OPEN SOCIETY FOUNDATIONS – INTERNATIONAL MIGRATION INITIATIVE

Common European Asylum System Concept

Portfolio Review

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I.   Our Assumptions and Ambitions

Portfolio Parameters

This review assesses IMI's concept on promoting progressive reforms to the Common European Asylum System (CEAS), work initiated by IMI in 2013 and currently ongoing. It is implemented jointly with the Migration Policy Institute Europe (MPI-Europe), and in collaboration with the Open Society European Policy Institute (OSEPI). The strategy for the concept was designed with policy development and high-level political advocacy as the primary tools, carried out through consultancies with refugee policy experts, as well as via convenings with senior policymakers and civil society.

In April 2013, IMI identified Europe's failing asylum system as posing a fundamental risk to European unity, to political stability in numerous member states, and to the well-being of migrants. The system placed outsized responsibility on frontier states like Italy and Greece, prompted asylum seekers to risk their lives crossing the Mediterranean, and undermined public trust in government. The overarching goal of the concept, launched at a moment when Greece's membership in the Eurozone and the Schengen system was in jeopardy, was to design an asylum system genuinely grounded in European solidarity and responsibility-sharing. We also were aware of the potential global repercussions of EU policies on migration, as these often serve as models for countries around the world. The EU plays a pivotal role in debates on the governance of migration more broadly, too, and European courts set important global precedents on migration. For all these reasons, the timing and targeted focus of IMI's intervention in this space seemed appropriate.

At the two-year mark of our work, this review coincides with the acute refugee and political crisis in the European Union that erupted this past spring and continues to accelerate. It has prompted us to reflect on the effectiveness of our interventions to date and to adjust our strategy as we face a potential turning point in EU history, unfolding in a volatile context.

Since 2013, IMI has spent $365,000 on the concept. This includes six consultancies totaling $343,000 for two lead consultants and four policy writers; and $22,000 for eight roundtables and convenings. This concept does not contain a traditional grant making portfolio; however, through its global budget IMI has supported the involvement of two actors central to the process—MPI and the European Programme for Integration and Migration (EPIM).

Assumptions

Our goals were defined by two assumptions. First, that the so-called "Dublin Regulation," which is at the heart of the asylum system, was fatally flawed. In essence, Dublin requires almost all asylum seekers to register and stay in the EU member state where they first arrive. As a result, responsibility for asylum seekers and refugees was uneven among EU member states and few were taking action to rescue those crossing the Mediterranean, contributing to at least 20,000 migrant deaths since 2000.

Second, we argued that in order to move past CEAS as it was designed, European policy had to develop in two directions. Responsibility for the asylum system would have to be gradually collectivized, through greater joint processing of asylum applications, for instance, and through systematic burden-sharing. Equally important, we believed, the EU had to develop safe, legal channels for asylum seekers to reach Europe without risking the Mediterranean crossing.

When we started our work, very few actors either in government or civil society believed fundamental changes in the asylum system were possible and many even considered us to be alarmist. But we thought that incremental changes to at least some parts of the system (such as more equitable distribution and mutual recognition of asylum decisions) could be achieved by developing policy solutions, debating those ideas with relevant policymakers and experts, and getting the necessary buy-in from key decision makers.

Goals & Objectives

With this in mind, our initial goals in 2013 were three-fold:

1. To develop, test, and refine ideas for reforming the CEAS.
2. To explore advocacy tactics and channels, including via politicians and key policymakers in key European countries.
3. To ensure that asylum claims in Greece are adjudicated fairly and in harmony with international standards, and that asylum seekers and migrants are held in humane detention conditions (if at all).

We designed the concept as a two-year initiative assuming an NGO or another entity could take the work forward after our initial efforts. The dramatic developments in the Mediterranean this summer and the growing refugee crisis altered our plans. While the overarching goals and assumptions for our work remain consistent, we had to shift to a crisis mode and adjust our activities. In early spring 2015, four more specific objectives were added to our original goals:

1. To make the rescue of migrants at sea a priority of EU policy.
2. To promote the equitable distribution of responsibility for asylum seekers, through quotas, across all member states.
3. To ensure that asylum seekers and refugees are treated across member states in a similar fashion (with respect, for example, to determination of claims, reception, and labor market access).
4. To create safer ways for asylum seekers to reach Europe.

Our belief (and that of other experts) is that achieving these four objectives will essentially create a new, post-Dublin asylum system. This, ideally, will lead the EU to create a single asylum agency—not 28 separate ones—with common standards and common outcomes. Given this changed environment, IMI will need to remain engaged in a leading role for a longer timeframe than initially envisioned.

This portfolio review focuses on evaluating progress to date in fulfilling the initial three goals, devised in 2013. The review also discusses the changes in the external environment that led us to develop the four more focused objectives.

Category of Work & Tools

This concept falls under the subtheme of Migration Policy and Enforcement, which aims to promote policies that maximize options for movement through safe, legal channels in order to decrease the human costs of migration. This concept's work focuses precisely on addressing the problems stemming from security-centered policies aimed at deterring migration but that put migrants at risk.

We decided in 2013 to pursue this work as a concept instead of through support to the field. A scan of the field revealed that very few think tanks or other organizations had the capacity or willingness to take on the task at that time. Among those organizations that might be receptive to advancing this agenda, we concluded that none would be suited, on their own, to lead the work (the relative strengths and weaknesses of such actors, and the rationale for involving them or not, are explored in section II.) As such, IMI would need to play a key role in driving this agenda forward, with other organizations and individuals offering complementary expertise where IMI was lacking.

The primary tools used to carry out this concept have been consultancies with policy experts, direct advocacy with high-level officials, and convenings with senior policymakers and civil society to build support for policy proposals (see section II). Grant making was also used, but only in a limited way, in part due to the lack of IMI staff with the necessary expertise and capacity to work in Europe; this made it difficult to pursue a thoughtful grant making strategy.

II.   Our Place & Work

External Environment

The concept was conceived in spring 2013, at a time when migration problems in Greece were peaking simultaneously with the country's financial crisis. The latter threatened Greece's membership in the Eurozone; the former jeopardized its participation in the Schengen free-movement area. Combined, these two crises placed the notion of European unity at risk, while also polarizing Greece's domestic politics as fascist and anti-immigrant forces ascended. On the surface, the migration crisis was the result of Greece's non-functioning asylum system, but it had deeper roots: the unworkability of the so-called Common European Asylum System, which placed an undue burden on southern member states. IMI considered its role in response to this situation to be threefold: to avert Greece's expulsion from Schengen; to fundamentally reform the European asylum system; and to improve the plight of migrants in Greece, who were often held in deplorable detention conditions and whose asylum claims were unfairly adjudicated, if at all.

IMI concluded that averting failure was critical not only because Europe was at the heart of the international asylum system, but also because it served as a paradigm for managing regional mobility that could be emulated in other regions, such as ECOWAS and ASEAN. If the EU's system faltered, the Union's lead in easing mobility was less likely to be followed by others. In other words, this was not a problem specific to Greece, but rather an indication that the broader system was in need of reform. Rather than focus on Greece, where OSIFE and OSJI were already engaged, we decided to reprioritize, and instead target reforms to CEAS.

When we identified EU asylum reform as a critical issue in 2013, we also recognized two major risks. First, that we might not be able to make progress given that most stakeholders—policymakers, academics, civil society organizations, colleagues at OSF, and even some IMI board members—thought there would be little or no appetite for reform. Many considered the goal of this concept to be too radical, in part because the Dublin III Regulation had just been completed and there was widespread "reform fatigue." Second, that migration and asylum are highly political and volatile issues that demand intense, sustained investments at a level that IMI might not be in position to make. In this context, we felt IMI had a critical role to play. This was not only a function of our willingness to defy the ambient skepticism about reform, but also of our ability to put together an effective coalition to advance our goals. Furthermore, we did not see any other actors willing to fill this vacuum and to whom we could outsource the task.

Yet while IMI initially felt very far ahead of the curve in our ambitions, we found ourselves this spring and summer (along with the rest of the world) in an escalating humanitarian and political crisis that outpaced our capacity—as well as that of policymakers, advocates, and experts—to generate concrete policy recommendations and shape the debate.

State of the Field

IMI's scan of potential organizations with whom we could partner for this work took into account the main European migration actors. The pool of NGOs or think tanks was limited for the type of policy and advocacy work we envisioned. Almost all of them—including organizations like the European University Institute's Migration Policy Centre and the Migration Policy Institute—receive state funding, which constrains their ability to push a reform agenda.

Moreover, the vast majority of relevant NGOs lack, by their own admission, the necessary capacity, thought-leadership, and EU-level advocacy experience to assume a leadership role in promoting this agenda, especially at the EU level, since most are nationally focused. This became evident to us through IMI's work with EPIM, the funder collaborative that builds advocacy capacity at the EU level for groups doing migration work in

Europe. Organizations like the European Council on Foreign Relations that worked on a broader array of issues, meanwhile, generally did not have the depth of migration expertise needed to undertake such an initiative.

Other actors, like UNHCR and the International Organization for Migration, could not lead this work, given that they were also restrained by their governing councils and wary of alienating EU states. Governments also lacked capacity and will, especially as mainstream politics shifted to the right; for instance, the Dutch government, long a force for constructive policymaking on asylum and refugee issues, rarely now takes the lead; the French, too, have pulled back from a prominent role in policy development. More progressive governments in Greece and Italy did not have the resources to lead the debate.

As a result of these factors, we concluded that the CEAS reform effort was best pursued directly by IMI playing an active role in initially leading this work. Notwithstanding the overall limitations of migration actors, three organizations—MPI-Europe, EPIM, and the European Council on Refugees and Exiles (ECRE)—became partners for this concept, along with a number of experts such as Gregory Maniatis, serving as IMI's Senior Policy Fellow, and Madeline Garlick, senior policy analyst on leave from UNHCR who is serving also as an IMI Fellow in residence at MPI-Europe.

MPI-Europe was the institution best suited to contribute to the policy development aspects of the concept, given the institute's strengths in offering pragmatic responses to the challenges and opportunities that large-scale migration presents to governments, communities, and institutions worldwide. MPI is also well known for its ability to create a safe space for government officials and politicians to deliberate on complex and politically charged topics, which was the cornerstone of our strategy. However, as a think tank, MPI does not engage in political advocacy—an essential tool for achieving the concept's objectives. We counterbalanced this limitation with OSF's own advocacy capacity, which made for an effective partnership. MPI's engagement was possible through IMI's general support grant.

The second partner was EPIM, the Brussels-based funder collaborative of 12 European foundations that have been building advocacy capacity of NGOs in Europe for the last ten years. OSIFE and IMI have been core funders of EPIM for several years and Maria Teresa serves on its executive committee. With IMI being a new actor in Europe when we started this work, it was most efficient to partner with EPIM as a way to engage civil society given its deep knowledge of the leading migration NGOs working in Europe. EPIM recognized the need to focus on reforming CEAS and created a sub-fund to parallel IMI's concept. OSIFE and IMI contributed seed money for the creation of this sub-fund.

Through a selection process, EPIM chose ECRE to lead the civil society engagement in the CEAS reform effort. ECRE was best positioned to do this given it represents a pan-European alliance of 90 NGOs working to protect and advance the rights of refugees, asylum seekers, and displaced persons. Through its secretariat in Brussels, ECRE is the leading civil society organization conducting advocacy on these issues at the EU level. ECRE's reach and ability to quickly collate input from a wide range of actors on the ground was a main draw. On its own, however, ECRE's ability to engage in policy proposals working directly with governments was insufficient. ECRE, therefore, partnered with MPI-Europe to lead a more robust civil society strategy.

In retrospect, IMI could have taken more of a leadership role in coordinating the policy development work of think tanks and institutes so that they better responded to political priorities, in a timely and robust way; creating a "big tent" coalition of experts ranging beyond those focused on migration, to include foreign policy and economic institutions.

Strategy

The strategy for achieving our objectives in phase one (2014) was designed as follows: IMI, together with MPI-Europe, would lead the development of ideas for changing the European asylum system. We also would

engage political actors to understand whether and how these ideas could be adopted. By phase two (2015) IMI would have a strong sense of whether the reform ideas stood a chance of adoption. If so, we would continue to develop and pursue them through advocacy. If reform channels seemed definitively blocked, we would consider other means to achieving change, including strategic litigation with OSJI. However, the emerging refugee crisis altered our plans. IMI shifted tack and decided to put forward the reform ideas, even though some were not fully formed yet. IMI accelerated advocacy efforts at the EU level through Gregory and Costanza Hermanin at OSEPI, with George Soros actively helping to shape the policy agenda and reaching out to EU officials.

Activities & Actors

The key activities implemented under this concept include the commissioning of 15 policy papers, 8 roundtables and convenings, and numerous bilateral meetings. MPI-Europe played a critical role in overseeing the development of policy proposals, as well as in organizing convenings. The list below references the impact of this work, including recent EU policy initiatives, proposals, and public statements that were informed by the papers and the convenings.

Policy papers: The production and vetting of policy papers and briefs formed a core element of project activities. Eight such papers, authored by Madeline Garlick, dealt with topics such as: strengthening refugee protection, mechanisms for redistributing asylum responsibilities, extraterritorial processing, EU cooperation on asylum with third countries, and the future of the Dublin System. Four additional policy papers were completed by other consultants, and one by an MPI-Europe staff member, covering: private sponsorship of refugees, data gathering in relation to asylum and protection, strengthening the EU's asylum capacity, prospects for mutual recognition of positive asylum decisions, and the fading promise of Europe's Dublin System. Two other papers focused on legal channels for refugees were produced for the civil society meetings convened by ECRE. All these papers informed the discussions at the eight roundtables and convenings held over the past two years, and informed political advocacy efforts carried out by George Soros, Gregory, Costanza, and Madeline this summer.

In hindsight, the issues on which we focused were all mostly on target, becoming central to and helping inform the political debate this year. For example, our analysis on the Dublin System was widely quoted by policymakers and the media, and used extensively by NGOs in advocacy with member states, the European Commission, and the European Parliament. The least relevant paper was on data gathering in relation to asylum and protection. There were gaps, too, in how vigorously we engaged on the more controversial aspects of the asylum system—how to design a distribution system that is politically acceptable, for instance.

Roundtables and convenings: Gregory and Madeline, together with MPI-Europe, were responsible for bringing together senior civil servants from a broad range of member states (e.g. Austria, Belgium, Czech Republic, Denmark, France, Germany, Greece, Italy, Latvia, Poland, Luxembourg, Malta, Slovenia, Sweden, UK, and the Netherlands), as well as EU institutions and agencies, international and non-governmental organizations. These forums, which included OSEPI (and at times Emma Bonino and George Soros), presented an opportunity for informal exchange and frank, constructive discussion on potential ways forward on the topics examined in the policy papers. They helped to build deep networks and trust among high-level policymakers and other stakeholders. With formal European Council meeting structures providing limited or no scope for such dialogue among member states, these convenings filled an essential gap at a crucial moment as the EU grappled with one of its most overwhelming challenges of recent years. For example, the European Commission confirmed that the discussion on the topic of resettlement and extraterritorial processing provided ideas and confirmed the scope of potential interest in a resettlement initiative. Subsequently, the Commission included a resettlement program in its May 2015 Agenda for Migration.

<u>Targeted advocacy</u>: Bilateral meetings with high-level officials were the most effective means of getting our policy ideas into the right hands. This included in-depth discussions by Gregory, Costanza, and Madeline with numerous governments (including Sweden, the Netherlands, Germany, Italy, and Greece), which showed a keen, consistent interest in the initiative and a desire to be involved, as well as the European Commission. Italy specifically requested advice; Madeline and Costanza met in early 2014 with senior Italian foreign ministry officials to advocate for an Italian Presidency seminar on mutual recognition. Subsequently, the Italian Presidency made the issue of mutual recognition of positive asylum decisions one of its policy priorities. However, IMI fell short in terms of the scope of politicians and policymakers that we engaged, not bringing in senior political advisors from capitals, senior diplomats from foreign ministries, and financial policymakers. We failed to adequately equip them with policy narratives and tools.

George Soros became a factor that both helped this process but also posed new challenges for IMI, OSEPI, and the other OSF entities working in Europe. He demanded of IMI intense, fast-paced policy proposals, and also sought to help lead high-level advocacy, both publicly (opeds) and privately (bilateral meetings with senior officials). While welcome, this created new demands on IMI to engage all parts of OSF in vetting policy proposals—a time-consuming process that often could not move fast enough to meet the speed of the crisis; also, certain ideas championed by George Soros and IMI have not been fully accepted—or have been actively rejected—by other parts of OSF. Addressing this tension remains an ongoing challenge.

<u>Grant making</u>: Early on in the execution of the concept, IMI recognized the need to engage civil society in generating ideas for reform. IMI and OSIFE thus made a grant to EPIM in late 2014 to create a CEAS sub-fund. Through this sub-fund, EPIM attracted other donors and funded ECRE to convene their members and others outside their network to participate in a NGO convening process that paralleled IMI's engagement with governments that was already underway. Going through EPIM made it possible for IMI, which lacks dedicated staff for this concept, to engage civil society in CEAS reform efforts. EPIM was already familiar with the range of civil society organizations, including ECRE, that work on these issues and were in a better position to monitor their work. An added benefit of partnering with EPIM was that, as a funder collaborative, it brought the interest and resources of other foundations to this issue. There have been drawbacks in ECRE leading this process, however. For one, ECRE, by admission of its executive director, is overly focused on implementation of policy, rather than generating reforms ideas. Tensions among its members have also been apparent, and ECRE has not always been viewed as an impartial player by the NGOs that it represents. The convenings of NGOs co-organized by ECRE and MPI-Europe produced interesting papers and discussions, but had a limited impact on the content of proposals or the course of the broader discussion. More consistent and substantive engagement with civil society at all stages, coupled with ongoing capacity building, would have been more appropriate. This would have required that IMI have staff capacity to develop a grant making portfolio and directly engage with civil society as well.

<u>Public advocacy</u>: This has included a series of articles and opinion pieces authored jointly by Gregory and George Soros (and signed by the latter), as well as a the development of a non-paper—the so-called 6-point plan on reforming Europe's asylum system—that is being widely shared in political, policy, and media circles. The ideas in this plan are being very actively debated by the European Commission and international organizations, which have widely distributed to their staffs and governing boards, and in many member states. IMI did not, however, systematically engage media to promote specific policy solutions and to highlight relevant work by civil and private sector actors.

<u>Mobilizing reserve funds</u>: At two points during the life of the concept, IMI was able to tap reserve funds to address shortfalls in rapid response, in one case through direct support to the Greek government and in another through reinforced support to OSF's own response.

The first of these was in Greece, where the newly created Greek Asylum Service faced a massive backlog of asylum cases, together with a rush of new cases. As a result of overwhelming demand, all available funds to

cover interpretation services ran out months earlier than expected. IMI used $340,000 from OSF's Europe Reserve Fund to provide a critical bridge support to cover the shortfall. This was critically important and successful at two levels: first and most immediately, it enabled METAction (a Greek NGO founded to fill gaps in services to asylum seekers) to continue to provide interpretation services to the Greek Asylum Service. Second, it allowed Greece to meet European Commission terms for contributing emergency funds to cover interpretation services between August 1 and December 31, 2014 (about $860,000). This was a high-impact grant but IMI was not able to follow through further after the grant period due to lack of dedicated staff for this portfolio.

The second was the use of Global Reserve funds this summer to establish a situation room to coordinate high-level advocacy and media outreach in response to the unfolding migration crisis. The intention was to gather information on political developments and offer deep, but responsive, analysis and finely tuned talking points. In practice, however, it was difficult to execute this vision due to staffing gaps and limitations of consultants. It was time-consuming to vet issues and generate consensus within OSF about the most appropriate policy responses in a very dynamic situation. We also realized mid-way through that the target of policy advocacy in response to the crisis should be national level governments, but we struggled to find relevant consultants or allies in key European capitals.

III.   Successes & Failures

We have more than achieved our goals as initially defined, and as they evolved until this past spring. Our policy work was robust, our credibility with key actors was very strong, and our advocacy reached into the highest levels of the European Union and key EU capitals.

Ideas we thought would take at least five years to gain traction—that the Dublin regulation must be replaced, for instance, or that extra-territorial processing should be considered—became part of the mainstream debate in less than two. We were years ahead of most others in understanding the relevance of the policies we proposed and in building a constituency for them. We also contributed to improving conditions on the ground, for instance, by supporting the Greek asylum system at a pivotal moment and by advocating for rescue at sea to be an EU priority.

The crisis since spring, however, radically changed the calculus of what is needed, and, while we have fired on all cylinders and remained central in the debate, we, like other progressive forces, have also fallen woefully short. Save for certain anti-immigrant parties, nearly everyone failed to predict the political potency of this year's crisis. We did not foresee that the public mood would curdle so quickly even in immigrant-friendly countries like Germany and Sweden. "Germany these days is a place where people feel entirely uninhibited about expressing their hatred and xenophobia," Der Spiegel observed in October, a sentiment that would have been unimaginable even in spring. Our policy ideas, meanwhile, were not developed enough to be thrust into the middle of one of Europe's most consequential political debate in decades.

The crisis, in short, has revealed the inadequacy of our ambitions and of our foresight in the face of a situation that risks ending free movement in Europe, exposes hundreds of thousands of asylum seekers to human rights abuses, could tear the EU apart, and help bring to power reactionary, anti-immigrant, and anti-liberal forces in numerous European countries. A great deal more political advocacy and media work should have been done. Also, given OSF's profound understanding of the issues from both a policy and advocacy perspective, with proper staffing and resources, we could have taken a more active role in providing leadership to other actors (progressive forces, foundations, think tanks).

Our successes in more detail:
- <u>Gaining the acceptance of key stakeholders</u>: The speed with which senior European policymakers—both in key EU institutions such as the Commission, the European Council, and the European Asylum

Support Office, as well as in national capitals (Stockholm, the Hague, Berlin, Athens, Rome)—accepted that our concept could provide intellectual and policy leadership was very gratifying; we became the principal game in town. This is also a failure given that despite our central role we have been unable to sufficiently mitigate the crisis.

- <u>Supporting the Greek asylum system at a vulnerable moment</u>: Although the concept focused on EU policy, it originated in concern over the failures of the Greek asylum system. We stayed engaged on the Greek front, providing both expertise, in the form of a policy seminar (part of IMI's Migration Seminar Series) and regular bilateral advice by Gregory, and also crucial financial support to the Greek asylum system at a moment when its operations were at risk (spring/summer 2014, via a reserve fund grant).

- <u>Leveraging George Soros's influence</u>: At a time when European leaders have been frightened and unsure of their moves, George Soros's intense advocacy has contributed meaningfully to the political debate; IMI and OSEPI have successfully engaged, informed, and deployed him.

- <u>Creating a well-balanced team</u>: By liberating Madeline from UNHCR, where she struggled under institutional constraints to work and speak freely, we both gained instant credibility with key stakeholders (EU institutions, member states, and civil society) and created a dynamic core team that combined political strategy and advocacy (OSF), deep migration expertise (MPI-Europe), and refugee knowledge (Madeline).

- <u>Developing a close working relationship with OSEPI</u>: Despite being very rocky at first, due to territorial and other concerns, the relationship gelled and we were able to work closely together, both in combining our knowledge and developing common positions, as well as in coordinating our advocacy. The partnership created better advocacy, allowing both programs to significantly expand the number of governments and policymakers we reached, and provided a more nuanced understanding of political dynamics.

Our failures in more detail:

Many of these failures are the flip side of our successes. Simply put, we were ahead of others in understanding the centrality of CEAS to protecting the rights of migrants and to European unity, but we did not foresee the scale of the problem and of the political fallout. More specifically, shortcomings included:

Policy

- <u>Failing to prevent the chaotic situation in Greece</u>: We failed to understand—and champion—the need to prepare the Greek islands to become humanitarian relief centers, so that the situation over the past four months did not become so chaotic; equally, we should have considered what would happen once asylum seekers streamed out of Greece. Advocacy could have made a difference in quelling the chaos.

- <u>Neglecting to emphasize the financial aspects of our policy proposals</u>: EU funding capacity is grossly inadequate for key aspects of the policies it needs to enforce, especially support for frontline countries and for member states that must care for asylum seekers and ultimately integrate refugees.

- <u>Not creating an adequate relocation plan</u>: We were slow in developing a relocation plan that functioned more as a marketplace. This would have allowed countries to opt out of (most of their) relocation obligations, but simultaneously forces them to incur the full costs of short-term protection and long-term integration in other countries. This is an idea we considered as early as 2013, but it remains abhorrent to many who do not want to see asylum seekers being "traded."

Advocacy

- <u>Failing to engage new actors</u>: We were not quick enough to engage the new range of political actors now determining European migration and asylum policies—specifically those in foreign and prime ministries (i.e. in France, Spain, and Poland).

- <u>Struggling to implement effective advocacy in European capitals</u>: We did not focus sufficiently on advocacy in national capitals (Warsaw and Paris), outside our four strengths (Italy, Germany, Sweden, Greece).

Think tank outreach

- <u>Not broadening our the tent</u>: We could have reached out to a greater number of think tanks and institutes to help ensure that knowledge about developments was shared and cross-fertilized, and that policy and advocacy work was coordinated and reinforced. This would have ensured greater intensity, depth, and harmony in our common cause.

Institutional (OSF)

- <u>Not leveraging OSF's global reach</u>: IMI and OSEPI worked well and closely together. However, we failed to generate a collaborative, productive relationship with OSIFE, in particular, and with other relevant parts of OSF (i.e. Turkey, MENA, Africa).

- <u>Not leading OSF to do more</u>: Despite the attention paid to the issue by George Soros, and by several OSF boards, IMI was not able to lead the organization as a whole to more quickly recognize this as an existential crisis for the progressive governments that are central to advancing the entire range of open society values, as well as for the European Union. OSF is a rare actor in terms of its political will and the depth and breadth of its experience, and it has a special responsibility in instances like this.

IV.   Conclusions

In closing we offer a few reflections of the lessons we learned over the last two years that will shape the strategy as we move forward.

- Even in contexts in which we believe our ideas to be radically forward-looking, we need to push even further and think more deeply about future scenarios so that we are not caught off guard, as we were by this year's crisis. This entails not only greater imagination, but also consulting with a broader array of actors, well outside of our immediate field of interest.

- Migration always has been a profoundly political topic, and it becomes even more explosive and polarizing when it is so central to the public debate, as it is now. This demands of us to invest much more in political advocacy (including in national capitals) and media outreach, in the absence of others doing so (as is the case now); without nimble political strategies, policy ideas and related narratives cannot succeed. Such work, however, is both resource- and time-intensive.

- We need a better approach to building consensus across OSF, one that benefits from the diversity of views across the network and that generates practical engagement—for instance by allowing us to capitalize more on OSIFE's grantees and presence on the ground. At the same time, we are aware that such consultations are very time-consuming and not always practical, so we need more efficient ways to consult and collaborate.

- We need to work more intensely on bridging any real or perceived differences in approach between the work done by the foundation and the ideas championed by George Soros. In almost all cases, Mr. Soros feels strongly about acting quickly and developing practical solutions, which puts pressure on the foundation, but he is not dogmatic about his approach and seeks a rich debate. More systematic engagement of him in developing strategies in collaboration with key actors in the foundation can allay tensions. IMI's advisory committee also can help resolve conflicting policy positions among OSF programs.

- Our attempt to create a situation room with only a short-term budget was not successful, because we could not attract and retain talent in the absence of a longer-term commitment from us; the need to take such risks is heightened when there are no apparent outside partners to whom we can quickly outsource the work, as was the case here.

- We should be willing to support operational civil society groups that are pioneering solutions on the ground that could inform policy, such as the Mediterranean Offshore Aid Station and Refugees Welcome. These are not a natural fit for OSF, but, seen from the perspective of policy innovation, they can be just as effective (if not more so) than our traditional approaches.

- We need to adapt our strategies to the realization that OSF has the capacity to act politically and daringly in ways that few others are. Government capacity to develop and advocate policies has atrophied as policy staffing has shrunk in the past decade; when it comes to controversial areas like migration, even those civil servants working on the issues are afraid to promote progressive ideas for fear of endangering their careers. This is a vacuum OSF can fill, sometimes uniquely so.

- Few actors, if any, are undertaking contingency planning, an area where OSF can make a critical difference. For instance, in the case of a migrant-linked terror attack in Europe, there should be detailed plans on how civil society and governments react, in order to mitigate what could be enduring damage to the cause of migrant rights and diverse societies.

Appendix 1

Common European Asylum System Project consultancies and grants, 2013—present

Grantee/Consultant	Dates	Amount (USD)	Description	Notes
PROJECT LEADERS				
Gregory Maniatis *(consultancy)*	7/1/2013-6/30/2017		Gregory Maniatis serves as IMI Senior Policy Fellow. He leads IMI's work on EU policy reform, which aims to reform the management of Europe's asylum and migration system. Gregory also provides technical advice to George Soros and OSF.	
Madeline Garlick *(consultancy through First Consult SARL)*	**2015**: 3/1/2015-12/31/2015; **2014**: 3/1/2014-12/31/2014		Madeline Garlick is working as an IMI Fellow in Residence at MPI Europe. She is on leave for two years from UNHCR, and is an expert in refugee issues. She works with researchers, analysts, and writers; creates policy briefs; drafts advocacy materials; and identifies and reaches out to potential allies and advocacy targets.	**Papers authored by Madeline Garlick:** 1) *Strengthening protection and meeting challenges: key elements for the Strategic Guidelines,* policy brief, May 2014 2) *The EU's International Cooperation on refugee protection*, June 2015 (revised September 2015) 3) *Mechanisms to redistribute responsibilities for asylum: assessing scope and effectiveness*, January 2015 4) *Mechanisms to redistribute responsibilities for asylum: elements of a possible model*, April 2015 5) *The Potential and Pitfalls of Extraterritorial Processing of Asylum Claims*, March 2015 6) *EU's Dublin Asylum System Faces Uncertain Future after Ruling in Afghan Family's Case*, April 15, 2015

POLICY PAPERS COMMISSIONED

Judith Kumin *(consultancy)*	8/1/2015-10/31/2015	$3,000	**Private sponsorship**: paper entitled "Welcoming engagement: developing private sponsorship for resettlement and admission of refugees to the EU."	*Paper forthcoming*
Valsamis Mitsilegas *(consultancy)*	10/15/2014-12/31/2014	$5,000	**Mutual recognition:** paper on mutual recognition of positive asylum decisions in Europe.	*January 2015*
Clara Odofin *(consultancy)*	7/1/2014-10/31/2014	$7,000	**EU asylum capacity:** paper exploring ways in which the EU and member states could strengthen capacity and respond to significant increases in arrivals of asylum-seekers and irregular migrants through national and EU measures.	*January 2015*
Ann Singleton *(consultancy)*	5/15/2014-8/15/2014	$6,000	**Data gathering in relation to asylum and protection:** policy paper identifying key challenges and gaps for people seeking asylum in the EU. It looks at efforts to strengthen collaboration between concerned agencies and others on data-gathering, and seeks to identify possible ways in which states, institutions, and other actors can take into account and improve systems of data-gathering, in order to have a more accurate picture of the nature and composition of asylum flows.	*December 2014*

ROUNDTABLES AND CONVENINGS

Roundtable (Brussels)	10/23/2015	Closed roundtable on *Cooperation with third countries: rethinking concepts and investments*. The goal of this meeting was to identify both the nature of the challenge posed by the rising number and mobility of refugees worldwide. Participants discussed several different policy ideas, including the establishment of more effective protection spaces in key third

			countries and funding conditionality, and identified potential priorities for immediate and longer-term EU policy.	
Convening in Luxembourg	6/17/2015		Madeline Garlick participated in a roundtable on *Developing safe and legal entry to the EU for people in need of protection* in Luxembourg, which discussed ways to develop additional legal channels for protection, including resettlement, extraterritorial processing, humanitarian visas, wider use of family reunification, and others. The meeting was organized by Madeline and sponsored in part by the Luxembourg Presidency.	
Roundtable (Brussels)	4/1/2015		Roundtable on *Mechanisms to redistribute asylum responsibilities: towards a possible model.* The meeting discussed elements for a possible distribution key model. Idea subsequently taken up by European Commission in Agenda for Migration and Council decision proposal. Participants included officials from member state governments, along with UNHCR and civil society representatives.	
Roundtable (Brussels)	2/10/2015		Roundtable on *Mechanisms to redistribute responsibilities for asylum: assessing scope and effectiveness.* The meeting discussed scope for and potential interest in a distribution key for refugees in the EU; member states confirmed strong interest. Participants included officials from member state governments, along with UNHCR and civil society representatives.	
European Council on Refugees and Exiles (ECRE) *(consultancy)*	11/1/2014-12/1/2014	$10,000	Legal channels: Hosted a one-day meeting with 22 civil society participants on legal channels for refugees in the EU – stimulated interest in further exploring viable options consistent with human rights.	Papers produced to support discussion: 1) Neil Falzon, *Legal and procedural parameters for possible new avenues to protection in the EU,* November 2014. 2) M. Wijnkoop, *Discussion paper - Legal avenues to protection in the EU: Context and thinking to date,* November 2014.
Seminar in Ghent	10/15-17/2014		Seminar, *'Europe in a Global Context: Refugee*	

			Protection Challenges and Potential Ways Forward'. The meeting brought member states, EU institutions, academics, and policy experts together for two days for debate and reflection on EU's cooperation with third countries. It was acknowledged as an incisive and substantive meeting on a key topic at a crucial time.	
Roundtable in Brussels	6/2/2014	$3,300	Roundtable on *Strategic guidelines and next steps* discussed areas of interest for member States for research, analysis, and discussion purposes. Participants included officials from state governments, along with UNHCR and civil society.	
Roundtable in Brussels	4/1/2014	$8,000	Roundtable on *Priorities for the Strategic guidelines,* which encouraged reflection on key elements for priority inclusion in Strategic Guidelines on Justice and Home Affairs from 2014 (adopted June 2014). Participants included government officials and civil society representatives.	

ADVOCACY MEETINGS

Meeting in Malta	9/17-18/2015	Madeline Garlick attended meetings with the European Asylum Support Office (EASO) Executive Director to discuss plans for implementation of relocation scheme; update on emergency preparedness work, analysis of asylum-seekers' preferences for movement to particular states; collaboration with third countries and other topics.	
Meeting in Rome	7/6/2015	Revitalizing reception in Italy	OSF-led meeting for which Madeline Garlick developed the agenda, discussion topics and procured participation of member states experts to advise Italian officials dealing with reception crisis.

Meeting in Rome	11/2014		Italian Presidency meeting on future development of Common European Asylum System. Madeline Garlick was invited to chair panel on behalf of the project and lead discussion on mutual recognition of asylum decisions, based on paper written by V. Mitsilegas (see above) and other analysis.	
Meeting in Malta	9/2014		Madeline Garlick held Meetings with EASO Executive Director and senior staff to canvass EASO's interest in further contributing to project ideas and discussions; updated developments in relation to training, quality, emergency support, joint processing and analysis of asylum flows.	

COMPLEMENTARY GRANTS

European Programme for Integration and Migration *(grant)*	**2015**: 1/1/2016-12/31/2018 **2014**: 12/15/2014-12/15/2015	**2015**: $170,000 (IMI); $510,000 (OSIFE) **2014**: $50,000 (IMI); $100,000 (OSIFE)	**Funder collaborative:** Together with OSIFE, IMI is shaping the agenda of the European Programme for Integration and Migration (EPIM), a funder collaborative made up of 11 European foundations. The collaborative supports and strengthens civil society in advocating for constructive policy approaches to migration in Europe. EPIM is funding a consultative process for civil society that parallels IMI's work with governments.	
Migration Policy Institute	1/1/2015-12/31/2016		A portion of OSF (IMI/US Programs) general support grants to the Migration Policy Institute support work done by MPI-Europe.	Paper produced by MPI-Europe: Susan Fratzke, *Not Adding Up: The Fading Promise of Europe's Dublin System*, March 2015.

European Union Asylum: Towards 2020

The *EU Asylum: Towards 2020* project focuses on developing policy proposals and ideas for reform of the European Asylum system. This work is carried out by the International Migration Initiative (IMI), in partnership with the Migration Policy Institute Europe (MPIE), and led by IMI Fellows Gregory Maniatis and Madeline Garlick.

A.   Advocacy Issues and Outcomes

The Dublin system

The issue: Examining the Dublin Regulation's implementation and considering ways to make the system more fair and effective. The project is looking at the case for change to Dublin's underlying principle, and alternative approaches to distribution of responsibilities among Member States.

What we've done:

- Published an analysis of the Dublin Regulation.
- Published an analysis of key decisions of the EU Court of Justice, highlighting consequences for the system's operation and implications for the reform process.
- Convened Member States, EU institutions, and civil society to discuss the shortcomings of Dublin in Rome. We consulted the European Asylum Support Office (EASO) and held bilateral discussions with Member States' representatives in Brussels.

Outcomes:

- The analysis has been widely quoted by policymakers and the media, and used extensively by NGOs, legal practitioners, and academics in advocacy with Member States, the European Commission (EC), and the European Parliament.
- OSF and MPIE have been invited to take part in high-level panels with the European Parliament.
- The EC's consultants evaluating the system have asked OSF/MPIE to be involved as experts.

Distribution key

The issue: Finding ways to ensure more equitable distribution of costs and responsibilities for asylum-seekers is a crucial priority for the sustainability of the system.

What we've done:

- Produced two discussion papers.
- Convened two meetings among senior civil servants (from Austria, Belgium, Czech Republic, Denmark, France, Germany, Greece, Italy, Latvia, Poland, Luxembourg, Malta, Slovenia, Sweden, UK, as well as the EC, UNHCR Bureau Director, and ECRE Secretary-General) to discuss a 'distribution key,' the first time the subject was formally considered.
- Held a dinner in September 2015 for Member States representatives (Denmark, Germany, Greece, Luxembourg, Malta, Netherlands, Slovenia, Sweden, UK, as well as UNHCR and EC) to discuss what is needed to make the initiative work.

Outcomes: In May 2015, the EC proposed a temporary scheme for relocating 40,000 Syrian and Eritrean asylum-seekers from Greece and Italy, influenced by the project, according to EC officials. They've said these discussions provided an informal 'sounding-board' to test Member States' reactions.

Resettlement and extraterritorial processing

Issue: The possibility of creating EU-funded or managed facilities in one or more transit countries is being explored to increase alternative safe and legal channels of entry to the EU.

What we've done:

- Produced analysis on increasing scope for alternative safe and legal channels of entry.
- Conferred with state representatives (Austria, Belgium, Denmark, Greece, Luxembourg, Netherlands, Slovenia, Sweden, UK) about creating conditions for expanding legal avenues (i-e: humanitarian visas, family reunification) to strengthen legal access.
- Developed ideas with resettlement experts, including the US and Canadian governments, civil society actors, UNHCR, and IOM.
- Facilitated a discussion with 14 civil society groups in November 2014 on legal and political aspects of extraterritorial processing. The meeting elicited cautious but positive interest.
- Led a discussion among 14 NGOs in June 2015, which generated elements of possible models in potential host countries.
- Held a discussion among Member States in July 2015 on developing safe and legal entry measures.

Outcomes:

- Civil servants from the UK, Netherlands, Denmark, Germany, and Sweden expressed appreciation of this information. The EC confirmed that project discussions have provided ideas and confirmed the scope of potential interest in a resettlement initiative, which was subsequently launched in the Agenda for Migration.
- Austria has acknowledged the relevance of the work for its 'Save Lives' initiative of September 2014.
- Member States have indicated that their knowledge levels and interest in further resettlement have significantly increased as a result of project discussions.
- While extraterritorial processing has not been proposed as a concrete new initiative, interest remains high, as confirmed by the strong positive response to a planned meeting in September, as well as a proposed discussion among Member States.

Cooperation with non-EU countries

Issue: There is little clarity about what cooperation with non-EU countries should entail, and about how best to engage with countries of origin and transit.

What we've done:

- Produced a policy brief on how cooperation could be more strategically developed.
- Convened a seminar in October 2014 for Member State representatives, EU officials, academics, leading civil society bodies, and international organizations, exploring the potential of EU-funded capacity-building projects for regions hosting significant refugee populations.
- Arranged a convening in 2014 with NGOs and produced research papers on cooperation with third countries in North Africa, the Middle East, Horn of Africa, and Southeastern Europe.

Outcomes:

- The EU's Agenda for Migration highlighted third country cooperation as a priority, as well as greater engagement in North Africa, the Middle East, and the Balkans, major areas of focus for the project. OSF and MPI's input was sought by EC officials and Member States on areas where greater EU investment and efforts to establish cooperation could strengthen protection.

Policy-making on Asylum

Issue: Examined difficult questions around the EU's policy- and law-making processes.

What we've done:

- Led discussion among Member States and stakeholders, including the EC, Council Secretariat staff, European Parliamentarians, and civil society on the 'strategic guidelines,' emphasizing the importance of long-term thinking to address increasing asylum flows.
- Commissioned a paper exploring ways the EU and Member States could respond to significant increases in arrivals of asylum-seekers and irregular migrants.
- Brought together senior EC officials including DG Migration and Home Affairs, DG Enlargement, DG Development Cooperation and Humanitarian Aid, and the European External Action Service to explore ways to achieve effective coordination.
- Produced a paper examining the reasons for weaknesses in data-gathering, and the potential implications for informed policy making.
- Undertook research to identify gaps in available data and ways to address them.
- Input provided by Madeline Garlick (IMI) and Liz Collett (MPIE) to Council meetings.

Outcomes:
- Analysis has been used in discussions with Member States and European institutions involved in strengthening data collection and use.

Contingency planning and emergency preparedness

Issue: Few Member States have contingency planning and emergency preparedness systems.

What we've done:
- Commissioned a paper on strengthening contingency planning capacity at national levels and improving coordination and the effective use of resources at EU level. Conclusions from this analysis have been discussed in detail with EASO.

Outcomes:
- The need for greater emergency preparedness has been acknowledged in discussions on EASO's work implementing 'early warning' mechanisms.
- The EU's Agenda for Migration underlines the need for greater preparedness, and EASO has included contingency planning as a priority for its work.
- Representatives of the EC, EASO, and individual Member States have indicated that their reflections have been aided by input from the project.

Mutual recognition of positive asylum decisions

Issue: A refugee recognized in one Member State does not have the right to move to another, even if he or she has language or cultural links, family, qualifications for jobs, or other contributions to make.

What we've done:
- Commissioned a research paper on the implications and scope for mutual recognition as a way to ensure Lisbon Treaty goals, notably the establishment of a 'uniform status of asylum, valid throughout the Union', and of subsidiary protection. Also examined the potential of mutual recognition and transfer of protection status as a means of enabling refugees to integrate more effectively.
- Madeline Garlick and Costanza Hermanin met with the Italian Presidency in early 2014 to advocate for a Presidency seminar on mutual recognition.

Outcomes:
- Issue was taken up by the Italian Presidency, which included promotion of mutual recognition as one of its policy priorities. Italy specifically requested the project's substantive advice and input in preparation and the meeting discussions.

- Findings and proposals were discussed at a Presidency conference in Rome in November 2014, where Madeline Garlick chaired plenary sessions on the subject.
- Work was cited in a European Parliament report
- In its 2015 Agenda, the Commission identified mutual recognition as a central question to be addressed in on the next steps for development of the CEAS.

Private sponsorship

Issue: There has been little discussion of how private sponsorship could be developed.

What we've done:
- Commissioned a paper examining various models of private sponsorship and setting out policy recommendations for governments looking to implement national private sponsorship efforts.

Outcomes:
- Sweden has invited OSF/MPI to participate in the EU-FRANK project, which is seeking to reinforce resettlement capacity and engagement.

Reception of Asylum Seekers

Issue: Reception facilities and systems for asylum-seekers are inadequate to meet demand in some states.

What we've done:
- Currently creating an analysis of how states could address fluctuating demand.
- OSF/MPIE has met with EASO, the Italian presidency, UNHCR, and individual states' reception authorities.

Outcomes:
- The EU's Agenda for Migration endorsed the idea of cooperation among a network of reception authorities, as well as the idea of pooling places, alongside proposals for immediate steps to address reception crises in Italy, Greece, and Hungary.