<sup>9</sup>

The Dublin Regulation determines which Member State is responsible for processing the content of an asylum application.<sup>10</sup> This system also aims to prevent the secondary movement of asylum seekers.<sup>11</sup>

<sup>5</sup> COM (2016) 197 final.

<sup>6</sup> COM (2016) 197 final, p. 13.

<sup>7</sup> Parliamentary Papers II 2017/18, 19 637, No. 2375.

<sup>8</sup> This example is one of the cases from the case file review conducted by us at the Dutch Immigration and Naturalisation Service (IND). More cases are included in Chapter 4 of the Research Report.

<sup>9</sup> By 'asylum seeker' we mean an applicant for international protection, as defined in Article 2i of the Qualification Directive (Directive 2011/95/EU).

<sup>10</sup> By 'asylum application' we mean an application for international protection, as defined in Article 2h of the Qualification Directive (Directive 2011/95/EU).

<sup>11</sup> COM (2016) 197 and COM (2016) 270.





We define secondary movement of asylum seekers as:  
The onward migration of asylum seekers within the EU(+) from the Member State that is responsible under the Dublin system for processing the asylum application, to another Member State.

When we refer to the secondary movement of asylum seekers, we are also referring particularly to the functioning of the Dublin system.<sup>12</sup>

Secondary movements of asylum seekers in the EU+ is not a new phenomenon. Even as early as in the 1990s, it gave rise to discussions and distrust between Member States.<sup>13</sup> It took 10 years before Italy was admitted as a full-fledged member of the Schengen Area. One of the reasons for this was concern among north-western European Member States (in particular, Germany) about Italy's willingness and capacity to effectively control its external borders and prevent the transit of asylum seekers and other irregular migrants into the EU. Since the sharp increase in the number of asylum applications in 2015, the secondary movement issue has been the subject of renewed political and policy attention. Our research shows that there are good reasons for this.

### 1.3 Research design

We have studied the relevant literature and various data collections. We have also conducted interviews with government officials, employees of non-governmental organisations (NGOs), lawyers and academics in Belgium, Germany, Italy, Greece, the Netherlands, Austria, Spain, Sweden and Switzerland. In order to obtain a practical overview of the secondary movement of asylum seekers and gain insight into the interaction between the surveyed Member States in individual cases involving asylum seekers in transit, we have conducted a case file review at the Dutch Immigration and Naturalisation Service (IND).<sup>14</sup>

### 1.4 Guide to reading this Advisory Report

In this Advisory Report, our response to the request for advice is divided into four chapters. A detailed account of the entire study can be found in the Research Report accompanying this Advisory Report. Question 1 is answered in Chapter 2 of this Advisory Report: To what extent and in what way are EU+ Member States confronted with the secondary movement of asylum seekers?<sup>15</sup> In Chapter 3, we have answered Question 2: How do Member State governments clarify the existence of secondary movement of asylum seekers? In this context, we also discuss the perception of the other respondent groups and compare both with academic insights into factors that may influence the secondary movement of asylum seekers.<sup>16</sup> In Chapter 4, we have answered Question 3 (What types of

<sup>12</sup> See Chapter 2 of the Research Report for an explanation of the Dublin system.

<sup>13</sup> G. Knaus, *Land borders in Europe. A dramatic story in three acts*, Oct. 2011, interview F. Pastore, 7 February 2019.

<sup>14</sup> For a more detailed research justification, see section 1.4 of the Research Report.

<sup>15</sup> For the underlying data analysis and a description of the results of the case file review, see Chapters 3 and 4 of the Research Report.

<sup>16</sup> For a more detailed analysis, see Chapter 5 of the Research Report.

measures do the Member States take?) and Question 4 (How do the Member State governments assess the effectiveness of these measures?). Here too, we also describe the perceptions of the other respondent groups that we have interviewed.<sup>17</sup>

We conclude each chapter with conclusions and recommendations. By doing so, we provide an answer to Question 5: Based on the comparative research, to what extent can we derive prospects for action for the Netherlands, both at the national and European level?<sup>18</sup>

## 2. EXTENT AND CHARACTERISTICS OF SECONDARY MOVEMENTS

### 2.1 Three forms of secondary movements

We have distinguished three forms of secondary movement of asylum seekers, based on the passage of time from the moment of arrival in the EU+:

- Almost immediate onward migration to the country of destination
- Onward migration during an asylum procedure
- Onward migration after rejection of an asylum application

The first form is particularly prevalent in the secondary movement of asylum seekers from southern European to central and north-western European Member States. Of all the three forms, this type of onward migration is most directly related to the number of arrivals at the external borders of the EU+. The second form may take place starting from either the country where the asylum seeker has first entered the EU+ or from other Member States. This form of secondary movement may be due to the duration of the asylum procedure and/or the quality of the reception facilities. The third form mainly (but not exclusively) occurs from and between the central and north-western European Member States. This form of secondary movement may occur because of limited effectiveness of the return policy. The three forms are influenced by the number of asylum seekers arriving in the EU, the number of pending asylum procedures, and the number of rejected asylum seekers who have not left the EU. These three sources together constitute the *potential* for secondary movement.

Foreign nationals who do not need international protection but who nevertheless apply for asylum in several Member States may fall under all three forms of secondary movement. They often move onwards to another Member State during an asylum procedure because they expect a negative decision. This mainly concerns asylum seekers from countries that are categorised as safe countries of origin by Member States.<sup>19</sup> Around 20% of asylum applications in the EU+ in 2018 were submitted by foreign nationals from a country of origin that was considered

<sup>17</sup> For a more detailed description, see Chapter 6 of the Research Report.

<sup>18</sup> Therefore, as is customary, we address our recommendations to the Dutch government.

<sup>19</sup> ACVZ, *Op zoek naar veilige(r) landen [In search of safe(r) countries]* (ACVZ, 2018), ACVZ, Exploratory Study Legale kanalen voor arbeidsmigranten [*Legal channels for labour migrants*] (ACVZ, 2019).



safe by at least one of the Member States surveyed. In addition, there is a partially overlapping group of foreign nationals who are exempt from the visa requirement. By now, their share has risen to more than 30% of asylum applications in the EU+. In 2018, both categories together accounted for around 35% of asylum applications in the EU+.<sup>20</sup>

## 2.2 Secondary movements cannot be fully quantified

Just like other types of irregular migration, it is not possible to form a clear picture of the secondary movement of asylum seekers.<sup>21</sup> Asylum seekers who do not wish to submit their application in the first country of arrival but wish to do this elsewhere in the EU+, have an interest in not being traced and registered. An unknown number manages to enter and transit the EU+ unseen. Therefore, it is only possible to form an idea of the actually *observed* secondary movement.

There is a number of *indicators* for determining the extent of observed secondary movement of asylum seekers:

- First time asylum applications submitted (Eurostat)
- Detections of irregular border crossings (Frontex)
- Detections of irregular stay (Frontex)<sup>22</sup>
- Eurodac hits (eu-LISA)
- Dublin requests (Eurostat).

However, even these indicators can only provide an *indication* of the extent of observed secondary movement of asylum seekers. This is because of the technical and legal limitations of the existing registration systems at the EU level. First of all, these are not systematically linked to one another. In addition, the data sets are not intended for the purpose of quantifying secondary movement, and hence they are incomplete for this purpose. For example, Eurodac<sup>23</sup> figures only give an idea of the total number of hits per Member State per year with sets of fingerprints of asylum seekers, but not the number of hits per asylum seeker in all Member States where the asylum seeker has previously stayed. Finally, the information potential of Eurodac and the Visa Information System (VIS)<sup>24</sup> are not fully utilised. This is because the relevant regulations lack the necessary legal basis.

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<sup>20</sup> See section 3.2 of the Research Report.

<sup>21</sup> Like the International Organisation for Migration (IOM) we define irregular migration as movements of persons that take place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

<sup>22</sup> Based on registrations in the Member States, Frontex maintains records of irregular crossings of the external borders of the EU and detections of irregular stay in the Member States.

<sup>23</sup> The European database containing fingerprints of asylum seekers.

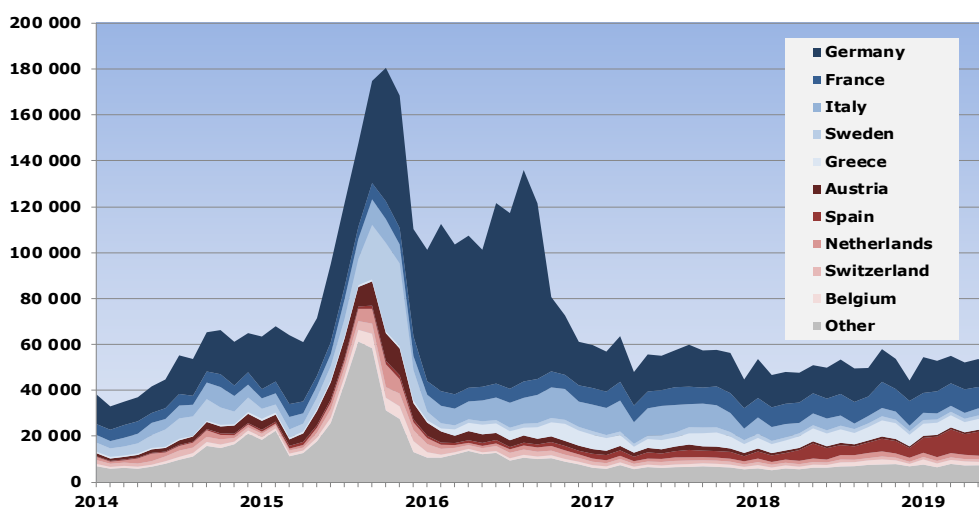
<sup>24</sup> The European database which registers all visas issued to Schengen countries.

## 2.3 Indicative picture of the extent of secondary movements

Despite the limitations mentioned above, a reasonably detailed picture can be obtained, based on the available data, of the extent, characteristics and trends in the observed secondary movement of asylum seekers.

### 2.3.1 Asylum applications at 2014 level since the end of 2016, more asylum applications in southern Member States

Figure 1: Monthly number of first-time asylum applications submitted in the EU+ by country of application, 2014-2019<sup>25</sup>



[See table for Figure 1](#)

In the period from 2014 to the first half of 2019, approximately 4.8 million first-time asylum applications were registered for all EU+ Member States taken together. Of these, 4 million (83%) were registered in the Member States included in our research (Figure 1). The number of first-time asylum applications for the EU+ as a whole has remained fairly stable at around the 2014 level since the end of 2016.<sup>26</sup> However, significant shifts have occurred within the EU+.<sup>27</sup>

Although the number of first-time asylum applications for the EU+ as a whole has remained fairly stable since the end of 2016 and is approximately at the 2014 level, the number of pending asylum applications is still much higher than before that date. This indicates that the procedures are lasting longer. The outcomes of the asylum applications differ greatly between the Member States surveyed. These differences (both in terms of the recognition rate and the nature of the protection granted) have not decreased. Although the number of asylum applications

<sup>25</sup> Eurostat database, consulted on 6 June 2019.

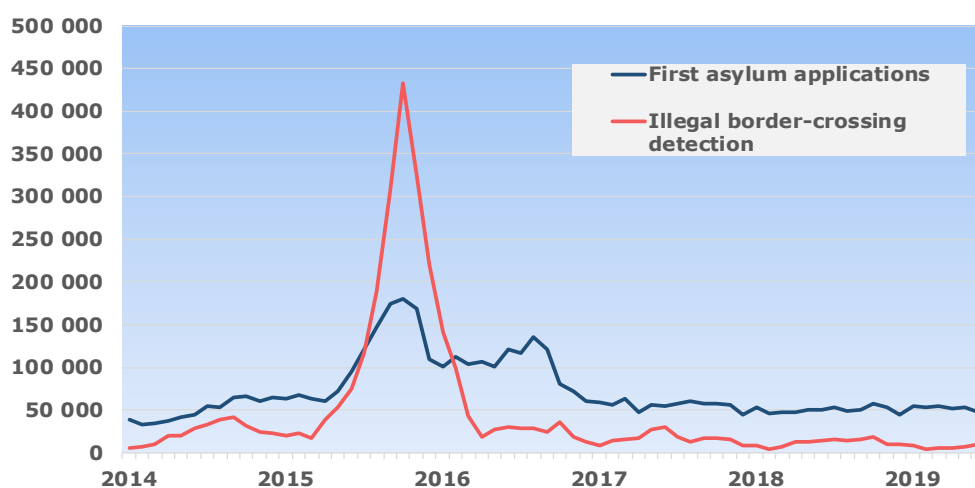
<sup>26</sup> The number of first-time asylum applications registered is an overestimation of the actual number of people who have applied for asylum in the EU+ due to double counting. If a person applies for asylum in several Member States, each individual Member State reports that application as the first application. These double counts cannot be filtered out from the Eurostat figures. Therefore, there are no figures available for the number of unique persons who submitted an asylum application in the EU+.

<sup>27</sup> See section 3.3.1 of the Research Report.

submitted is once again around the 2014 level, the number of rejections is much higher than in 2014. What remains unchanged is that only a minority of asylum seekers actually leave the EU+ after their application has been rejected. All of this leads to an increased potential for secondary movement.<sup>28</sup>

### 2.3.2 Irregular crossings of external EU borders have become less decisive for asylum applications in the EU

Figure 2: Monthly number of detections of irregular border crossings versus the number of first-time asylum applications submitted in the EU+, 2014-2019<sup>29</sup>



[See table for Figure 2](#)

The observed trend in the number of registered first-time asylum applications shows similarities with the trends in the number of detections of irregular crossings of external borders (Figure 2). This is an important indication of the correlation between these indicators. The similarities in the nationalities involved in detections of irregular crossings of external EU borders and the submission of asylum applications elsewhere in the EU is an indication that some of these asylum seekers are migrating onwards. However, the correlation between irregular crossings of external borders and asylum applications has diminished. Indeed, the number of registered first-time asylum applications has remained reasonably stable since the end of 2016, while the number of detections of irregular crossings of external borders has decreased by half in the period 2014-2018 (from around 24,000 to around 12,000 per month). This decrease implies a reduced potential for secondary movements. Moreover, migrants entering the EU+ irregularly in Greece since the closure of the Balkan route (2015, early 2016) and the implementation of the EU-Turkey Statement (March 2016) are often first submitting an asylum application in Greece, while previously they would usually move on as quickly as possible to another EU+ Member State.<sup>30</sup>

<sup>28</sup> Also see sections 3.3.2 and 3.3.4 of the Research Report.

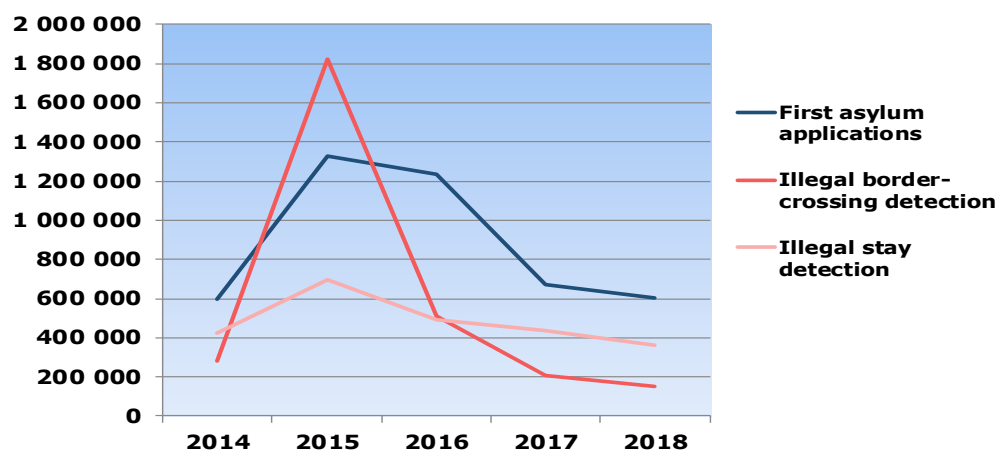
<sup>29</sup> Eurostat database (asylum applications, consulted on 6 June 2019) and Frontex statistics (detections of irregular border crossings, consulted on 9 June 2019)

<sup>30</sup> For a more detailed analysis, see section 3.4.1 of the Research Report.

### 2.3.3 More detections of irregular stay than detections of irregular crossings of external EU borders since 2016

Detections of irregular stay are also indicative of secondary movement, because many of these detections are the result of checks at or in the vicinity of internal EU borders.

Figure 3: Annual number of detections of irregular border crossings and irregular stay versus the number of first-time asylum applications submitted in the EU+, 2014-2018<sup>31</sup>



	2014	2015	2016	2017	2018
<b>First asylum applications</b>	596 440	1 326 170	1 236 765	672 510	605 450
<b>Illegal border-crossing detection</b>	282 873	1 822 177	511 047	204 654	149 036
<b>Illegal stay detection</b>	425 133	699 374	491 918	435 084	361 636

The trend in the number of detections of irregular stay shows similarities with the trend in the number of detections of irregular border crossings as well as with the trend in the number of registered first-time asylum applications (Figure 3). This points towards a correlation between these indicators. It is striking that the number of detections of irregular stays is currently much higher than the number of detections of irregular border crossings, while that was hardly the case before 2016. This is also an indication that secondary movement of asylum seekers is not as directly related to the number of irregular crossings of the external borders as before. The nationalities most frequently detected in connection with irregular stay in the EU+ show great similarities with the most common nationalities encountered among the number of detected irregular border crossings and number of registered first-time asylum applications. This is a strong indication of the secondary movement of asylum seekers in the EU+.<sup>32</sup>

<sup>31</sup> Eurostat database (asylum applications, consulted on 6 June 2019), Frontex statistics (detections of irregular border crossings, consulted on 9 June 2019) and Frontex Risk Analysis for 2015, 2016, 2017, 2018 and 2019.

<sup>32</sup> For a more detailed analysis, see section 3.4.2 of the Research Report.

### 2.3.4 Eurodac hits and Dublin requests: increasing number of asylum applications is the result of secondary movements

Eurodac hits provide hard data on the observed secondary movement of asylum seekers within the EU+. They provide information on asylum applications previously submitted in other Member States (a Category 1 registration in Eurodac) and irregular crossings of external EU borders (Category 2). In addition, Member States can check Eurodac if they want to know whether an intercepted foreign national staying irregularly in the Member State (Category 3) has applied for asylum in another Member State.<sup>33</sup> Transmission of fingerprints to Eurodac Central System may result in a hit with a set of fingerprints entered by the same Member State that is transmitting the fingerprints ('local hit') or by a different Member State ('foreign hit'). Only foreign hits indicate secondary movements. The number of hits with other countries (Categories 1 and 2) in proportion to the number of sets of fingerprints of asylum seekers transmitted (Category 1) gives an indication of the proportion of asylum applications for which secondary movement can be demonstrated. This is an overestimation, however, because a set of fingerprints transmitted to Eurodac may lead to multiple hits.

Based on our analysis of Eurodac hits, we find that:

- The total number of foreign hits has increased sharply, from around 250,000 in 2014 to around 450,000 on an annual basis in the period 2017-2018. This means not only that the demonstrable absolute extent of secondary movements but also the relative share of asylum applications in which secondary movements can be demonstrated have increased, because the number of asylum applications has decreased sharply since 2016
- Category 1 hits (asylum application) are the most common, followed by Category 2 (irregular crossings of external EU borders) and Category 3 (irregular stay) hits. The increase in the number of hits is mainly due to Category 1 and 3 hits. This means that the demonstrable extent of secondary movement is less closely connected to irregular crossings of external EU borders as it was before 2015
- The number of Category 1 and 2 hits in relation to the number of Category 1 fingerprint sets entered after 2015 is higher than before that date (from 38% in 2015 to 53% in 2018). This means that secondary movements is demonstrated for a larger proportion of asylum applications
- In general, Member States have many Eurodac hits with the other Member States based on their own transmissions as well as vice versa. The ratio between incoming and outgoing secondary movements varies considerably between the ten Member States surveyed. We can distinguish four groups:
  - Net countries of destination: Germany, France, Belgium and the Netherlands
  - Shift from net country of destination to net source country: Sweden
  - Incoming and outgoing reasonably balanced: Austria and Switzerland
  - Net source countries: Spain, Italy and Greece.

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<sup>33</sup> Category 3 fingerprints are not stored, they are only compared with Category 1 fingerprint sets.

The number of outgoing and incoming Dublin requests also provides hard data on the observed secondary movement of asylum seekers in the EU+. The analysis of the number and type of Dublin requests yields similar conclusions as the analysis of the number and type of Eurodac hits. This is logical because Dublin requests are often based on Eurodac hits.<sup>34</sup>

The analysis of Dublin requests has shown that:

- The annual number of Dublin requests has increased from around 90,000 in 2014 to around 160,000 per year in the period 2017-2018. The proportion of asylum applications, in which a Dublin request was submitted, has also almost doubled (from 15% in 2014 to 25-26% in the period 2017-2018)
- The proportion of accepted Dublin requests has decreased (from 76% in 2017 to 69% in 2018). This is mainly because many Member States once again started sending Dublin requests to Greece in 2018, and virtually all these requests were rejected<sup>35</sup>
- In the period 2014-2018, only a quarter of the number of accepted Dublin requests led to an actual transfer to the responsible Member State. However, the transfer ratio varied greatly between Member States.<sup>36</sup> In most cases where an accepted request is not actually carried out, the foreign national absconds before the transfer can take place<sup>37</sup>
- In general, the ten Member States that were surveyed have sent out many requests to other Member States and they have received many from these Member States.<sup>38</sup>

Hence, all the available indicators show that the demonstrable extent of secondary movement has increased substantially and that the correlation with irregular crossings of external EU borders has diminished. However, the question is whether secondary movement has actually increased or whether it is simply being demonstrated more often. The latter may also be the case, since the Eurodac registration of asylum seekers and other migrants who have irregularly entered via Italy and Greece has greatly improved since 2015, thanks to EU support in the hotspots.

The analyses of Eurodac hits and Dublin requests show that Belgium, Germany, France and the Netherlands had net incoming secondary movements in the period

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<sup>34</sup> However, the number of Dublin requests is considerably lower than the number of Eurodac hits, because a Dublin request often involves multiple Eurodac hits.

<sup>35</sup> In 2018, Greece accepted 3% of incoming Dublin requests (compared to an average acceptance rate of 53% within the EU+) and 1% of the requests for reconsideration (compared to an average acceptance rate of 37% within the EU+). The interviews conducted by us in the Member States have shown that the general reason for this is that Greece cannot guarantee reception facilities for transferred asylum seekers.

<sup>36</sup> Italy (4%), France (10%) and Germany (15%) are not very successful in ensuring that their requests, which have been accepted by other Member States, are actually carried out in practice. Austria (26%), the Netherlands (32%), Belgium (35%) and Switzerland (36%) fall within the middle bracket. Of the Member States surveyed, Sweden is the most likely (48%) to convert accepted requests into actual transfers.

<sup>37</sup> Based on interviews with government representatives in Belgium, Germany, the Netherlands, Austria, Sweden and Switzerland.

<sup>38</sup> The ratio between incoming and outgoing secondary movements measured based on Dublin requests shows, quite logically, great similarities with the ratio measured based on Eurodac hits. For a more detailed analysis, see sections 3.4.3 and 3.4.4 of the Research Report.





2014-2018. Germany was the most important country of destination, but it also emerged as one of the most important source countries during the research period. The Netherlands was also increasingly confronted with outgoing secondary movements. Sweden had net incoming secondary movements until mid-2016, but this has completely changed since then. Both Austria and Switzerland have a large proportion of both incoming and outgoing secondary movements and can therefore best be qualified as 'transit countries'. Spain, Italy and Greece have far fewer Eurodac hits after their own transmissions of fingerprints to the Eurodac Central System than vice versa, and generally also receive far more Dublin requests than they send out. Greece can be regarded almost entirely as a source country, while Italy has become both a source and country of destination.<sup>39</sup>

The analysis of Eurodac hits also shows that there has been a considerable change in secondary movements in the period 2014-2018. In the period 2014-2015, the direction of movement was mainly from south to north and from east to west. Since 2016, the overall picture has become much more diffuse, with more movements between the north-western European Member States. At the same time, the number of first-time asylum applications in southern Europe has increased. This indicates that asylum seekers are now first applying for asylum in these Member States more often, than moving onwards immediately. Secondary movements of asylum seekers from Greece has decreased sharply and a substantial increase in secondary movements to Italy can also be observed at present. Germany is still the focal point of secondary movements in the EU+, but it has become less of a one-way traffic situation. France has increasingly become a country of destination, while Sweden has become a source country. On the other hand, Bulgaria and especially Hungary have become less significant as source countries.

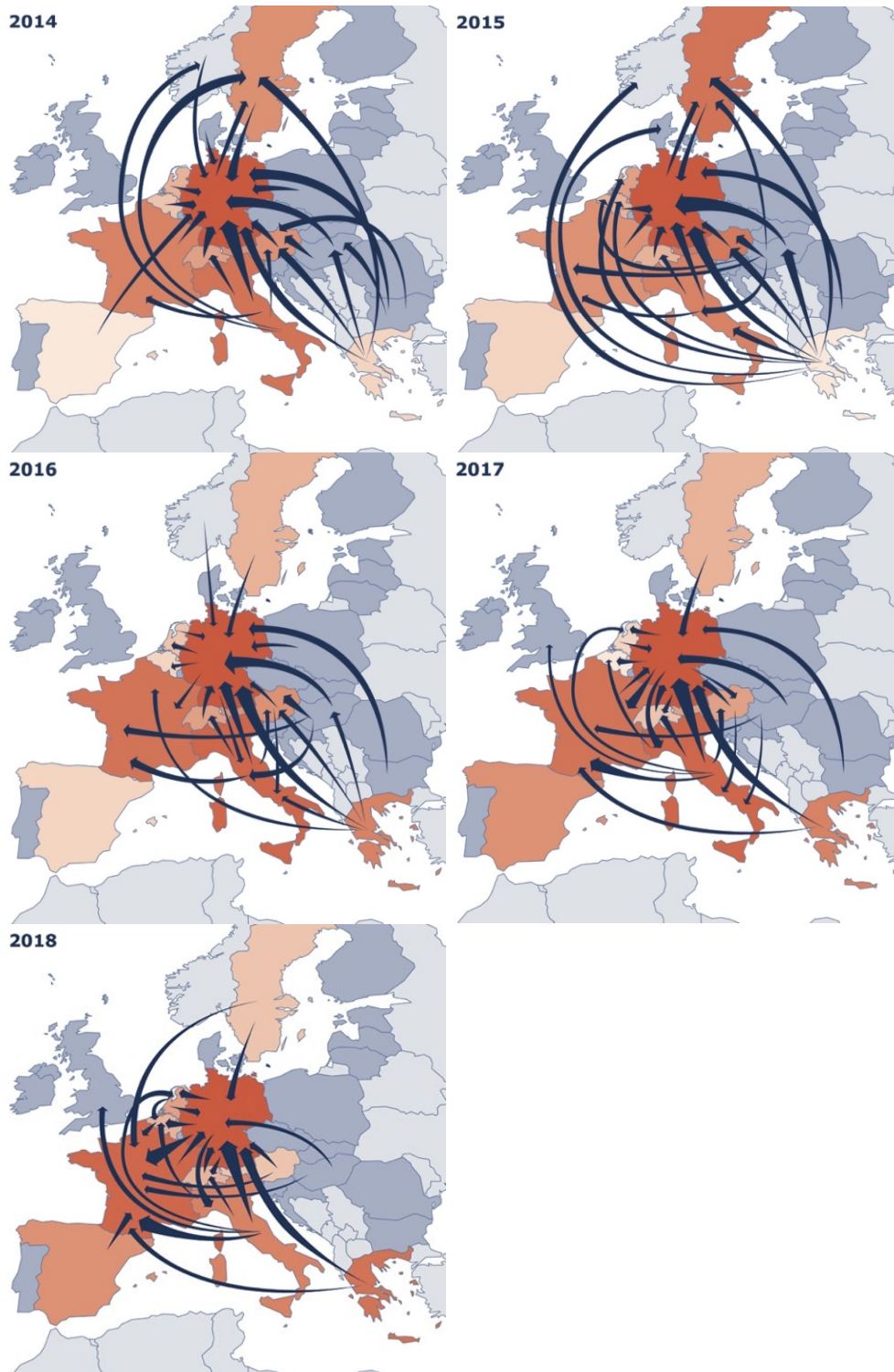
Based on the number of Eurodac hits, the secondary movement flows that can be distinguished are shown in the figure below. Hard data on transit routes (and transit time) cannot be obtained from Eurodac hits. The data on Eurodac hits does not provide any information about the combination of Member States involved in a hit, the order in which the data was entered or the intervening period of time. The arrows in the maps below only indicate the start and end destination, and not necessarily the transit route followed.<sup>40</sup>

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<sup>39</sup> *Idem.*

<sup>40</sup> For the sake of clarity, only the 25 pairs of Member States with the highest number of Eurodac hits are shown. The more red the color of a Member State, the higher the amount of registered first-time asylum applications in that Member State. The thicker the arrow, the higher the amount of Eurodac hits.

Figure 4: Top 25 Eurodac hits to and from the 10 EU+ Member States, 2014-2018<sup>41</sup>



[See table for Figure 4](#)

<sup>41</sup> Source: eu-LISA Annual Reports on the 2014, 2015, 2016, 2017 and 2018 activities of the Eurodac central system.

## 2.4 Findings from the case file review

### 2.4.1 Fragmented information on transit routes

We found indications of secondary movements in the vast majority of the case files examined, including those in which the Netherlands did not ultimately conduct a Dublin procedure. In most cases, the asylum seeker's statements about the transit route form the only indication, but from 2016 onwards there is an increase in the number of cases with Eurodac hits. This is in line with the outcome of the data analysis.<sup>42</sup> The statements made by asylum seekers about their transit route are often vague and brief. Asylum seekers usually do not voluntarily report that they have previously applied for asylum in one or more other Member States and only cooperate to a limited extent in reconstructing their transit route, which means that this information cannot be fully verified.

### 2.4.2 Multi-faceted transit patterns

Secondary movements of asylum seekers in the EU+ is often not a linear migration, but one that progresses in a criss-cross manner through Europe. The case file review shows that, after their first arrival in the EU, asylum seekers often move around Europe for a long time. This is not usually in the form of a continuous transit, but rather a 'transit in stages' alternated with short or longer periods of stay in different Member States. In most cases, these 'wanderings' through Europe can only be partially reconstructed based on Eurodac hits. This is because asylum seekers do not apply for asylum in every Member State they visit. Sometimes they submit an application for a residence permit, but again move and stay somewhere else without trying to legalise that stay. In particular, asylum seekers from countries that are designated as safe countries of origin regularly transit 'up and down' between their country of origin and EU+ territories. In some case files, the time span between the first arrival of the asylum seeker in the EU+ and the last time the file was handled (by the Netherlands) was as long as 10 to 20 years.

### 2.4.3 Circumstances at current location decisive for transit

In most cases in which we were able to discover the motives for secondary movements, these were related to the circumstances in the Member State of an earlier stay. These were usually described as 'bad' because of a perceived general lack of perspective or specific events that brought about a substantial change in a person's legal and/or practical situation. A perceived general lack of perspective was usually related to the lack of shelter, work, medical care or education. Specific events that led to a substantial change in the personal situation often included rejection of the asylum application, withdrawal of the right to reception, an obligation to leave and the fear of being deported, deterioration of the asylum seeker's health, etc.

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<sup>42</sup> See section 2.3.4 of this Advisory Report.

The most important reason mentioned for applying for asylum in the Netherlands was usually the 'good situation' in this country, in a general sense. People mentioned good or better perspectives in terms of living, working, education, care, democracy, security and respect for human rights. In none of the cases could a more specifically motivated choice for the Netherlands, rather than for other Member States, be deduced from the above statements.

#### **2.4.4 Risk of absconding is a problem in all Member States**

In a significant proportion of the case files examined, asylum seekers had absconded at an early stage in many of the Member States where they had previously stayed, in order to avoid transfer to another Member State.<sup>43</sup> The correspondence between the Member States recorded in the case files revealed that none of the authorities involved knew whether the asylum seeker had subsequently remained or stayed irregularly in their Member State or moved to another Member State or returned to the country of origin. Information about this is often received later in the form of a Dublin request from another Member State. What is common to all Member States is that asylum seekers abscond during the maximum extended transfer period (18 months) and then report back to the authorities after the end of this period. In such cases, the responsibility of the Member State that has accepted the request, lapses.<sup>44</sup> If asylum seekers are actually transferred, they often return to the Member State that transferred them or move on to a third Member State.<sup>45</sup> Persons travelling alone especially young men (often from safe countries of origin) and unaccompanied minor asylum seekers abscond relatively often. In case of the former, this is because they expect a rejection of their application and a transfer decision. From the case file review, we conclude that their main purpose is to stay in the EU+ for as long as possible. They achieve this goal by submitting asylum applications successively in several Member States and by moving on before they can be transferred to the responsible Member State.

Based on both the data analysis as well as the case file review, we can deduce that the number of asylum applications in the EU is largely determined by the ineffective implementation of transfer and return decisions.

## **2.5 Conclusions and recommendations**

Following from the data analysis and case file review, we have arrived at the following conclusions:

- Only an indicative overview can be drawn up of the extent of secondary movements
- The potential for secondary movements of asylum seekers has reduced, on the one hand, due to the decrease in the number of irregular crossings of external

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<sup>43</sup> Interviews with government representatives have confirmed that all Member States are confronted with asylum seekers who abscond to avoid being transferred.

<sup>44</sup> Article 29.2 Dublin III.

<sup>45</sup> The interviews with government representatives also revealed that transferred asylum seekers often return earlier than the officials who accompanied them during the transfer.



EU borders. On the other hand, it has increased because of a higher number of pending asylum procedures and higher number of asylum seekers whose applications have been rejected but who have not left the EU

- The *demonstrable* extent of secondary movements and its demonstrable share in the number of asylum applications has increased substantially
- The transit patterns are becoming increasingly variable. The overall picture has become much more diffuse. There is less one-way traffic from south to north and from east to west, but more secondary movements between the north-west European Member States
- The Dublin system is ineffective in terms of its objective of preventing secondary movements of asylum seekers.

To better understand secondary movements of asylum seekers, it is essential to have a better idea of its extent and characteristics. When determining the design and objectives of linking data systems, it would be advisable to consider the specific purpose of the systems in question, and depending on this purpose, be cautious in granting access to the data contained in these systems. However, to make effective migration management possible, it would be necessary to look further than the objectives of the specific systems themselves. The strict conditions, which are currently applicable to the linking of data from the various data systems, make it difficult to gain a proper understanding of the extent and characteristics of secondary movements of asylum seekers. This also hinders monitoring and enforcement opportunities. Currently, EASO has no access to Eurodac and nor has it been named as an organisation that will be granted access to the new centralised, common statistical reporting tool of existing EU information systems.<sup>46</sup> Since secondary movements of asylum seekers puts extra pressure on the European asylum system, EASO should be allowed to perform as complete analyses as possible in order to be able to adequately assist the Member States. The current practice, where Member States perform analyses on secondary movements separately for their own purposes, is insufficient.

## **Recommendation**

### **Continue to focus on more extensive analysis opportunities**

We advise to continue arguing in favour of granting EASO access to Eurodac for performing statistical analyses during the negotiations on the revised Eurodac Regulation. There is also a need to focus on extending eu-LISA's reporting obligation, from merely using Eurodac and the hits with other Member States, to reporting in more detail on asylum seekers and their transit routes on a cohort basis.

In this respect it could also be helpful to argue in favour of granting EASO access to the new centralised, common statistical reporting tool which comes with the Regulations on interoperability when devising the implementation rules. Also, it is important to emphasise the need to use this tool to report on a cohort basis.

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<sup>46</sup> *Interoperability between EU information systems: Council adopts regulations.*

### 3. VIEWS ON SECONDARY MOVEMENTS

#### 3.1 Differences in perception

The vast majority of the asylum applications registered in Sweden, Belgium, Germany, France, the Netherlands, Austria and Switzerland concern secondary movements. In contrast to this, Spain, Italy and Greece are mainly faced with irregular crossings of the external borders. This largely determines the differences in views on secondary movements between the various Member States. In north-western and central European Member States, the government representatives interviewed believe that secondary movements of asylum seekers is putting their asylum systems under an inordinate amount of pressure and must therefore be combated. They consider the flawed implementation of the CEAS – and of the Dublin Regulation in particular – in the southern Member States as an important reason for the existence of these secondary movements.

In their opinion, the further harmonisation of and stricter compliance with the CEAS and a reform of the Dublin system, i.e. by extending the period of responsibility for processing asylum applications and sanctioning transiting asylum seekers as proposed by the European Commission,<sup>47</sup> are the most important ways of preventing secondary movements of asylum seekers to their Member States. If this can be done, they are in principle prepared to accept a corrective distribution mechanism.

In all these Member States, government respondents have noted that the deadlock in the debate regarding the reform of the CEAS is increasingly forcing them to take measures at the national level. In general, the respondents indicated that they did not have a complete picture of the factors that could influence secondary movements. They often had more opinions about the reasons for the onward migration to their country than from their country, and often assumed that the reasons for the former type of migration were related to the high quality of their asylum system and reception facilities.

In Spain, Italy and Greece, the focus is on controlling the number of arrivals of asylum seekers at the external borders. Respondents in these Member States do not perceive secondary movements as a problem, so the prevention of this is not a priority for them. These Member States consider the current Dublin system to be unjust, because it places the responsibility for processing asylum applications primarily on those Member States where asylum seekers first enter the EU+. They find it difficult to fully implement the Dublin Regulation because, due to their geographical location, they are responsible, according to the Dublin criteria, for a disproportionately high number of asylum applications and therefore have to provide for a large reception capacity. They feel that they are not sufficiently supported by the other Member States and particularly advocate the introduction of a fair distribution mechanism.

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<sup>47</sup> See section 2.4.1 of the Research Report.



Other respondent groups we interviewed in the Member States see secondary movements as the inevitable consequence of the fact that asylum seekers have no say in the choice of the Member State that will handle their asylum application. They emphasise that the Dublin system is based on the assumption that there is a level playing field in the EU+ in terms of asylum procedures, their outcomes and reception conditions, whereas this is not the case in practice. According to them, asylum seekers cannot be expected to adhere to rules that make them end up consistently in Member States with the least prospects. They see this as the main reason for secondary movements of asylum seekers in the EU+.

### **3.2 Factors that influence asylum-related migration in a general sense**

A large amount of scientific research has been conducted with regard to the factors that influence asylum-related migration in a general sense.<sup>48</sup> These studies emphasise that asylum seekers are part of mixed migration movements and they are not a homogeneous group. Moreover, the factors that determine the transit behaviour of asylum seekers mutually influence one another and can change during the journey. There is consensus regarding the fact that political and socio-economic factors and circumstances in the country of origin play a dominant role in asylum-related migration in a general sense. There is also consensus over the fact that perceptions regarding the countries of destination, the availability of social networks and the activities of smugglers also play a role. Relatively little is known as yet about the factors that influence the transit routes of asylum seekers and the impact of the situation in the transit countries. Although all respondents from the consulted authorities are convinced that the migration policy in their Member State is an important factor for the arrival of asylum seekers, no clear picture can be derived from the literature about how the asylum policy in Member States affects the transit behaviour of asylum seekers.<sup>49</sup>

### **3.3 Factors that influence secondary movements**

Much less research has been done on the factors that influence secondary movements of asylum seekers after their arrival in the EU+.<sup>50</sup> In the previous chapter, we wrote that the potential for secondary movements of asylum-related migrants is determined by the number of migrants arriving in the EU+, the number

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<sup>48</sup> For example, see EASO, *The Push and Pull Factors of Asylum-Related Migration - A Literature Review - November 2016* and the EASO's *online search catalogue*. Also see Kuschminder, K., de Bresser, J., Siegel, M., *Irregular Migration Routes to Europe and Factors Influencing Migrants' Destination Choices*, 2015.

<sup>49</sup> See section 5.2.1 of the Research Report.

<sup>50</sup> See Brekke, J-P., Borchman, G., *Stuck in Transit: Secondary Migration of Asylum Seekers in Europe, National Differences, and the Dublin Regulation*, *Journal of Refugee Studies*, 2015, Volume 28(2); 145-163, Rossi, E., Vitali, L., *Refugees Perceptions, Rights Compliance and the Implications on European Reception Policy: Results from a Survey*, *Sociology and Anthropology* 2(5): 169-178, 2014, Takle, M., Seeberg, M.L., *All European countries are not the same! The Dublin Regulation and onward migration in Europe*, *Norwegian Social Research, Nova Report 12/2015*, Radjenovic, *Secondary movements of asylum seekers in the EU asylum system*, European Parliamentary Research Service, Briefing October 2017 and Advisory Committee on Migration Affairs, *Op zoek naar veilige(r) landen [In search of safer countries]*, The Hague: ACVZ, 2018.

of long-term pending asylum applications in the EU+, and the number of asylum seekers who do not return to the country of origin after their application has been rejected.

The hope of a better socio-economic perspective may be a root cause both for departure from the country of origin as well as the onward migration within the EU+. In the first form of secondary movements distinguished by us, asylum-related migrants move on as soon as possible after their initial arrival at the external border, because they anticipate a better future ahead of them elsewhere in the EU. In addition to these expectations, specific events that lead to a substantial deterioration in a person's (socio-economic, legal, family or health) situation may provide an incentive for onward migration. This may be the reason for the second (transit during an asylum procedure) and third (transit after rejection of the asylum application) forms of secondary movements. The expected or emerging lack of perspective is the main reason for onward migration.

The opportunities for actually travelling onwards are determined by the available information about the situation in other Member States, the presence of social networks in those countries, the availability and accessibility of smuggling networks, and how the asylum and reception system is organised and implemented in Member States. This asylum and reception system includes not only factors such as the border controls and registration of migrants on their arrival at the external borders, the organisation of the asylum procedure and its accessibility, and the level of rights and facilities arising from the submission of an asylum application, but also the surveillance of irregular migrants and effectiveness of the return policy.

Most asylum seekers do not have a clear picture of the asylum policy in EU Member States when they leave their country of origin, have no specific country of destination in mind, and do not have any detailed knowledge of how the Dublin system works upon arrival in the EU. After their arrival, the Dublin system and the intensity and frequency of surveillance and enforcement are factors that determine their behaviour, because these are the aspects that influence the opportunities for onward transit.<sup>51</sup>

### **3.4 Inefficient functioning of the Dublin system**

The data analysis revealed that secondary movements of asylum seekers may continue to occur and even increase, despite a systematic and significant decrease in the number of arrivals of asylum seekers at the external borders of the EU. This is not only due to the underlying factors described above, but also due to the inefficient functioning of the Dublin system.

Both in the literature as well as among the respondents interviewed by us, there is consensus about the inefficient functioning of the Dublin system. The objective

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<sup>51</sup> For a more detailed analysis, see section 5.2.2 of the Research Report.



of the Dublin system is to quickly identify the Member State responsible for processing the content of the asylum application, ensure that the asylum seeker undergoes the asylum procedure in that Member State, and prevent secondary movements of asylum seekers. The last two objectives, in particular, are only achieved to a limited extent. However, in our opinion, no Dublin system would be even worse than the current, imperfect system. This could lead to a return to the time of systematic and comprehensive internal border controls, where Member States would negotiate on an ad hoc basis whether or not to admit asylum seekers each time they arrived at their borders – a situation comparable to the current handling of irregular migrants who are rescued on the Mediterranean Sea. This is an undesirable scenario that goes against the values and interests of the Union as a common area of peace, security and justice.

The proposal to amend the Dublin Regulation of the European Commission is strongly focused on discouraging misuse of the system by introducing new obligations and sanctions for asylum seekers, accelerating procedures and shortening deadlines.<sup>52</sup> Our research confirms that the concerns of the Member States, regarding the inefficient functioning of the Dublin system, are legitimate. Hence, it is appropriate that the European Commission should try to resolve this situation. However, a one-sided focus on sanctions will only have a limited influence on the transit of asylum seekers and other irregular migrants. The political reality is that the Member States are severely divided and have so far failed to arrive at a joint definition and interpretation of the core principles of solidarity and an equitable distribution of asylum responsibilities.

What then needs to be done about the Dublin system in the future? In the Research Report accompanying this Advisory Report, we have formulated ten principles that are important for creating a fairer, more balanced, and above all, more efficient Dublin system.<sup>53</sup>

### **3.5 Conclusions and recommendations**

Based on the literature and the interviews conducted, we have arrived at the following conclusions:

- The difference in the nature of migration experienced by north-western and central Europe as compared to migration in the southern Member States determines the difference in the vision on secondary movements. In the north, the focus lies on countering secondary movements, while in the south, it is about controlling arrivals at external borders
- Unlike the government representatives interviewed, who see secondary movements as undesirable behaviour to be combated, civil society organisations, lawyers and academics see it as the logical consequence of the lack of a level playing field (in terms of procedures, reception and recognition) within the EU and the fact that asylum seekers have no say in the choice of the Member State that will handle their asylum application

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<sup>52</sup> See section 2.4.1 of the Research Report.

<sup>53</sup> See section 5.2.3 of the Research Report.

- Based on the literature, case file review and interviews conducted, we can conclude that secondary movements of asylum seekers are or may be influenced by the following factors:
  - 1) Potential for secondary movements
  - 2) Expected socio-economic perspective and specific events that lead to a substantial deterioration in someone's personal situation
  - 3) Actual transit opportunities.

If we look at the factors that influence secondary movements of asylum seekers, it is clear that the potential for this can be reduced by addressing, first and foremost, the root causes of asylum-related migration in a sustainable and credible manner. This could also help reduce the socio-economic pressure to migrate, which would have an effect on the number of arrivals of asylum seekers and other irregular migrants in the EU. No single Member State can be expected to achieve this on its own and therefore this requires not only a national implementation of instruments for development cooperation, trade, civil-military cooperation, etc., but also requires undiminished efforts in the area of foreign policy at the EU level. This could include providing humanitarian assistance and making a contribution to improving reception conditions in the region. But it also involves setting up an effective cooperation with the countries that are hosting large numbers of refugees for a longer period of time for the resettlement of refugees from third countries; the creation of legal and safe routes to the EU for asylum seekers; and a further intensification of the cooperation with third countries for the return of asylum seekers who have exhausted all legal remedies.

The need to tackle the root causes of irregular migration has been recognised in both the Dutch government's comprehensive migration agenda and the European migration agenda. This conviction is also reflected in all the Member States included in our research. In practice, many initiatives are aimed at strengthening the rule of law and supporting and professionalising border control authorities in the countries of origin. Financial contributions are also made to initiatives for stimulating employment, although such initiatives are usually small-scale and short-term in nature. Even though such measures help improve local socio-economic conditions and may therefore discourage some people to migrate, many of these support activities are not sustainable in nature and their impact is insufficient for substantially reducing irregular migration to the EU. Therefore, it is also important to focus more on resettlement and the development of alternative legal migration channels, both at the European and national level, for migrants who are now forced to enter irregularly.<sup>54</sup> Although this too is an explicit component of the Dutch government's comprehensive migration agenda and the European migration agenda, till now there has been insufficient political support to actually take any action in this regard. In a recent exploratory study of legal channels for labour migrants, we described the instruments that could be

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<sup>54</sup> See our previous recommendations in this regard in the Advisory Reports *Delen in verantwoordelijkheid* [Sharing Responsibility] (ACVZ, 2015) and *Op zoek naar veilige(r) landen* [In search of safer countries] (ACVZ, 2018).

considered if the Netherlands wished to expand the opportunities for legal labour migration.<sup>55</sup>

In addition to tackling the driving forces behind asylum-related migration in a general sense within the context of the external dimension of European migration policy, it is also important to counter the root causes of secondary movements within the EU+. First and foremost, this requires an undiminished commitment to the further standardisation of the CEAS. In 2015, we indicated that asylum seekers should be able to rely on receiving equal treatment for their asylum application in each Member State, where the outcome of the procedure should not be dependent on the Member State where the application is being processed.<sup>56</sup> Without a level playing field in the area of asylum procedures, reception and recognition, it is difficult to expect asylum seekers to accept the decision that their asylum application will be processed in a Member State that does not enjoy their preference, and this increases the risk of secondary movements. In addition, it is important that Member States are effectively and convincingly committed to faithfully implementing the CEAS. Member States are responsible for the correct and timely implementation of EU law and regulations. If Member States do not fulfil their obligations, they must be called to account in the Council. But it is just as important for the European Commission to apply its enforcement instruments more actively.<sup>57</sup> In the context of preventing secondary movements of asylum seekers in the EU+, it is of great importance to continue emphasising the collective and shared mission of Member States to offer protection and applying the principle of solidarity as the basis for the interpretation of the responsibilities of the CEAS.

### **Recommendation**

#### **Focus on further addressing the root causes of asylum-related migration in a general sense and secondary movements of asylum seekers**

Even if there is a level playing field with regard to asylum procedures and reception facilities, there will continue to be reasons for asylum seekers to move on to other Member States, for example, because they have more chances of finding work elsewhere or expect to find greater support for building up a social network in a particular Member State. It is less easy to directly influence the differences in socio-economic perspectives between Member States that lie outside the CEAS. So it is important to start somewhere where one can actually make a difference: continue working on the standardisation of the CEAS.

### **Recommendation**

#### **In the context of preventing secondary movements of asylum seekers, focus on making the Dublin system more fair, balanced and efficient**

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<sup>55</sup> ACVZ, Exploratory Study *Legale kanalen voor arbeidsmigranten* [Legal channels for labour migrants], 2019.

<sup>56</sup> ACVZ, *Delen in verantwoordelijkheid* [Sharing Responsibility] (2015).

<sup>57</sup> ACVZ, *Delen in verantwoordelijkheid* [Sharing Responsibility] (2015).

A future Dublin system should encourage both asylum seekers and Member States to abide by the rules by introducing positive incentives for this and should be able to differentiate between asylum seekers who have links with Member States, asylum seekers from safe countries of origin who submit manifestly unfounded asylum applications, and other asylum seekers.

## **4. MEASURES AGAINST SECONDARY MOVEMENTS**

### **4.1 National measures as disincentives**

Based on the factors identified in Chapter 3, we make a distinction between measures in the area of:

- Communication
- Border controls and mobile surveillance of foreign nationals
- Identification and registration of asylum seekers
- Organisation of the asylum procedure
- Access to and the quality level of the reception and associated facilities
- Right of residence offered
- Measures in the area of or related to the return policy.

Most of the respondents consider measures aimed at reducing asylum-related migration in the general sense as the best remedy to prevent secondary movements of asylum seekers. Many of the measures currently taken are also primarily aimed at this. In fact, most of the measures are measures taken in response to the increased numbers of asylum seekers and other irregular migrants in 2015 and the beginning of 2016.

Indeed, the two measures that have contributed most visibly to the decrease in the number of arrivals of irregular migrants in the EU+ from 2016 onwards are not measures taken at a national level. These two measures are the closure of the Balkan route and the implementation of the EU-Turkey Statement.

More than half the Member States surveyed have organised and/or financed, since 2014 onwards, information campaigns to inform potential migrants about the consequences of irregular migration and their residence as irregular migrants in Europe. The purpose of these campaigns is to discourage migrants from travelling to Europe and the respective Member State.<sup>58</sup>

Member States have also expanded controls at their external borders (at airports and at seaports), reintroduced and expanded internal border controls, and stepped up mobile surveillance of foreign nationals in the internal border regions. In addition, Member States have strengthened their cooperation with border surveillance authorities in their neighbouring countries. The expansion of internal border controls is often motivated based on continuous secondary movements of asylum seekers.<sup>59</sup>

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<sup>58</sup> See section 6.3.1 of the Research Report and Annex 3 to the Report.

<sup>59</sup> See section 6.3.2 of the Research Report and Annex 3 to the Report.



In addition, Member States have taken measures to make up for the delays in identifying and registering asylum seekers that occurred in 2015 and 2016. This mainly concerns measures aimed at organising and accelerating these processes more efficiently.<sup>60</sup>

Member States have taken measures to organise their asylum procedures more efficiently in general, reduce processing and waiting times, differentiate more frequently and more quickly between asylum applications with higher chances of success and those with lower chances, and simplify procedures. Some Member States have introduced temporary quotas for processing asylum applications.<sup>61</sup>

In recent years, Member States have also curtailed the access of asylum seekers to reception and related facilities. Often this applies to specific groups or these measures are related to the stage of the asylum procedure in question. This includes, in particular, measures such as the imposition of residence restrictions to ensure that asylum seekers remain available for proceedings and limitation of the right to social benefits arising from the right to reception.<sup>62</sup>

In addition, Member States have introduced restrictions on the residence status of asylum seekers who are offered protection. These restrictions relate to the nature of the right of residence granted (refugee status or subsidiary protection), opportunities for obtaining a national humanitarian residence status, family reunification conditions, and the time and conditions under which permanent residence rights are granted. A single exception to this trend is Germany's decision to allow the temporary legal migration of migrants from the Western Balkans.<sup>63</sup> There are indications that this has led to a reduction of the amount of asylum applications in Germany made by irregular migrants coming from the Western Balkans.<sup>64</sup>

The measures taken by Member States in the area of transfer and return mainly include conditions for the application of and rules for detention and inclusion of the definition of a 'significant risk of absconding' in their legislation based on the implementation of Dublin III.<sup>65</sup>

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<sup>60</sup> See section 6.3.3 of the Research Report and Annex 3 to the Report.

<sup>61</sup> See section 6.3.4 of the Research Report and Annex 3 to the Report.

<sup>62</sup> See section 6.3.5 of the Research Report and Annex 3 to the Report.

<sup>63</sup> However, this is permitted under the condition that these migrants have not availed of any asylum facilities in Germany in the previous 24 months. See section 6.3.6 of the Research Report and Annex 3 to the Report.

<sup>64</sup> ACVZ, Exploratory Study *Legale kanalen voor arbeidsmigranten* [Legal channels for labour migrants], 2019.

<sup>65</sup> See section 6.3.7 of the Research Report and Annex 3 to the Report.

## 4.2 Member States: measures have a deterrent effect

Our research did not yield any information about impact assessments or evaluations of national measures. All government respondents interviewed have emphasised that it is difficult, if not impossible, to measure the effects of their measures. However, they are convinced that these measures have a deterrent or discouraging effect. They emphasise the importance of the measures, if only in terms of forming public perception and their potential influence on public opinion. Hence, they are primarily concerned with the measures acting as a signal: according to them, the government must make it clear that asylum seekers and other irregular migrants cannot simply move wherever they want. At the same time, they note that this is exactly what is happening at present. Even if it is possible to transfer asylum seekers to the responsible Member State, this is often only a temporary interruption of the onward migration within the EU+.<sup>66</sup>

## 4.3 Civil society: measures are counterproductive

The other respondent groups (lawyers, NGOs, academics) also point to the impossibility of making a reliable assessment of the effects of national measures against secondary movements. According to these respondents, the measures do not prevent irregular migrants from continuing their transit and they emphasise that the restrictive and/or punitive nature of the measures only has adverse effects. It merely increases the risks faced by migrants and the costs that they have to incur for their onward journey. These respondent groups assume that the number of migrants that abscond will only increase, as a result of which they will find themselves in vulnerable positions and it will become even more difficult for governments to keep an eye on them. According to NGOs, this contributes to the growing mistrust of asylum seekers towards 'the government'. They fear that asylum seekers will increasingly rely on stories and promises of smugglers to take them to another Member State.

In the Netherlands and Switzerland, lawyers and academics have described the accelerated processing of manifestly unfounded asylum applications submitted by asylum seekers from safe countries of origin as an effective measure to limit such applications and to send a clear signal that their submission makes little sense.<sup>67</sup>

## 4.4 Indicative effects of the measures

The statistical trend analysis<sup>68</sup> has shown that the number of first-time asylum applications registered in the EU+ since 2018 is once more around the 2014 level. However, significant shifts have occurred between Member States in recent years. The decrease in the number of asylum applications has been highest in Sweden. This Member State has taken far-reaching restrictive measures, such as a substantial decrease in the percentage of asylum seekers recognised as refugees,

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<sup>66</sup> See section 6.4.1 of the Research Report.

<sup>67</sup> See section 6.4.2 of the Research Report.

<sup>68</sup> See Chapter 2 of this Advisory Report and for a more detailed explanation, see Chapter 3 of the Research Report.



restrictions on the right of residence and restrictions on family reunification. For many asylum seekers and beneficiaries of protection in Sweden, this has created a less favourable future perspective, which is an important incentive for secondary movements. Although a 'statistical effect' is not necessarily a causal effect, the substantial decrease in the number of asylum applications in Sweden following the implementation of the aforementioned measures is an indication that a tightening of national policy can actually deter asylum seekers. At the same time, this leads to secondary movements to other Member States.

The effects of the closure of the Balkan route and the implementation of the EU-Turkey Statement are also clearly reflected in the asylum data. The sharp increase in the number of asylum applications in Greece after 2016 is almost certainly the result of these measures.<sup>69</sup>

On the other hand, the statistical trend analysis has also shown that the proportion of first-time asylum applications in the EU+, which are demonstrably the result of secondary movements, has actually increased. On this basis, it must be concluded that the measures taken by the EU and the Member States have not had the desired effect for the EU as a whole so far. There has indeed been a shift from secondary movements immediately after arrival in the EU+ to secondary movements of rejected asylum seekers (including onward migration in anticipation of a negative decision). The measures (in particular, the closure of the Balkan route and the implementation of the EU-Turkey Statement) have therefore had an effect on the first form of secondary movements, but not on the second and third forms.

## 4.5 National measures complicate the solidarity issue

National measures taken by Member States, to counter asylum-related migration in a general sense and secondary movements of asylum seekers in particular, are primarily aimed at deterrence and much less at countering the root causes of irregular migration. Most of these measures are part of official policy, while others are more informal measures such as the *pushbacks* of asylum seekers and other irregular migrants at internal borders as reported by NGOs.<sup>70</sup> *Pushbacks* violate the universal right to request asylum. But some official measures are also at odds with EU law, such as the continued expansion of internal border controls and the conclusion of bilateral administrative agreements for a more efficient handling of Dublin cases.<sup>71</sup> Based on the trend in the number of irregular crossings of external EU borders and asylum applications in the EU, it is difficult to maintain the standpoint that there is still a need to expand internal border controls. The bilateral

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<sup>69</sup> EU support in the hotspots has also improved access to the asylum procedure, but we have deduced from the interviews we conducted in Greece that the decision to actually apply for asylum in Greece is mainly prompted by the increased obstacles to transit due to the closure of the Balkan route and the geographical restriction imposed on irregular migrants arriving on the Greek islands. In addition, submission of an asylum application in Greece was/is required for the regular transit via the EU resettlement programme (September 2015 - September 2017) and the family procedure under Dublin.

<sup>70</sup> See reports and communications from *ECRE*, *Oxfam* and the Swiss Refugee Organization *OSAR*. Also see section 6.3.2 of the Research Report.

<sup>71</sup> See sections 6.3.2 and 6.3.4 of the Research Report.

administrative agreements outside the Dublin framework<sup>72</sup> as well as those concluded under Article 36 of the Dublin Regulation<sup>73</sup> are inconsistent with the Regulation, because the deadlines set therein are so short that it is impossible in practice to comply with all the procedural guarantees of the Dublin Regulation.<sup>74</sup>

In addition to the measures that are inconsistent with EU law, many other measures are aimed at bringing national legislation and regulations more in line with or aligning them with the minimum standards of the CEAS. National provisions that go beyond these standards are adjusted 'downwards'. Member States do not want to appear more attractive than other Member States that are already at the level of minimum standards. Both in Sweden and in Belgium, the purpose of amending legislation and regulations was to specifically encourage more asylum seekers to apply for asylum elsewhere in the EU.<sup>75</sup> The restrictive policy adjustments in Sweden and Italy and the trend in the number of asylum applications in those countries in recent years could lead one to conclude that adopting a more restrictive national policy leads to a decrease in the number of asylum applications in the relevant Member State. However, it has not been proved that such measures have reduced the demonstrable extent of secondary movements in the EU+. What's more, the data analysis shows that secondary movements of asylum seekers in the EU+ has systematically and significantly increased in recent years. Therefore, implementing a discouraging national policy leads to a further complication of the solidarity issue.

The European Commission is focusing on standardising EU law (the transposition of directives into regulations), but is dependent on the Member States for this. They are not yet willing to give up their freedom to implement the current minimum standards at the national level. As a result, there continue to be differences in asylum procedures, reception and recognition between the Member States and hence the breeding ground for secondary movements also remains. In the absence of a consensus on the fair, humane and sustainable treatment of asylum seekers, Member States resort to national measures to limit the number of irregular arrivals in their own country. This puts further pressure on the legal structure within the European Community, i.e. not only the Dublin system but also the Schengen Area of free movement. It is therefore important to keep trying to convince the European Commission and the Member States to take stronger action against those Member States that do not meet their obligations.<sup>76</sup> A Community system cannot exist without a credible enforcement of the shared goals to which all Member States have committed. This also requires constant, critical reflection on national measures that are at odds with EU core values, such as the right to free movement and the provision of effective legal protection through procedural guarantees for asylum seekers.

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<sup>72</sup> See section 6.3.2. of the Research Report.

<sup>73</sup> See section 6.3.4 of the Research Report.

<sup>74</sup> See A. Hruschka, *The border spell* and ECRE, *Bilateral agreements: implementing or bypassing the Dublin Regulation?*

<sup>75</sup> Explanation of Swedish and Belgian measures.

<sup>76</sup> ACVZ, *Delen in verantwoordelijkheid [Sharing Responsibility]*, 2015.





## 4.6 Inefficient functioning of the return policy

In Chapter 3, we highlighted the importance of reforming the Dublin system. But even if the Member States and the EU succeed in doing this motivated by a common vision of solidarity, this will not mean the end of secondary movements of asylum seekers in the EU. A review of the Dublin system – however fundamental – will only have a limited effect on the number of asylum seekers who actually return to their country of origin after their application has been rejected. This requires the cooperation of both the foreign national and the country of origin. The extensive and often long-term circulation of asylum seekers between Member States is mainly possible because many of them successfully abscond to prevent their Dublin transfer or return and since there are countries of origin that do not cooperate with enforced return of their nationals.

The inefficient functioning of the return policy has been the Achilles heel of the admission policy for many years. A completely infallible return policy is a utopia.<sup>77</sup> The efforts of Member States to bring about the return of rejected asylum seekers and other migrants who have exhausted all legal remedies is not only subject to certain legal conditions, but is also limited by ethical and operational boundaries. Hence, a consideration of other possibilities for a better return policy must, first and foremost, be based on a sense of reality. Of course, this does not mean that the present, inefficient functioning of the return policy is the highest attainable level. It is possible to increase the effectiveness of return policy and thereby reduce secondary movements of asylum seekers who have exhausted all legal remedies in the EU+. After all, an actual return will mean that they cannot move onwards immediately.<sup>78</sup> Therefore, return should be considered and treated as an intrinsic part of the migration process and a more coordinated approach at the EU level is needed for this. It is also important to focus more explicitly and consistently on surveillance and enforcement to discourage the improper use of asylum procedures and promote the rapid return of asylum seekers who submit applications with a lower probability of success. This is only possible if they remain available to the authorities that are handling their asylum applications. To ensure this, in the context of the proposal to review the Return Directive, the European Commission has suggested the following:

- Establish a common, non-exhaustive list of objective criteria to assess whether there is a risk of absconding in an individual case
- Provide for an explicit obligation for third-country nationals to cooperate with national authorities at all stages of the return procedure
- In case of asylum seekers who have been detained during the processing of their application as part of an asylum border procedure, provide for the possibility of continuing to hold them in custody in the context of a return border procedure<sup>79</sup>

<sup>77</sup> For this, see the *report* of the Committee of Inquiry on long-term foreign nationals residing without a permanent right of residence (*Onderzoekscommissie langdurig verblijvende vreemdelingen zonder bestendig verblijfsrecht*) (The Hague: May 2019).

<sup>78</sup> And even then, at some point, they can re-enter the EU+ and move onwards within the EU, as demonstrated in the case described in section 1.2 of this Advisory Report.

<sup>79</sup> COM (2018) 634, Articles 6, 7 and 22.

In addition, the European Commission has expressed its intention to fully harmonise the policy on safe countries of origin within five years of the entry into force of the Asylum Procedures Regulation and to replace national lists of safe countries with European lists or comments issued at the level of the Union.<sup>80</sup>

It is likely that the implementation of these proposals<sup>81</sup> will make it more difficult for asylum seekers from safe countries of origin who submit applications with a low chance of success to move onwards immediately after arrival at the external borders of the EU+, in order to apply for asylum in another Member State. However, for this, it is required that the Member States at the external borders of the EU effectively and consistently apply asylum border procedures and that they are supported in this effort by the EU and the other Member States. Only in this way can asylum applications with higher chances of success be quickly singled out from those with lower chances of success as soon as asylum seekers arrive at the external borders. Moreover, additional measures in the area of return procedures are also needed to effectively reduce the remaining potential for secondary movements.

Furthermore asylum seekers from safe countries of origin – who move on though, and who have submitted manifestly unfounded applications and for whom there is a prospect of return – should be excluded from the Dublin system. If all Member States were to speed up the processing of these types of applications in their national asylum procedures and ensured that these asylum seekers were deported to their country of origin immediately following the issue of a return decision and imposition of an entry ban for the entire Schengen Area, the further transit of these asylum seekers in the EU+ would be prevented, and this would help substantially reduce secondary movements of asylum seekers.

Therefore, in anticipation of the possible review of the Dublin Regulation, it would be advisable for the Netherlands to propose to the EU and other Member States that they should adopt the Dutch method of dealing with national asylum procedures for asylum applications with an obviously low probability of success submitted by asylum seekers from safe countries of origin for whom there are indications under the Dublin system that another Member State is responsible. However, this only makes sense if there is a harmonised definition of 'safe country of origin' and if this definition is applied uniformly.

In addition to a more joint and uniform focus on accelerating the return of this specific group of foreign nationals, it is also necessary to reach workable agreements with the countries of origin which are currently either refusing to cooperate or only cooperating with extreme reluctance with regard to the compulsory return of their nationals. Till now, the EU has only succeeded to a limited extent in concluding return and readmission agreements with third countries from which many asylum seekers have been arriving for years. Opportunities to enter into such agreements are dependent not only on political

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<sup>80</sup> COM (2016) 467 (proposal for recast of the Asylum Procedures Directive), Articles 47, 48.

<sup>81</sup> In combination with the proposals for the recast of the Reception Conditions Directive and other proposals in the context of the recast of the Asylum Procedures Directive which we have referred to in section 6.2 of the Research Report.

stability and the level of development of the public institutions in the countries of origin, but this also requires a long-term, systematic commitment and recognition of mutual interests. From the data analysis<sup>82</sup> it appears that only 40% of the foreign nationals, who have exhausted all legal remedies and who are under an obligation to leave the EU, actually return to their country of origin or the country from which they entered the EU. Hence, it is undeniably in the interests of the Member States to enter into more effective return agreements with these countries. It is also true that many countries of origin have no interest in taking back their nationals, given the high population pressure, high unemployment rates and the significant contribution of remittances to national income.<sup>83</sup> It is important to recognise the interests of countries of origin and to identify aspects of cooperation that may be of interest to them.<sup>84</sup> In this context, there should be a continued focus on enforced return at the EU level. However, these efforts should not focus unilaterally on countering irregular migration, but should be aimed at developing a coherent, more comprehensive cooperation with the countries of origin based on the 'more-for-more' principle. This collaboration need not be limited to linking migration policy to visa facilitation or development cooperation, but could also, for example, be aimed at a further removal of trade barriers.

In practice, there are also differences in the extent to which Member States succeed in returning asylum seekers and other irregular migrants of certain nationalities to their country of origin. The Netherlands, for example, has difficulty deporting Moroccan and Algerian nationals who have exhausted all legal remedies to their country of origin, while Spain has far fewer problems with this.<sup>85</sup> Historical and cultural ties as well as geographical proximity are relevant factors in this context. To arrive at a better understanding of this type of cooperation between parties with interests that may not be necessarily aligned, more such examples at the EU level should be identified and studied. In the EU Action Plan on Return,<sup>86</sup> the European Commission has stated that it intends to identify best practices in the area of enforced returns. In addition, Frontex has been given a broader mandate to support Member States' activities with respect to border protection, return and cooperation with third countries. However, to date there is no EU-wide overview available of bilateral collaborations and their success factors.

All the prospects for action we have identified in this regard fall under the scope of the migration policy. However, this is not a suitable instrument for reducing differences in socio-economic perspectives between the EU and the countries of origin and/or between EU Member States. These differences are one of the main reasons for the existence of asylum-related migration to the EU+ in a general sense and for secondary movements within the EU+. However, these differences can only be influenced to a limited extent. At the EU level, it is possible to influence

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<sup>82</sup> See section 2.3.1 of this Advisory Report and section 3.3.4 of the Research Report.

<sup>83</sup> The Global Knowledge Partnership on Migration and Development (KNOMAD), *Migration and Development Brief 31*, April 2019.

<sup>84</sup> ACVZ, *De strategische landenbenadering migratie [The strategic approach to countries in the context of migration]* (2015).

<sup>85</sup> Interview with Ms Gonzalez Ferrer and Ms I. Serrano, (Madrid, 4 April 2019).

<sup>86</sup> EU Action Plan on Return, *COM (2015) 453*.

the facilitation of voluntary departure and provision of assistance for reintegration in the country of origin. Both the EU and the Member States prefer a voluntary departure rather than an enforced return, mainly because the former is more cost effective. The Member States are primarily responsible for developing and implementing programmes for voluntary departure. These programmes are often partly financed by the EU. Guidelines are laid down for the use of Assisted Voluntary Return and Reintegration programmes, but these have not yet resulted in the uniform deployment by the Member States of logistical, financial and/or other material assistance for return. The case file review has shown that this can lead to 'return shopping', whereby asylum seekers avail of the assistance for return available in different Member States in quick succession. It may also result in countries of origin giving preference to the readmission of nationals from Member States that offer the most generous return package.<sup>87</sup> Therefore, a more uniform, EU-wide approach is also required in this area. We recommend that the Netherlands should argue for the introduction of more common standards for offering assistance for the voluntary return of asylum seekers (who have exhausted all legal remedies) to and reintegration in their countries of origin.

## 4.7 Conclusions and recommendations

Based on the interviews we have conducted as well as the additional literature review, we have arrived at the following conclusions:

- The measures taken by Member States to counter asylum-related migration in a general sense and secondary movements of asylum seekers are usually aimed at deterrence and do not attempt to address the root causes
- We cannot make any firm statements about the effectiveness of national measures that are partly aimed at preventing secondary movements, because of the absence of impact assessments and because secondary movements are influenced by many factors
- However, there are indications that tightening national policies can actually deter asylum seekers from going to or encourage them to leave a particular Member State. But this, in turn, leads to secondary movements to other Member States
- A shift has occurred from secondary movements immediately after arrival in the EU+ to secondary movements of asylum seekers who choose not to await the decision regarding their application and other asylum seekers whose applications have been rejected. The measures have therefore had an effect on the first form of secondary movements, but not on the second and third forms. This indicates an ineffective implementation of transfer and return decisions.

Besides a more convincing approach to dealing with the root causes and a fundamental reform of the Dublin system, we also need to improve the return policy at the EU level so as to effectively prevent and reduce secondary movements of asylum seekers in the EU.

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<sup>87</sup> Communication from the European Commission on a more effective return policy in the European Union – a renewed action plan, *COM (2017) 200*.



## Recommendation

### Continue to focus on improving the return policy at the EU level

In addition to the proposals made by the European Commission to make return procedures more efficient, we have identified the following prospects for action in this area:

- Foreign nationals for whom there are indications under the Dublin system that another Member State is responsible, who submit asylum applications with a clearly low chance of success and who come from countries that have been designated as safe countries of origin should be excluded from the Dublin system throughout the EU and these applications should be dealt with more quickly as part of the national asylum procedure
- Continue to focus on return at the EU level not by focusing solely on preventing irregular migration, but by creating a coherent, more comprehensive cooperation with the countries of origin based on the 'more-for-more' principle
- Identify successful examples of bilateral cooperation between EU Member States and countries of origin with respect to compulsory returns and study the success factors for this
- Focus on common standards for providing assistance for the voluntary return to and reintegration in the countries of origin.

Secondary movements of asylum seekers in the EU+ is a complex phenomenon. It puts pressure on the asylum and reception systems of Member States, painfully exposes the poor functioning of the CEAS in general as well as of the Dublin system and return policy in particular, further affects the solidarity between Member States, undermines social support for migration, allows smuggling networks to keep operating, and can create long-term uncertainty regarding the residence status and a further feeling of hopelessness for asylum-related migrants. There is no panacea for quickly and effectively combatting secondary movements of asylum seekers in the EU+. But it is possible to manage this better. In this Advisory Report, we have proposed a more consistent, integrated approach that goes beyond the present, rather one-sided, focus on deterrence and sanctioning. The proposed approach is based on an addressal of the root causes, differentiation in handling different groups of asylum seekers in transit, further harmonisation of the CEAS, reform of the Dublin system with the aim of increasing efficiency and offering positive incentives to asylum seekers, Member States and countries of origin to be more committed to implementing the CEAS rules, and last but not the least, a continued focus on improving the return policy.

## Addendum: accessible data

Table for Figure 1: Monthly number of first-time asylum applications submitted in the EU+ by country of application, 2014-2019

Year and Month	DE	FR	IT	SE	GR	AT	ES	NL	CH	BE
2014M01	12 930	4 690	3 375	3 955	655	1 325	280	1 380	1 695	995
2014M02	10 175	4 935	3 175	3 670	760	1 030	330	910	1 365	790
2014M03	10 175	5 540	3 795	3 915	630	1 120	400	960	1 425	870
2014M04	10 485	5 395	4 215	4 385	655	1 190	345	2 225	1 370	905
2014M05	11 560	4 305	5 370	5 560	635	1 525	335	3 260	1 570	845
2014M06	12 510	4 710	4 555	7 510	535	1 590	405	1 700	2 100	1 095
2014M07	16 810	5 045	5 605	8 900	660	2 010	450	2 000	2 750	1 275
2014M08	16 025	3 900	5 065	8 400	390	2 255	435	2 125	2 385	1 515
2014M09	17 085	4 815	7 220	9 410	555	3 090	530	2 865	2 240	1 730
2014M10	19 230	5 580	8 890	7 550	745	2 975	720	1 905	2 265	1 545
2014M11	19 030	4 555	6 785	5 525	580	3 540	630	1 255	1 580	1 160
2014M12	17 060	5 380	5 610	6 315	790	4 050	600	1 230	1 380	1 410
2015M01	22 915	4 025	4 530	4 345	925	3 875	835	890	1 450	1 215
2015M02	24 075	5 135	4 870	3 520	895	3 065	850	735	1 310	1 070
2015M03	30 010	5 610	5 430	3 570	790	2 770	1 220	805	1 380	1 170
2015M04	25 840	5 175	4 500	3 405	855	3 715	1 330	1 135	1 270	1 115
2015M05	25 120	4 355	5 130	4 850	1 005	6 195	1 060	2 250	2 080	1 615
2015M06	34 085	5 150	5 265	6 055	1 000	7 490	1 290	2 925	3 670	2 325
2015M07	36 505	5 330	8 510	7 525	1 065	8 555	1 145	2 980	3 785	3 140
2015M08	36 310	5 240	8 775	11 290	880	8 500	1 030	5 325	3 790	5 165
2015M09	44 480	7 070	11 105	23 735	940	10 545	1 405	6 425	4 415	6 360
2015M10	58 135	7 735	10 365	38 540	845	12 015	1 475	9 965	4 640	5 530
2015M11	57 690	7 145	8 270	36 080	1 000	11 660	1 740	6 225	5 565	5 530
2015M12	46 730	8 595	6 075	13 285	1 160	7 135	1 225	3 375	4 760	4 825
2016M01	57 215	5 900	7 395	3 740	1 050	5 670	1 095	2 565	3 515	2 395
2016M02	72 835	6 380	7 595	2 250	1 320	4 875	925	1 785	2 545	1 315
2016M03	65 275	6 220	7 295	1 735	2 820	3 160	885	1 215	1 895	1 015
2016M04	66 265	5 950	7 785	1 540	3 615	3 970	1 155	980	1 625	930
2016M05	59 705	5 945	9 080	1 470	4 215	3 740	1 315	980	1 790	835
2016M06	78 630	6 075	9 815	1 440	4 185	3 075	1 500	1 110	2 215	780
2016M07	76 550	6 075	10 870	1 530	3 940	2 950	1 005	1 530	2 370	1 035
2016M08	92 115	7 120	11 290	1 700	3 450	3 115	1 220	1 755	2 315	1 255
2016M09	76 515	6 910	12 295	1 795	5 040	2 470	1 305	1 875	2 090	1 100
2016M10	32 390	6 980	13 315	1 880	6 160	2 460	1 705	2 035	2 010	1 295
2016M11	25 895	6 150	13 435	1 730	7 470	2 190	1 905	1 920	1 845	1 175
2016M12	18 965	7 080	11 020	1 575	6 615	2 230	1 555	1 540	1 660	1 155
2017M01	18 750	7 215	11 570	1 555	6 255	2 040	2 080	1 380	1 490	1 150
2017M02	17 440	7 105	11 820	1 325	5 520	1 875	2 270	1 270	1 385	1 080
2017M03	19 885	8 155	13 510	1 525	4 750	1 940	2 365	1 370	1 495	1 210
2017M04	14 590	7 285	9 405	1 255	2 605	1 780	1 940	1 160	1 230	1 085
2017M05	16 180	7 285	11 940	1 425	3 900	1 920	2 725	1 280	1 350	1 080
2017M06	14 965	6 875	12 815	2 060	4 035	1 840	2 350	1 335	1 535	1 050
2017M07	16 110	7 735	12 050	2 095	3 970	2 030	2 695	1 530	1 560	1 170
2017M08	18 280	7 585	10 070	2 670	4 890	2 335	3 190	1 430	1 545	1 245
2017M09	16 175	6 985	10 390	2 495	5 740	1 855	2 830	1 390	1 310	1 315
2017M10	15 920	8 185	9 625	2 225	6 200	1 940	2 830	1 310	1 390	1 345
2017M11	17 530	8 630	8 325	1 930	5 220	1 475	2 965	1 295	1 305	1 235



2017M12	12 485	8 935	5 040	1 670	3 860	1 450	2 205	1 340	1 075	1 085
2018M01	16 970	8 470	7 100	1 795	4 630	1 310	3 080	1 560	1 270	1 460
2018M02	14 090	8 570	6 065	1 360	3 945	1 020	2 835	1 200	1 210	1 205
2018M03	13 870	8 820	5 845	1 295	4 375	1 125	2 845	1 385	1 150	1 345
2018M04	12 975	8 875	4 520	1 280	5 095	900	4 720	1 445	1 125	1 125
2018M05	12 250	8 760	5 135	1 365	5 650	970	6 515	1 570	1 125	1 320
2018M06	13 470	8 660	5 155	1 355	5 590	830	4 945	1 290	1 080	1 175
2018M07	14 985	9 395	4 420	1 580	5 900	1 005	4 340	1 930	1 235	1 810
2018M08	14 595	9 420	2 400	1 695	4 940	920	3 800	2 020	1 030	1 770
2018M09	12 435	8 485	3 240	1 595	5 830	915	4 530	2 240	970	1 990
2018M10	14 245	11 380	3 595	1 790	7 065	955	5 505	2 220	1 295	2 205
2018M11	13 150	9 810	3 535	1 510	6 900	885	5 415	1 840	1 140	1 670
2018M12	8 900	10 775	2 430	1 490	5 065	770	4 210	1 770	895	1 080
2019M01	15 595	8 650	3 140	1 595	5 335	855	6 480	1 855	1 050	2 270
2019M02	13 270	9 625	2 650	1 415	5 300	745	8 950	1 660	1 100	1 665
2019M03	11 965	9 785	2 600	1 510	5 305	855	10 335	1 875	1 100	1 755
2019M04	11 715	10 260	2 545	1 460	4 455	800	8 990	1 870	995	1 785
2019M05	12 185	9 285	3 105	1 515	4 720	865	10 430	1 620	1 085	1 500
2019M06	9 340	9 030	2 825	1 720	4 160	830	8 745	1 695	880	1 630

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Table for Figure 2: Monthly number of detections of irregular border crossings versus the number of first-time asylum applications submitted in the EU+, 2014-2019

Year and Month	First asylum applications	Illegal border-crossing detection
2014M01	38 230	5 760
2014M02	33 020	6 521
2014M03	35 075	9 545
2014M04	37 020	19 587
2014M05	41 720	19 828
2014M06	44 750	29 369
2014M07	55 255	32 541
2014M08	53 675	38 261
2014M09	65 325	41 571
2014M10	66 270	31 422
2014M11	61 155	24 781
2014M12	64 945	23 687
2015M01	63 455	19 910
2015M02	67 935	23 268
2015M03	64 045	17 380
2015M04	61 035	39 115
2015M05	71 475	54 000
2015M06	95 090	74 877
2015M07	121 535	117 473
2015M08	147 550	189 266
2015M09	174 815	308 723



<b>2015M10</b>	180 510	433 620
<b>2015M11</b>	168 440	324 333
<b>2015M12</b>	110 285	220 212
<b>2016M01</b>	101 225	142 038
<b>2016M02</b>	112 500	99 318
<b>2016M03</b>	103 560	43 169
<b>2016M04</b>	107 410	18 610
<b>2016M05</b>	101 270	26 928
<b>2016M06</b>	121 595	29 752
<b>2016M07</b>	117 245	28 990
<b>2016M08</b>	136 000	29 385
<b>2016M09</b>	121 475	24 477
<b>2016M10</b>	80 675	35 939
<b>2016M11</b>	72 650	18 913
<b>2016M12</b>	61 160	13 528
<b>2017M01</b>	59 765	9 255
<b>2017M02</b>	56 905	13 722
<b>2017M03</b>	63 625	15 898
<b>2017M04</b>	48 000	16 964
<b>2017M05</b>	55 660	27 871
<b>2017M06</b>	55 080	30 198
<b>2017M07</b>	57 495	18 574
<b>2017M08</b>	59 890	13 532
<b>2017M09</b>	57 395	17 299
<b>2017M10</b>	57 640	16 963
<b>2017M11</b>	56 310	15 928
<b>2017M12</b>	44 745	8 450
<b>2018M01</b>	53 645	9 005
<b>2018M02</b>	46 700	4 680
<b>2018M03</b>	48 030	6 750
<b>2018M04</b>	47 680	12 693
<b>2018M05</b>	50 970	13 580
<b>2018M06</b>	49 885	15 065
<b>2018M07</b>	53 430	16 180
<b>2018M08</b>	49 560	14 659
<b>2018M09</b>	49 760	16 393
<b>2018M10</b>	57 960	19 009
<b>2018M11</b>	53 725	10 704
<b>2018M12</b>	44 295	10 318
<b>2019M01</b>	54 480	8 365
<b>2019M02</b>	52 875	4 928
<b>2019M03</b>	55 035	6 200
<b>2019M04</b>	52 165	6 361
<b>2019M05</b>	53 670	7 847
<b>2019M06</b>	47 525	10 091

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Table for Figure 4: Top 25 Eurodac hits to and from the 10 EU+ Member States, 2014-2018

2014				
Rank	Arrows		Eurodac hits	
	From	To	Number	Share
1	IT	DE	19 695	8%
2	HU	DE	11 486	5%
3	BG	DE	11 242	5%
4	GR	DE	8 692	4%
5	SE	DE	8 135	3%
6	CH	DE	8 037	3%
7	GR	SE	5 921	2%
8	BE	DE	5 793	2%
9	AT	DE	5 291	2%
10	GR	AT	4 789	2%
11	IT	SE	4 195	2%
12	FR	DE	4 021	2%
13	GR	HU	3 886	2%
14	IT	CH	3 816	2%
15	HU	AT	3 458	1%
16	PL	DE	3 131	1%
17	NL	DE	2 926	1%
18	BG	AT	2 466	1%
19	IT	FR	2 247	1%
20	DE	SE	2 186	1%
21	NO	DE	2 130	1%
22	IT	NO	2 052	1%
23	DK	DE	1 978	1%
24	ES	DE	1 968	1%
25	IT	AT	1 797	1%
<b>Top 25</b>			<b>131 338</b>	<b>54%</b>

2015				
Rank	Arrows		Eurodac hits	
	From	To	Number	Share
1	HU	DE	129 215	20%
2	GR	DE	86 080	13%
3	GR	HU	33 373	5%
4	IT	DE	30 426	5%
5	GR	SE	22 469	3%
6	GR	AT	19 148	3%
7	HU	AT	18 477	3%
8	BG	DE	18 324	3%
9	HU	IT	15 777	2%
10	AT	DE	11 588	2%
11	HU	SE	11 166	2%
12	HU	FR	9 386	1%
13	SE	DE	9 155	1%
14	CH	DE	8 412	1%
15	DE	SE	7 387	1%
16	IT	CH	5 695	1%
17	GR	NL	5 426	1%
18	IT	FR	5 381	1%
19	GR	BE	5 278	1%
20	GR	FI	5 036	1%
21	GR	IT	4 750	1%
22	BE	DE	4 543	1%
23	GR	DK	4 445	1%
24	HU	BE	4 423	1%
25	FR	DE	4 033	1%
<b>Top 25</b>			<b>479 393</b>	<b>73%</b>

2014			
Rank	Country Colours	Asylum appli.	
		Number	Share
1	Germany	173 070	29%
2	Sweden	75 090	13%
3	Italy	63 655	11%
4	France	58 845	10%
5	Austria	25 700	4%
6	Switzerland	22 130	4%
7	Netherlands	21 810	4%
8	Belgium	14 130	2%
9	Greece	7 590	1%
10	Spain	5 460	1%
<b>10 MS</b>		<b>467 480</b>	<b>78%</b>

2015			
Rank	Country Colours	Asylum appli.	
		Number	Share
1	Germany	441 900	33%
2	Sweden	156 195	12%
3	Austria	85 520	6%
4	Italy	82 830	6%
5	France	70 570	5%
6	Netherlands	43 035	3%
7	Belgium	39 065	3%
8	Switzerland	38 120	3%
9	Spain	14 610	1%
10	Greece	11 370	1%
<b>10 MS</b>		<b>983 215</b>	<b>74%</b>

2016				
Rank	Arrows		Eurodac hits	
	From	To	Number	Share
1	GR	DE	171 616	23%
2	HU	DE	87 300	12%

2017				
Rank	Arrows		Eurodac hits	
	From	To	Number	Share
1	IT	DE	60 039	12%
2	IT	FR	35 346	7%



3	IT	DE	56 878	8%
4	HU	AT	21 132	3%
5	IT	FR	20 057	3%
6	BG	DE	17 982	2%
7	HU	IT	16 395	2%
8	CH	DE	14 467	2%
9	GR	HU	12 241	2%
10	SE	DE	12 045	2%
11	IT	CH	12 039	2%
12	AT	DE	11 798	2%
13	GR	AT	11 011	1%
14	HU	FR	9 529	1%
15	DE	FR	9 426	1%
16	DE	NL	8 032	1%
17	PL	DE	7 670	1%
18	IT	AT	7 574	1%
19	DE	IT	6 871	1%
20	DE	BE	6 604	1%
21	GR	FR	6 507	1%
22	AT	IT	6 438	1%
23	GR	IT	6 238	1%
24	NO	DE	5 794	1%
25	NL	DE	5 392	1%
<b>Top 25</b>			<b>551 036</b>	<b>73%</b>

3	GR	DE	32 319	7%
4	DE	FR	19 253	4%
5	HU	DE	13 136	3%
6	CH	DE	10 863	2%
7	DE	IT	9 671	2%
8	DE	BE	9 501	2%
9	SE	DE	8 784	2%
10	IT	CH	8 641	2%
11	AT	DE	7 939	2%
12	IT	AT	7 047	1%
13	DE	NL	6 787	1%
14	BG	DE	6 631	1%
15	FR	DE	5 399	1%
16	HU	FR	5 371	1%
17	NL	DE	5 173	1%
18	GR	FR	5 011	1%
19	DE	AT	4 990	1%
20	AT	IT	4 559	1%
21	HU	IT	4 185	1%
22	IT	BE	4 171	1%
23	IT	NL	4 147	1%
24	DE	CH	4 062	1%
25	IT	UK	4 041	1%
<b>Top 25</b>			<b>287 066</b>	<b>59%</b>

2016			
Rank	Country	Asylum appli.	
	Colours	Number	Share
1	Germany	722 365	58%
2	Italy	121 185	10%
3	France	76 790	6%
4	Greece	49 875	4%
5	Austria	39 905	3%
6	Switzerland	25 875	2%
7	Sweden	22 385	2%
8	Netherlands	19 285	2%
9	Spain	15 570	1%
10	Belgium	14 290	1%
<b>10 MS</b>		<b>1 107 525</b>	<b>90%</b>

2017			
Rank	Country	Asylum appli.	
	Colours	Number	Share
1	Germany	198 310	29%
2	Italy	126 560	19%
3	France	91 965	14%
4	Greece	56 950	8%
5	Spain	33 040	5%
6	Austria	22 470	3%
7	Sweden	22 225	3%
8	Switzerland	16 670	2%
9	Netherlands	16 090	2%
10	Belgium	14 055	2%
<b>10 MS</b>		<b>598 335</b>	<b>88%</b>

2018				
Rank	Arrows		Eurodac hits	
	From	To	Number	Share
1	IT	DE	34 740	8%
2	IT	FR	32 500	8%
3	DE	FR	22 790	5%
4	GR	DE	20 303	5%
5	DE	BE	11 820	3%
6	DE	IT	10 064	2%
7	DE	NL	8 205	2%
8	FR	DE	7 467	2%
9	SE	DE	7 431	2%
10	CH	DE	7 014	2%
11	ES	FR	6 448	2%



12	AT	DE	5 750	1%
13	SE	FR	5 630	1%
14	NL	BE	5 072	1%
15	NL	DE	5 010	1%
16	IT	UK	4 915	1%
17	HU	DE	4 730	1%
18	IT	BE	4 729	1%
19	IT	CH	4 695	1%
20	DE	CH	4 694	1%
21	BE	FR	4 546	1%
22	AT	FR	4 500	1%
23	IT	NL	4 375	1%
24	HU	FR	4 276	1%
25	GR	FR	4 229	1%
<b>Top 25</b>			<b>235 933</b>	<b>56%</b>

2018			
Rank	Country	Asylum appli.	
	Colours	Number	Share
1	Germany	161 930	27%
2	France	111 415	18%
3	Greece	64 985	11%
4	Italy	53 440	9%
5	Spain	52 745	9%
6	Netherlands	20 465	3%
7	Belgium	18 160	3%
8	Sweden	18 110	3%
9	Switzerland	13 535	2%
10	Austria	11 415	2%
<b>10 MS</b>		<b>526 200</b>	<b>87%</b>

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