

REPORT

SOFT SECURITY AND MIGRATION IN THE BALTIC SEA REGION



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND



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1.

INTRODUCTION

The CBSS Deputy Foreign Ministers adopted the “Warsaw Declaration - Regional responses to global challenges” along with the annex relating to the CBSS activities in Warsaw on 8 June 2016. The Declaration reflects the joint position on the directions in which the CBSS should move in the future, in particular how the CBSS should contribute to address key challenges in the Baltic Sea Region. One of the most pressing challenges that need to be tackled is migration. With respect to this challenge, the Warsaw Declaration recommends using the existing networks, expertise and structures in the region and proposes to place further focus on issues of soft security, including the fight against trafficking in human beings. In light of the current migration situation the need for integration of migrants is specifically highlighted. It is also important to enhance dialogue and cooperation between all levels of governance (national, regional and local) and civil society organisations, business and academia, with the focus put on identifying and disseminating best practices and lessons learned regarding effective migration management and implementation of integration policy.

The conference *Soft Security and Migration in the Baltic Sea Region* was held in Helsinki on 30 – 31 May 2017. The conference was the initiative of the Finnish Ministry for Foreign Affairs of Finland and was held under the Icelandic Presidency of the Council of the Baltic Sea States.

In the past two years the Baltic Sea Region has faced a new migration reality and a record number of asylum applications have been submitted in many of the countries in the region. This situation has, and continues to pose a significant challenge for the national and local authorities as regards short and mid-term border management, reception and processing, general safety and security, especially at the border and with relation to housing facilities, reception of migrants and identification of forced migrants and victims of trafficking, as well as integration policy among other issues. The aim of the Conference was to discuss these various challenges, and the interdependence between them.

Migration, both voluntary and forced, has multiple effects on the host state and individual migrants and asylum seekers, but the main focus of migration discourse tends to be state security, economic and labour market implications and the influence on the local community and culture. The focus on migrants/asylum seekers as agents in the migration process is usually minimal. In the case of forced migration, the focus on the individual migrant/asylum seeker and her/his/their rights and needs for protection are particularly important and the effects of the host state have to be regarded as of secondary importance as while, unlike in the case of voluntary migrants, in which states have the sovereign right to refuse entry, states have a duty to protect and accommodate forced migrants and asylum seekers. Situations characterized by arrivals of large numbers of forced migrants and asylum seekers in a short period of time pose particular challenges for state and local authorities, both in the short term, in addressing their protection needs and safeguarding the security interest of the state at the same time, and in the long term, to provide inclusive integration conditions for forced migrants into the host community and ensure the social cohesion of local communities.

In addition, the purpose of the Conference was to discuss and analyse how the situation has been addressed by state and municipal entities such as border guards, law enforcement agencies, immigration authorities, migration services and other service providers, as well as civil protection agencies and non-governmental organizations in order to identify approaches and measures taken that have been effective, that is, promising practices, and lessons learned from mistakes made in order to build better resilience towards such pressures in the future, and positively contribute to improving existing policies. To conduct this discussion and analysis, representatives of governmental agencies and services, local authorities and civil society organizations were brought together to share experiences and assessments and have a dialogue with the aim to formulate policy recommendations for key stakeholders for further actions and policy development to build resilience and security and reduce vulnerability with focus on prevention, engagement and integration. A total of 100 people participated in the Conference. The participants represented all member states of the CBSS and came from non-governmental organisations, international organisations, regional organisations, research institutions, policy centres, ministries, service providers for refugees and victims of trafficking in persons, reception centres, immigration authorities, border guard agencies and law enforcement agencies. Three working groups were set up that focused on the following issues:

GROUP I

The impact of migration on host societies and the challenges of early integration – lessons learned at the national and local level.

Moderated by Magdalena Lesinska

GROUP II

Irregular migration from a soft security perspective – new migration management challenges.

Moderated by Anders Lisborg

GROUP III

Safeguarding the rights of migrants – reducing the risk of exploitation and trafficking.

Moderated by Bjarney Friðriksdóttir

SOFT SECURITY CONCEPT & APPROACH

The theoretical framework adopted to guide the discussion at the conference and in the reports is that of *soft security*. Soft security refers to a combination of many different aspects of security (including welfare and safety of citizens) resulting in a safe and secure atmosphere without, or at least with a low likelihood of, (real or perceived) threats or imminent risks. This concept is based on the societal security paradigm developed by the Copenhagen Peace Research Institute. Societal security relates to the ability of a society to persist in its essential character under changing conditions. Soft security is thus about creating and maintaining a system of institutions and practices founded on a consensual approach, dialogue, shared norms and values, and promotion of social inclusion and integration. Cooperation, trust and maintaining social cohesion without using extensively coercive measures are among the key elements in this approach. In essence, soft security involves establishing cooperation and a trusting atmosphere, where threats are mitigated through preventive and proactive measures. Rather than being prepared for real or perceived security threats to arise, efforts should be made to build relations, trust and frequent interactions between various groups of individuals within the society, and to facilitate processes of inclusion and acceptance of migrants in all parts of the host society.

Policies and actions corresponding to the soft security approach are inherently more comprehensive and complex than the ones which focus merely on hard security. The rationale behind advocating for soft security is that when established, it works proactively, and thus fewer resources must be put into conventional hard security measures. In the context of migration governance, the long-term aim – and the strategic objective – of this approach is to reduce the vulnerability of migrants, maintain social cohesion using proactive measures and build capacity and strengthen cooperation between different actors involved in migration management in the Baltic Sea Region. Resources can thus be saved through adapting proactive rather than reactive policies, which is the rationale behind promoting this approach, and the reason why the policy level should find it interesting. Sufficient integration measures also help to build trust between migrant population(s) and the authorities. Issues such as asylum seekers having access to language courses, vocational training schemes, and the labour market in general are important building blocks in reducing vulnerability and engaging migrants as productive members of the host society. It is important for the authorities and other actors to work together with the migrant communities also in the long-run, to implement outreach work, raise awareness and build trust also among unregulated migrants.¹ Ultimately, activities implemented with this approach are likely to reduce the risk of exploitation and human trafficking among migrant population(s). Migrants make positive contributions to economic and social development in the host societies in relation to demographic trends, labour shortages and other challenges. But there is also work to be done in the field of counter radicalization in certain vulnerable communities.

2.

**THE IMPACT OF MIGRATION
ON HOST SOCIETIES AND
THE CHALLENGES OF EARLY
INTEGRATION - LESSONS LEARNED
AT THE NATIONAL AND LOCAL
LEVEL**

BY MAGDALENA LESINSKA

2.1 INTRODUCTION

Europe is currently witnessing a mixed-migration phenomenon, in which economic migrants and asylum seekers travel together and in reality these groups overlap, which results in reception procedures becoming even more difficult. In light of the large numbers of migrants and asylum seekers that have recently entered Europe as well as a backlash against immigration and multiculturalism together with a discourse of “failed integration” which takes place across the continent, the issue of integration seems more important and pressing than ever before.

The undeniable fact is that migration pressure within and from the outside of the region is constantly increasing and integration of migrants into host societies is one of the biggest and most sensitive challenges to all governments and communities. Migration has to be accepted as a permanent process, not as a temporary phenomenon, and one with long perspective consequences that very often leads to long term settlement. The nature of the integration process differs from state to state and depends on the migration history, profile of the incoming migrants, the reasons of arrival, the state policy towards migrant flows, and the overall strategy to assist newcomers to adopt to social and economic reality in the destination country.

Without any doubts, integration is dynamic process concerning all areas of societal life. Although there is a lack of common consensus on indicators of integration, few domains can be identified as sources for basic indicators to measure the success of integration policy: education, access to labour market, housing and social services, health care, and participation within the political process.² Integration has to be treated as an issue of significant concern, especially at its early phase. Traditionally, integration programmes addressed to migrants have been focusing mainly on the areas of health services, housing, welfare schemes, education and the labour market. It is, therefore, related to and dependent on the national welfare system – which varies from country to country.

The authorities, both at national and local level, seek new approaches to manage a process of adaptation between newcomers and host societies. The integration of migrants is a policy area in which a regional and local approach is critical. Regional authorities typically possess better knowledge about migrants’ needs, and are thus better prepared to frame successful plans for economic and social integration and design a more appropriate structure of services. A bottom up approach to implementation of integration policy seems to be even more crucial in time of political turbulences and security scares noticeable in national and European space.

Anti-immigration and anti-refugee sentiment is broadly shared across Europe. Many Europeans express concerns that the arrival of newcomers will make their communities less safe; it is perceived as threat to social cohesion, welfare and national identity. This is particularly intense in countries of Central Eastern Europe, despite the fact that very small sized migrant and refugee populations reside in these countries. Many Europeans do not see growing diversity as making their countries better which creates a serious challenge to all authorities across continent. The common negative attitude towards growing immigration, a present climate of fear, discrimination and potential violence between migrants and host societies has had a great impact on integration processes in practice.

It is worth to keep in mind that European countries are diversified in terms of their migration profile. Some countries are still a destination for small scale of inflows and settled migrant minorities, usually without any clear governmental strategy related to the integration of new comers. At the same time, others could be described as ‘mature’ in terms of a long history of foreigners’ inflows, well developed migration policy and institutional infrastructure dedicated to integration. There is a country-specific approach to integration and no single set of best practices would be relevant for all states. Despite this, it is worth to identify effective and promising practices applied in different countries for a realistic and pragmatic approach to integration. The exchange of experiences and good practices should be particularly relevant for countries that only recently have faced growing inflows of migrants. The lessons learned from the more experienced states should help them to avoid the worst outcomes and promote the best scenarios of migration and integration processes.

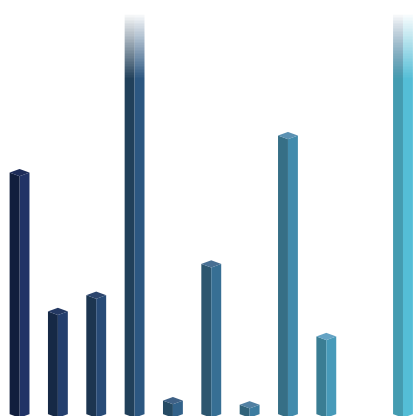
2.2 CONTEXT & TRENDS

Global migration flows have serious consequences for the economic, socio-political and cultural life of both sending and receiving countries. Their drivers, courses and varying impacts must be better understood in order to find appropriate solutions related to integration processes.

The Baltic Sea Region includes countries of different migration profiles: from net emigration countries (such as Latvia, Lithuania and Poland) to net immigration countries with still growing number of foreigners within the population (e.g. Germany, Norway or Sweden). Moreover, some countries are considered to be favourable destinations for a longer stay whereas some others only serve as transit regions. The differences among states are crucial to understand country-specific approaches to migration and integration and a variety of political strategies implemented by particular governments in response to recent asylum seekers inflows. Below, some basic data related to migration in the countries of the Baltic Sea Region is provided to reflect the diversity of inflows in the region.

TABLE 1.

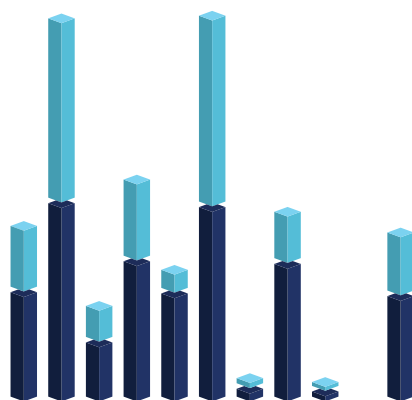
Migration profile of the Baltic Sea States
Non-national population in thousands in 2016



| | | |
|--------------------------|-------------------------|-------------------------|
| Denmark 463.1 | Estonia 197.6 | Finland 228.2 |
| Germany 8652.0 | Iceland 26.5 | Latvia 288.9 |
| Lithuania 18.7 | Norway 534.3 | Poland 149.6 |
| Russia n/a | Sweden 773.2 | |

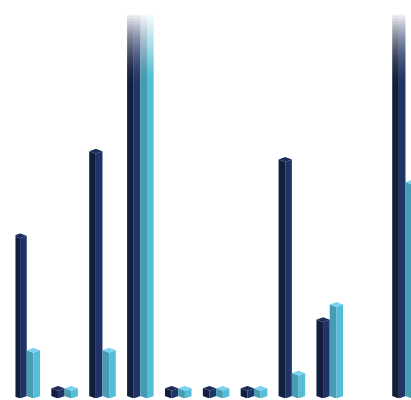
Migration profile of the Baltic Sea States
Non-nationals in the resident population in percentages in 2016

Third country citizens (non-EU/EEA) in resident population in percentages in 2016



| | | |
|--------------------------------|--------------------------------|-------------------------------|
| Denmark 8.1 4.7 | Estonia 15.0 13.9 | Finland 4.2 2.4 |
| Germany 10.5 5.9 | Iceland 8.0 1.4 | Latvia 14.7 14.4 |
| Lithuania 0.6 0.4 | Norway 10.3 3.6 | Poland 0.4 0.3 |
| Russia n/a n/a | Sweden 7.8 4.5 | |

Migration profile of the Baltic Sea States
*Number of asylum applications in 2015**
*Number of asylum applications in 2016**



| | | |
|--------------------------------------|------------------------------------|-----------------------------------|
| Denmark 21.000 6.000 | Estonia <1.000 <1.000 | Finland 32.000 6.000 |
| Germany 641.000 745.000 | Iceland <1.000 <1.000 | Latvia <1.000 <1.000 |
| Lithuania <1.000 <1.000 | Norway 31.000 3.000 | Poland 10.000 12.000 |
| Russia n/a n/a | Sweden 156.000 28.000 | |

Source: Eurostat (Asylum and managed migration database, Migration and migrant population statistics); <http://ec.europa.eu/eurostat>

*Number of first time applicants, rounded to the nearest thousand.

TABLE 2.

Migration profile of the Baltic Sea States

Main citizenships of the foreign population in 2016

Main citizenships of asylum applicants in 2016

| | | | |
|---|---|--|---|
|  | <h3>Denmark</h3> <p>Poland Turkey Germany</p> <p>Syria Afghanistan Stateless</p> |  | <h3>Estonia</h3> <p>Russia Recognized non-citizens Ukraine</p> <p>Syria Iraq Albania</p> |
|  | <h3>Finland</h3> <p>Estonia Russia Sweden</p> <p>Iraq Afghanistan Syria</p> |  | <h3>Germany</h3> <p>Turkey Poland Italy</p> <p>Syria Afghanistan Iraq</p> |
|  | <h3>Iceland</h3> <p>Poland Lithuania Germany</p> <p>FYR of Macedonia Albania Iraq</p> |  | <h3>Latvia</h3> <p>Recognized non-citizens Russia Ukraine</p> <p>Syria Afghanistan Russia</p> |
|  | <h3>Lithuania</h3> <p>Russia Ukraine Stateless</p> <p>Syria Russia Iraq</p> |  | <h3>Norway</h3> <p>Poland Sweden Lithuania</p> <p>Eritrea Syria Afghanistan</p> |
|  | <h3>Poland</h3> <p>Ukraine Germany Belarus</p> <p>Russia Tajikistan Ukraine</p> |  | <h3>Russia</h3> <p>n/a</p> <p>n/a</p> |
|  | <h3>Sweden</h3> <p>Syria Finland Poland</p> <p>Syria Afghanistan Iraq</p> | | |

Source: Eurostat (Asylum and managed migration database, Migration and migrant population statistics); <http://ec.europa.eu/eurostat>

Almost 1.3 million migrants applied for asylum in the EU countries, Norway and Switzerland in 2016, sparking an European debate about how to cope with the inflow and reception process. It is clear that CBSS Member States were differently affected by the recent influx, Germany received the highest number of overall asylum applications, followed by Sweden (who received the highest number per capita), followed by Finland, Norway and Denmark. Recent mass migration flows prompted European countries to rethink migration and integration policy and make more effective and concrete procedures and practices related to migration and integration.

In recent years, significant changes in migration and integration policies at national level could be observed. Admission rules became more restrictive and selective: tighter border controls, selective pre-departure tests for migrants, a narrowing of opportunities of reunification schemes, the building of fortifications at external borders of the EU. All these measures were undertaken to ensure a stricter control of migrant's inflows and tighter entry regulations. More assimilative strategies of migrants' integration, especially at its early stage, addressed to third country nationals were implemented in many countries, e.g. compulsory language tests as a requirement for admission to the country under family reunification scheme and/or to obtain or prolong residence permit (executed e.g. in Denmark, Estonia, Finland, Germany, Lithuania), individual integration contract (e.g. in Denmark), obligatory integration courses for newcomers (e.g. Denmark, Finland, Sweden). The shift from "integration as a right" to "integration as an obligation" became clearly visible in recent years.

Additionally, there is a commonly taken negative view of migration inflows. In the public imagery the focus is more on migrants as a social problem, on the failure of their integration, rather than on positive outcomes of migration and migrants' outstanding contributions to social, cultural and economic life. A climate of fear and hostility towards inflows of migrants from third countries and asylum seekers is clearly visible across the continent, in Central Eastern European countries in particular. According to the latest issues of Eurobarometer (2016 and 2017)³, immigration and terrorism are two main challenges facing the EU. In the Autumn 2016 Survey, immigration and terrorism were the most frequently cited challenges (respectively for 45% and 32% of respondents). What is important, 61% of EU citizens were positive about immigration from other EU Member States, and at the same time 56% were negative about inflows of foreigners from outside the EU. In the newest survey (spring 2017) terrorism was seen for the first time as the major concern that the EU is currently facing (44%), and immigration was mentioned on the second place (38%). Other concerns remained far behind: the economic situation was mentioned by 18% of EU citizens, public finances (17%) and unemployment (15%).

This trend is also confirmed in other public opinion polls, according to the Pew Research Center (2016)⁴ the refugee crisis and threat of terrorism are strictly related to one another in the eyes of many Europeans. The same survey confirms that negative views of refugees are directly related to negative views about Muslims and growing public opposition in many countries to further inflows from Muslim countries, including refugees from Iraq and Syria.

There is a variety of drivers of anti-immigration sentiment: cultural fears related to identity and sovereignty, social and economic fears about the distribution of public resources, as well as security fears related to concerns about crime and terrorism. It is also a result of conscious action of political leaders (also from the mainstream) who have used migrants as scapegoats and stigmatized them as an economic, cultural and security threat. The anti-immigration discourses spread widely, not only in Europe, and moved from the political fringes to the mainstream. Media plays an important role in strengthening anti-immigrants sentiments among the public, too. It leads to the obvious, but often neglected, conclusion that integration is a dynamic and multifaceted two-way process involving both migrants and the host society, and effective integration policy must be addressed to and require effort from all parties involved.

To increase the effectiveness of integration policy, the previous experiences must be reflected in detail. There are four particularly important lessons to be learned from the past:

Integration is not a matter of time, in contrary – it needs an active intervention from the state's side. The evidences from many countries proved that integration problems which, at first glance, seemed to apply only to new waves of migrants are experienced also by second or third generations. Social and economic exclusion, segregation in the labour market, marginalization and discrimination are long-lasting and powerful barriers for migrants and citizens with migrant origins to be an integral part of community they live in. The long-term, consistent, overarching, evidence-based policy framework is crucial, including state funded language courses, trainings, support for finding employment and housing, assistance in adopting core cultural values and norms of the host countries, as well as robust anti-discriminatory legislation.

There is no universal strategy to integration. Different groups (asylum seekers/ economic migrants, women/men/children, high/low skilled etc.) face unique problems with adaptation to the host society, and integration of these groups requires different responses. Gender issues and specific challenges related to integration of women and children should be also tackled.

Integration policy should be addressed not only to third country nationals but also to EU migrants, who often have similar problems with integration and experiences of labour market segregation, discrimination and racist violence. Although citizens of third countries, asylum seekers and refugees should be treated as priority group, EU migrants cannot be excluded from integration programmes funded from national and EU funds.

Early integration of migrants does not take place at the state level, in practice social capital and trust between newcomers and hosts is built in the local communities and neighbourhoods. Initiatives taken locally are therefore a crucial issue for effective integration. Municipal authorities should be provided by legislative and policy measures as well as appropriate financial resources necessary for effective implementation of local integration policies.

2.3 ANALYSIS OF THE KEY CHALLENGES, GAPS & HOW TO ADDRESS THEM

During the Soft Security and Migration Conference in Helsinki, working group number 1 was dedicated to the impact of migration on host societies, the challenge of early integration and lessons learned at the national and local level. The aim of the discussion was not only to shed a light on current integration policy and practices developed in different countries but also to provoke critical reflection and to propose alternative resolutions in the field of integration policy. One of the main aims of the work group was to point out the main challenges and gaps and to formulate a set of strategic recommendations addressed first and the foremost to main political stakeholders both at state and local level to inspire and support certain policy developments. The participants of the work group were experts, researchers and stakeholders representing variety of institutions: from international organizations (OSCE/ODHIR, IOM), to national ministries (of foreign affairs and justice) to local NGOs.

Based on the discussion during the workshop the following important challenges and gaps related to the practical implementation of integration policy can be identified.

MULTI-LEVEL AND MULTI-STAKEHOLDER COOPERATION AND COMMUNICATION

The sheer number of different actors who become involved at the local level in integration process - which is often developed from a "bottom up" basis - requires a high level of communication and coordination. A lack of cooperation between the different institutions dealing with integration policies and poor communication between the stakeholders often lead to increased fragmentation and can reduce their ability to develop a coherent strategic response. The multilevel cooperation, especially at an early stage of integration, should be characterized by constant flexibility and fast decision-making processes which allows the organizational structure to easily adapt to changes and to react to new challenges. The organizational structure is multilayered (national, regional, local), but different actors working with integration related questions should not be thought as a permanently fixed system with the nature of cooperation goals and activities divided into different layers and every layer working on their own. Instead, the cooperation mechanisms should be seen as a constantly evolving process where acute issues can be dealt with by the creation of ad hoc, solution-oriented combinations of different actors. This would enable more efficient usage of the information, experiences and expert knowledge that different actors in the field have. Promotion of interstate cooperation as well as between different levels of governance including the regional and local level is also highly recommended and supported by variety of international bodies. Among others, it is worth to point out several important initiatives which take place at the international level:

European Commission supports EWSI - European Website on Integration and the new programme 'Urban Agenda for the EU' (<https://ec.europa.eu/futurium/en/urban-agenda>).

OSCE ODIHR organizes a series of international conferences which serve to identify and facilitate the sharing of good practices, matching these to the needs identified in participating states (<http://www.osce.org/odihr/migration>).

The CBSS Task Force against Trafficking in Human Beings successfully operates since 2006.

The CBSS collaborates closely with the Baltic Sea Region Border Control Cooperation (BSRBCC) (<http://www.cbss.org/safe-secure-region/border-control-cooperation>)

EWSI - EUROPEAN WEBSITE ON INTEGRATION:

Migrant Integration, Information and Good Practice.

EWSI aims to promote and foster integration policies and practices by sharing successful strategies and supporting innovation and learning via cooperation among stakeholders and civil society organizations across the EU. It is an open source of information containing, among others: a collection of good practices presented in a clear and comparable manner for easy viewing, an online library of key documents (legislation, policy papers, conference reports, etc.), information on European, national and private funding opportunities and information sheets for each country: summary of integration policies and governance arrangements of each Member State.

Source: <https://ec.europa.eu/migrant-integration/>

The influx of numerous migrants and asylum seekers to the local community brings serious long-term change in its population and urban fabric, which for the authorities and inhabitants means a challenge of the effective management of this change. Another important challenge, directly related to weak communication channels and cooperation between different stakeholders, is the slow but steady decentralization of integration policy. Within countries, newcomers are more likely to settle in urban areas and choose cities as a destination place to settle. As a result, municipalities have become particularly important institutional actors in the domain of integration of migrants, asylum seekers and refugees. A more active role of the municipalities reflects the trend towards decentralization and constitutes the acknowledgement of the fact that it is the municipalities that are experiencing the effects of the current asylum problems most severely. It is therefore logical that regional and local authorities should be supported in order to enhance the effectiveness and efficiency of integration process.

Local authorities are responsible for the implementation of many aspects of integration policy. Integration programmes implemented by city authorities usually remain supplementary to the state's policy. However, when national governments are resistant to admit migrants and asylum seekers, the municipalities sometimes take the opposite view and introduce an autonomous integration strategy addressed to newcomers. There are strong networks developed among European cities to share best practices and knowledge; one of such an example from the Baltic Sea Region is the Gdańsk Immigrant Integration Model and the Eurocities Network.

GDAŃSK IMMIGRANT INTEGRATION MODEL AND THE EUROCITIES NETWORK

The overall goal of the Immigrant Integration Model (IIM) is to develop a migration management system in public institutions and NGOs in Gdańsk, and to enhance the integration of immigrants in the following areas: education, culture, social assistance, housing, counteracting violence and discrimination, local communities, employment, and health. The cross-sectoral and interdisciplinary task force on the immigrant integration model was established in May 2015 to assess the available resources and capabilities to support immigrants in Gdańsk and to identify the key needs and problems. Finally the model was developed as a joint effort of more than 150 people representing 70 different public institutions and non-governmental organisations. The Immigrant Integration Model for the integration of immigrants of and refugees established in Gdańsk follows best practices developed by the Eurocities network members.

Eurocities is a consortium of major European cities with an active Forum of Social Affairs, which focuses on sharing best practices of thirty European cities most experienced in the field of integration policy for migrants. Many cities from different CBSS Member States are involved in the network. More information: <http://www.gdansk.pl/migracje>; www.eurocities.eu

EARLY STAGE OF INTEGRATION

There is also an unresolved tension between the objectives related to migration control and integration policy. In fear of growing numbers of asylum seekers, some governments attempt to restrict their social rights and early integration programmes, following the opinion that measures to improve integration could act as a 'pull' factor and result in a growing

number of incoming migrants. The opposite view assumes that economic and social potential of newcomers should be put to use as soon as possible, and successful integration measures require implementation of dedicated programmes, including organization of language courses and assistance in finding jobs, in early stages of migration.

Migrants, especially those of the first generation, are often trapped in the low-skill, low-paying sectors of the labour market, permanently dependent on social benefits and also vulnerable to discrimination and marginalization. Integration through education and work is the key element in the integration process, especially in case of asylum seekers and refugees (who is the dominant group in the current inflows). The workplace (and school for the younger migrants) is the most important space in which migrants can meet and interact with others. It is evident, that migrants without a job, and in consequence – without regular income, are much more likely to be excluded from the basic social interactions that promote integration. Recognition of prior competences and qualifications of the newcomers at the early stages after arrival ensure that migrants are not out of the labour market for too long; it is a key in their successful economic integration and counteracts the burden of the welfare system. Collecting data about employers' demands on the one hand, and migrants work and education profile on the other are needed in order to implement ineffective matching between both groups at labour market. One of the good practices of this kind is the programme implemented in Hamburg, Germany: W.I.R – Work and Integration for Refugees.

W.I.R – WORK AND INTEGRATION FOR REFUGEES, HAMBURG, GERMANY

The programme started in September 2015 in Hamburg as a response to increasing inflows of asylum seekers. Its main aim is to provide comprehensive counseling and support to refugees in the fields of training, study and employment to integrate them into the labour market as fast as possible. Refugees in Germany can start work three months after their registration. The newcomers are offered language courses, job trainings and internships after a job related profiling process according to their level of education and professional experience. It allows to develop specific employability skills and to find an appropriate job. The work opportunities in local enterprises are not subsidized by government.

Source: Office of Labor, Social Affairs, Family and Integration in Hamburg, <http://www.hamburg.de/wir/>

NEGATIVE PUBLIC PERCEPTION OF MIGRANTS AND ASYLUM SEEKERS

Hostile debates about migration and asylum seekers inflow are undoubtedly limiting the space for central and local authorities to promote coherent integration policies and address difficult issues. Anti-immigrant sentiments, which are widely spread also among CBSS countries, will take many years to shift to a more positive direction. The 'discourse of fear' present in many countries should not be the only driver influencing public opinion. Immigration should be recognised and presented in a more balanced way, not only as a threat and problem but also as a value and opportunity for the receiving countries in supporting the sustainability of local economies and quality of life. This is especially the case in the context of growing labour market needs (a number of sectors of the economy are already lacking the labour force and the skills they need in order to meet the demand) and demographic futures (such as an ageing population and low birth rates which are below replication rate) which all contribute to put pressure on the system of social insurance, pensions and so forth risking current standards of living in the foreseeable future in most of the European states.

Information policy plays a key role and has a powerful impact on integration processes, first and foremost by increasing national citizens' abilities to deal with diversity. Stereotypes about migrants are often an obstacle to the implementation of integration programmes. Awareness-raising campaigns dedicated to migration and migrants' issues to disseminate information based on facts, not stereotypes are needed and should be strengthened in order to avoid spreading false and negative images. Courses dedicated to the history of migration, and ethnic and migrant communities should be included in school curricula as compulsory part of mainstream education.

2.4 CONCLUSIONS - DILEMMAS AND CHALLENGES FOR FUTURE

Migrant flows are an unavoidable and indispensable phenomenon. Europe was always open to migration, and it always has been multicultural in the sense of cultural diversity (apart from a rhetorical rejection of multiculturalism by political elites). The contemporary migration reality on the continent is often described as “super-diversity” and “super-mobility” (referring to proliferation of differentiated ethnic and migrant minority groups and freedom of movement exercised by EU citizens and residents). Moreover, inflows of migrants and asylum seekers from third countries are on a steady increase. Migratory pressure to Europe from regions touched by wars, conflicts and poverty continues and remains a great challenge to all countries. Super-diversity requires a wide range of policy responses in relation to integration and demands much more knowledge about migrant’s community and their needs. Super-mobility brings another integration challenge: in the past international migration was permanent or semi-permanent in nature; at present it is much more “fluid” (short-term and circular). It is more difficult to provide services such as language courses for migrants who move frequently, moreover, their sense of belonging and desire to engage in local community life could be weaker. Without any doubts, taking into account the contemporary migration reality, integration of migrants should become a greater policy priority than ever before. There are two different perspectives for handling migration: as a solution (to economic or demographic needs) and as a problem (as a threat to social cohesion, and security and welfare system). Depending on which perspective prevails, the formulation of migration and integration policy by state authorities can drive in one of the two possible directions: towards a greater opening or closing. Another important factor in designing policy by governments is that policy makers have a tendency to respond in a short-term manner and expect quick results. Integration policy, however, requires long-term commitment by central and local authorities and adequate financial contribution. The availability of resources is a significant issue affecting the effectiveness of integration policy at every level.

Finally, it has to be remembered, that, although Europe has faced large-scale population movements for many decades, only relatively recently (at the turn of 1980/1990) national states put attention towards active supporting migrants’ integration. Nordic countries, like Sweden, have been a precursor of this change (e.g. as the first ones who gave voting rights to foreign residents). Integration of migrants is a particularly diverse area of policy, and it is an area where political stakeholders are still testing and learning about the most appropriate instruments and tools. It means also that in many countries integration policy remains “a domain in progress” which requires advocacy, support and studying experiences of other countries. Evidence-based best practices and recommendations are one of these lessons which should be an inspiration to first and foremost political stakeholders both at state and local level to advance progressive integration policy developments.

2.5 RECOMMENDATIONS

The examination of a variety policies and practices implemented in different countries reveals that there are certain initiatives that seem to be successful support in the integration process of migrants at the local level:

IMPLEMENTATION OF A ONE STOP SHOP WHERE MIGRANTS ARE ABLE TO RECEIVE ALL NECESSARY SERVICES IN ONE PLACE

There is a need for well-coordinated and accessible local services which meet various needs of newcomers and have a more holistic approach to integration process, where basic services addressed to migrants are offered simultaneously (at the same time) rather than sequentially (after each other). In practice, service providers are often relatively isolated which reduces their ability to guide migrants and to provide relevant support. A multi-functional one stop shop where all services for migrants offered by different agencies (information about education, employment, housing, health care, vocational training, insurance, banking, legal advisory, etc.) are easily accessible in one location is a simple, convenient and beneficial solution already tested in many countries, e.g. Germany, Latvia and Lithuania. This helps to integrate migrants at an early stage into local community life faster and less frustration, while at the same time, it gives the opportunity to build trust between migrants, the local government and public institutions.

DIALOGUE PLATFORMS AS OPEN AND REGULAR COMMUNICATION AND COORDINATION TOOL FOR INVOLVED STAKEHOLDERS

One of the barriers in effective implementation of integration policy is inadequate communication among all involved stakeholders. Participants of the working group called for better access to information about projects and activities undertaken by municipalities, voluntary organizations, schools, local employers and to improve coordination of varied integration initiatives. Maintaining regular dialogue platforms was recommended as an effective tool for exchanging information, discussing common problems and challenges as well as building sustainable and mutually beneficial networking and collaboration. The dialogue platforms can take different forms: from institutionalized to ad hoc informal meetings and roundtables; important is that they should be regular and open to all interested participants. There are many examples of dialogue platforms gathering various stakeholders involved in integration policy implementation in practice, organized at EU level (European Migration Forum), national level (Advisory Board for Ethnic Relations ETNO established under the auspices of the Finnish Ministry of Justice)⁵, and local one (e.g. NGO Dialogue Platform is organized regularly in Latvia).⁶

FACILITATION OF DIRECT AND REGULAR CONTACTS BETWEEN THE NEWCOMERS AND LOCALS

Effective integration measures should be facilitated by creating active and regular contacts between the newcomers and the locals. Organizing get-togethers and meetings in public places with newcomers has positive impact on the common perception and daily contacts between migrants and local community. Meeting friendly infrastructure allows the migrants to have an opportunity to access local social networks, to search for employment opportunities, especially where informal job seeking mechanisms dominate. “Meeting places” (“integration hubs”) within the local neighborhood are spaces such as schools, community centers, churches, libraries where newcomers and locals can meet in person. The crucial role in this process is played by local leaders (mayors, social workers, teachers, priests, etc.). The regularity and continuity of meetings in order to establish trust and social ties between migrants and local people is crucial, thus national and local government should put more attention in building infrastructure and public space in a way to support the mixing of people. The importance of gathering together newcomers and local inhabitants were mentioned by several NGOs represented during the workshop. Among others, the Society “Shelter “Safe House”” in Riga, is organizing this kind of activities regularly.⁷

3.

MIGRATION MANAGEMENT FROM A SOFT SECURITY PERSPECTIVE

BY MORTEN LISBORG & ANDERS LISBORG

3.1 INTRODUCTION

The migration situation in 2015-17 and the continued migratory pressure on the European continent have led to serious challenges increasingly affecting security and stability also in the Baltic Sea States. There is a growing sense of uncertainty and genuine concern both within governments and local populations about how asylum and irregular migration influences receiving countries, and leads to societal changes and new security risks. Emerging parallel societies, organized crime, human smuggling and trafficking, terrorist attacks and radicalization of both extreme right-wing and Islamist groups are just some of the issues which cause concern.

At the government level, the migration situation has become a heavy economic burden and for the state budgets mainly because of rapidly growing expenses to housing, social benefits and integration as well as to the expensive asylum procedures and the return of rejected asylum seekers. Finally, there has been an increased pressure on government authorities, including the police and immigration officials, to practically manage migration flows which have led to a “migration fatigue”⁸ due to excessive workloads and back logs, combined with limited human and financial resources.

Orderly and well managed migration is positive for both the sending and receiving states - as well as for the migrants and citizens in local communities. However, irregular and ill-managed migration can have a range of negative affects which all are ever more important to discuss openly, even when considered political sensitive and despite having resulted in unproductive polarized debates. This paper aims to outline and analyze some of the key security implications related to irregular migration, which hopefully will lead to further constructive discussions on how to strike the balance between human and soft security for migrants, as well as for receiving societies and local populations.

3.2 CONTEXT: SECURITY FOR WHOM? DEFINING SOFT SECURITY IN A MIGRATION PERSPECTIVE

The migration-security nexus is not new, but the perception of migration as a threat to national security, and the security implications of large migrations flows have in recent years moved to the top of the political agenda throughout Europe.

Given this situation it is worth asking not only how and in which ways irregular migration represents a security threat, but also to whom and how such threats can be prevented.

Traditionally, migration and security is linked to the states' sovereignty and border control. The ability to control who has the right to cross the borders of a state is a key dimension of state sovereignty. States have an interest in controlling their territorial borders for a variety of reasons, such as maintaining control over their populations, limiting access to labor markets and public goods, and maintaining internal security. A failure to control territorial borders can have serious security challenges - not only for the state institutions but also for the citizens. Large scale migration flows, for example, can overwhelm a state's capacity to provide public services and lead to conflicts over resources or result in challenges to social cohesion.⁹

In this sense irregular migration has emerged on top of the political agenda as a new form of asymmetrical security threats to which states are searching new ways to respond. This can be observed in the Danish Foreign Policy and Security Strategy for 2017-2018 where migration is one of the top five priorities.¹⁰ Similarly, migration is also included as theme in the Danish Defense Intelligence Service (DDIS) report on analyzing new trends in national security challenges.¹¹ As another example in June 2017 the EU decided to support a military force in the Sahel region, the objectives of which are manifold including combating irregular migration.¹²

Within refugee and migration studies, security has mainly focused on human security, i.e. on the protection and rights of refugees and migrants. Regularly, it is argued that human security and state or national security contradict each other. Hence increased focus on state security automatically will deteriorate security for refugees and migrants - and vice versa. However, in reality state security is closely intertwined with human security. Ignoring or not recognizing the obvious direct and indirect security implications of massive irregular migration could paradoxically lead to further deterioration of human security for both local populations in receiving countries and for the migrants and refugees.

In this regard, it is useful to apply a soft security framework which refers to a combination of many different aspects of

security, including wellbeing and the safety of citizens, social cohesion and to recognize that migration is not just about migrants, but also about all those affected by migration in sending and receiving countries, as well as those who do not migrate, because they choose to stay or because they are forced to remain.¹³ Migration from a soft security perspective is basically concerned with human security for migrants and local populations as well as the ability of a society/state to persist in its essential character under changing conditions and how to maintain a system of institutions and practices based on consensus, dialogue and shared norms and values.

3.3 ANALYSIS OF THE KEY CHALLENGES, GAPS & HOW TO ADDRESS THEM

This paper aims to outline and analyze some of the key challenges the migratory flows pose to soft security in Europe and the Baltic Sea States: The main issues in this paper were addressed in a previous discussion paper which was discussed in working groups consisting of national experts around the Baltic Sea Region. The key points and the analysis are the final outcome and result of the authors' analysis and joint discussions which took place in Helsinki.

MASSIVE MIXED MIGRATION FLOWS AS A SECURITY CHALLENGE

Migration can be a security threat when it is irregular, occurs on a large scale, brings together groups of people with very different backgrounds or little previous contact, especially if it takes place during a recession.¹⁴

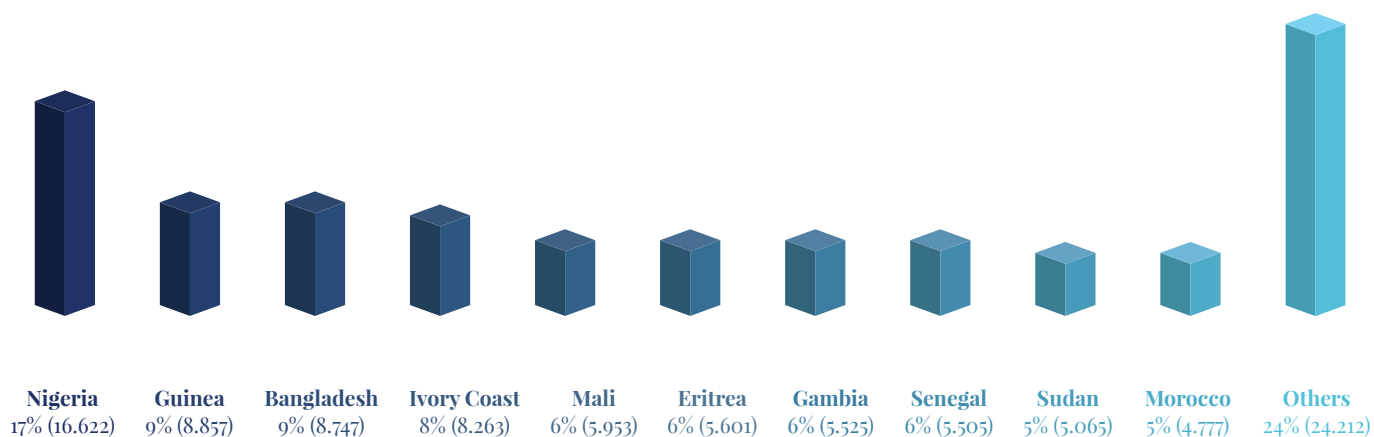
In 2015 and 2016 more than 2,5 million asylum applications were registered within the EU.¹⁵ Almost half of these were submitted in Germany.¹⁶ While many of the applicants were from Syria and other conflict areas, the collapse of the external borders led to a “ketchup effect” where many economic migrants used the chaotic situation to enter the EU. Hundreds of thousands of applicants were registered from traditional migrant countries such as Pakistan, Nigeria, Bangladesh, Albania, and other less wealthy European countries. For decades, it has been apparent that the asylum system shaped a *mixed-migration flow* which includes a high number of economic migrants. This is especially evident on the notorious central Mediterranean smuggling route from Libya to Italy which was the entry point of around 181.000 migrants in 2016. At the beginning of September 2017 about 100.000 migrants have arrived to Italy by crossing the Mediterranean Sea.¹⁷

Looking closer at the nationalities who have arrived on the Central Mediterranean Route 2017 it is striking that the overwhelming majority are from traditional migrant sending countries.

TABLE 3.

Primary nationalities: Mediterranean Sea arrivals to Italy, Jan - Aug 2017

Total: 100% (99.127)



Source: IOM: *Mixed Migration flows in the Mediterranean. Compilation of available data and information, August 2017*

The average refugee acceptance rate (recognition rate) for the top 5 nationalities in 2017 (Convention and Subsidiary Protection) from the 5 primary countries in 2017: 1) Nigeria: 7.6%; 2) Bangladesh: 8.1%; 3) Guinea: 18.9% 4) Gambia 5.9% and 5) Ivory Coast 11%.¹⁸

Although the Mediterranean route from Libya to Italy is also commonly used by nationalities, where more are considered refugees, including Eritrea and Somalia, the overall picture is worrying because EU countries spend enormous economic and administrative resources on economic migrants applying for asylum instead of resources on genuine refugees. Additionally, it should be taken into consideration that EU for decades has been the primary destination for asylum seekers fleeing conflict areas in for example Afghanistan, Iraq, Lebanon, Somalia, Sri Lanka, etc. This is a trend which is not likely to change.

POLITICAL INSTABILITY AND FRAGMENTATION

The collapse of EU's external borders combined with a record high influx of two million refugees and migrants contributed to one of the most significant destabilizing periods the EU has ever experienced. Daily images showed chaotic scenes of thousands of migrants on European border points, train stations and on highways disturbing many local citizens in Europe. For many citizens in receiving countries, including high ranking policy makers, it became apparent, that although EU member states have moral and international legal obligations to assist refugees, even the prosperous European states were incapable of effectively managing the massive mixed migration influx. The result was a de-facto breakdown of the Schengen agreement with several European countries re-introducing national border controls. Large groups of EU citizens had the unpleasant feeling that responsible politicians and institutions, the EU in particular, were unable to manage the situation. According to a recent survey immigration is now the main concern among European citizens and ranks higher than concerns over "terrorism" or the "economic situation" (table 4.). The survey illustrates how migration has become a major concern since the start of the migration crisis. In 2012 only 8% expressed concerns about migration, in 2016 it was 48%.

TABLE 4.
Citizen's concerns and demands



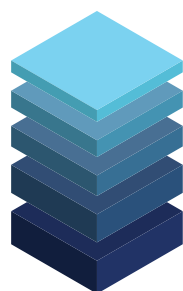
Immigration

| 2012 | 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|------|
| 8% | 16% | 24% | 38% | 48% |



Terrorism

| 2012 | 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|------|
| 4% | 6% | 11% | 17% | 30% |



Economic situations

| 2012 | 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|------|
| 53% | 45% | 33% | 27% | 19% |



The state of Member States public finances

| 2012 | 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|------|
| 32% | 26% | 25% | 23% | 16% |



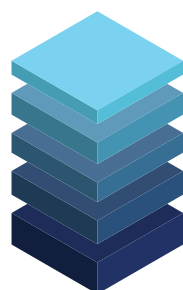
Unemployment

| 2012 | 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|------|
| 36% | 36% | 29% | 24% | 15% |



Crime

| 2012 | 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|------|
| 6% | 8% | 7% | 9% | 9% |



Rising prices/ inflation/cost of living

| 2012 | 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|------|
| 16% | 12% | 10% | 11% | 7% |



EU's influence in the world

| 2012 | 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|------|
| 7% | 6% | 9% | 8% | 7% |



Climate change

| 2013 | 2014 | 2015 | 2016 |
|------|------|------|------|
| 4% | 7% | 7% | 6% |



The environment

| 2014 | 2015 | 2016 |
|------|------|------|
| 6% | 6% | 5% |

Source: European Commission (2017): Reflection Paper on the Future of European Defense

This trend corresponds well with other surveys and polls observed in other EU countries. A recent survey in Finland published by the Finnish Ministry of Interior found that people were mainly concerned about the polarization of the society and also on issues related to safety and security - especially rejected asylum seekers who remained illegally in the country.¹⁹ Similarly, a recent survey ranks “tensions because of migration” as the third main concern among German citizens in 2017.²⁰

Some might argue these concerns are mainly the result of a critical and xenophobic rhetoric in the public debate, the media and among populist parties –others could argue it is due to poor policies, lack of burden sharing, etc. However, while anti-immigration rhetoric definitely can “add fuel to the fire” and cause anxiety among people, there are, several well-founded and rational reasons to be concerned about irregular migration and the rapid changes and challenges Europe, including the Baltic Sea States, is facing. Finally, whether or not concerns and fears are well-founded, they are crucial factors that strongly influences how people vote during elections and therefore play an important role in shaping future political landscapes.

Arguably, the incapability and lack of preparedness by national policy makers and institutions to effectively manage the migration flows in 2015-17 further fueled the trend of the global anti-establishment movement. This was, and still is, seen in the political landscape in Europe as migrant sceptic parties’ experienced increased support.²¹ These political parties gained extra momentum from EU citizens’ concerns during the peak of the refugee crises.²²

Already at the elections in 2001, the Danish Peoples Party (DF) became the third biggest Party. During the recent elections in June 2015 the DF won a landslide victory with more than 21% of the voters²³ making it the second largest party in Denmark. The history of the Sweden Democrats Party is in some ways quite similar to the success of the DF. Due to the migration pressure in 2015-16, severe integration challenges and other issues related to migration, combined with the traditional political parties’ lack of political will and capability to deal effectively with these issues, voters in Sweden have in recent years turned towards the Sweden Democrats which now is the second largest party in the country.²⁴

During the recent national election in Germany, on September 24, 2017, *the Alternative für Deutschland* (AfD), won a landslide election and got 13, 5% of the votes and is now Germany's third biggest party with more than 80 seats in the “Bundestag”. This is the first time in 60 years a right wing national party will presented at the federal level.²⁵

While the migration situation had immediate impacts on the dynamics of the internal political landscape in the European states it also led to an increased division among European states, especially among the Western and Eastern European states. The countries most affected by the migratory influx of 2015 and 2016, namely Germany and Sweden, pushed for increased burden sharing and a “fair” distribution of refugees among EU countries. This on the other hand was rejected by several Eastern European countries, who viewed the migration situation as a result of a failed Western asylum and immigration policy.²⁶

The probably clearest indicator of the East vs. West European fragmentation can be observed in relationship between the EU and the Visegrad Group.²⁷ In a recent statement from the group they address their common policy views on Europe's migration situation and criticized EU's relocation schemes.²⁸ The EU on the other hand, especially some particular member states, have heavily criticized the Visegrad Group and threatened with economic and political sanctions²⁹ due to the group's refusal to accept the Commission's agreed quotas for the common relocation scheme.³⁰

In September 2017 the European Court of Justice overruled Hungary's objections to the compulsory fixed-quota scheme. Hungary has not accepted any asylum seeker under EU's relocations scheme since it was introduced in 2015. The verdict created anger and frustration in Hungary, who considered the relocation scheme as the beginning of a permanent solution to the continued migration pressure.³¹

The political instability and fragmentation among European states and especially the east-west divide was and is closely observed by regional players outside Europe.

INSTITUTIONAL UNPREPAREDNESS AND MIGRATION FATIGUE

On a national level, the high influx of asylum migrants has placed stress on the authorities and shown cracks in otherwise well-functioning systems and institutions. Local authorities and organizations working with the new migrants were overstretched with workloads which in combination with limited human and financial resources have led to “migration fatigue”.³² This not only directly challenged the authority’s ability to prioritize and manage other main tasks, but also resulted in reduced quality of the management and screening of asylum claims. A report by the German Ministry of Migration and Refugees (BAMF) concluded that a large proportion of the around 3.300 new asylum case managers employed between 2015-17, did not receive adequate training.³³ Additionally, due to serious security breaches on the asylum screening and assessment - as illustrated by the case of a German right-wing army officer, who was granted asylum posing as a Syrian asylum seeker - it became clear that the authorities had been tremendously overstretched and made mistakes, which led the decision to reopen and reassess around 100.000 asylum applications.³⁴

Several other examples indicate migration has put pressure on key institutions and made it increasingly difficult for authorities to carry out their main task. In Sweden, the Chief of Police reported in 2016 that they had insufficient resources to address the increasing challenges related to immigration and terrorism and warned it could result in serious problems for society in general.³⁵ A new report by the Swedish Police from June 2017 concludes there are 61 urban areas in Sweden that are considered “vulnerable areas”. Several of these areas inhabit large groups of migrants and the report describes how the areas are characterized by parallel societies often with conflict between various ethnic groups:

“In the vulnerable areas there is a social order that derogates from the democratic social system with regards to norms, economy and the law. Actors who do not represent the democratic system are increasingly influencing the development of the areas. This is mainly the case for criminal actors, but can also be religious leaders who are spreading information that contradicts Swedish democratic values.”³⁶

The report also highlights examples of both Islamic and right-wing radicalization which could “result in an increased polarization of the Swedish society”.³⁷

More successful integration and additional resources to the authorities could naturally improve the situation.³⁸ However, although Sweden has for years given integration high priority and often has been praised as model country in regards to integration, it still faces challenges which have soft security implications. This highlights the fact that when migration occurs on a large scale and brings together groups of people with very different backgrounds agglomerated in specific areas, there is a higher risk of the emergence of parallel societies, which is not only a threat to social cohesion, but also counter-productive to successful integration and thereby causing a risk resulting in a vicious circle of non-integration.

INCREASING ECONOMIC BURDENS FOR RECEIVING STATES AND THE DYSFUNCTIONAL ASYLUM SYSTEM

The unpredictable nature of irregular and unmanaged migration flows is making it difficult for states to make long perspective budgetary plans. Additionally, the increased public spending as a result of receiving thousands of new migrants naturally creates concern among local tax-payers. Not only because migrants and refugees in the short and medium term is an additional net expenditure, but also due to the additional pressure on shared public goods such as hospitals, schools, social housing projects, public institutions which already are under budgetary pressure.

Although it is difficult to put an estimate on the costs of net migration and the asylum system there is sufficient evidence to argue that expenses have increased tremendously. In Denmark, a recent report published by Ministry of Finance in April 2017 sparked intense public debate on the increasing economic burdens from refugees and migrants.³⁹ The main conclusion was that migrants/refugees from developing countries (and the descending family members) contributed to an annual net loss on 33 billion Danish kroner for the state. The report emphasized that while some migrant groups, EU citizens, Chinese and Indians in particular, generally contributed positively to the economy, refugees from for example Somalia and Syria were among the nationalities in the group which contributed negatively to the economy.

In Sweden, which has received the most asylum seekers and refugees per capita in Europe, it is estimated that annual spending towards 2020 will be around 6,1 billion Euro, equaling 56 billion Swedish kroner for expenses related to integration, housing and other direct and indirect costs to refugees and migrants.⁴⁰ Presenting the spring budget in April 2016 the Swedish Finance Minister estimated the cost related to refugees and migration to be more than 72 billion Swedish kroner

in 2020. Sweden's central government expenditure proposed for 2017 amounts to 973,4 billion kroner. Assuming the estimates on 56 billion are correct Sweden will be spending 5,8% of the overall state expenditures on migrants and refugees.⁴¹ In comparison, the annual expenditures for Sweden's international development assistance to poor and underdeveloped countries is 46,1 billion Swedish kroner for 2017.⁴²

In Germany, the Ministry of Finance budgeted 93,6 billion EUR to be spend on the migration and refugee situation until 2020 and calculated the German Government expenditures on asylum and migration to 21,5 billion EUR yearly.⁴³ In comparison, the annual expenditures for Germany's International development assistance are 15,6 billion EUR. This illustrates how the European asylum system is not only extremely expensive but is also unbalanced from a global perspective. The budget allocated to asylum migration expenses in Germany is more than three times the size of the UNHCR budget while the asylum migration expenses in Sweden almost equals the UNHCR budget. For every 135 USD of public money spent on an asylum-migrant in Europe, just 1 USD is spent on a refugee in the developing world.⁴⁴

TABLE 5.

The cost of asylum migration,
Government budgets compared in *billion EUR*



It has been argued that migration, including the arrival of asylum seekers stimulates the national economies on the short term. The many asylum seekers and refugees in 2015-16 created thousands of new jobs in various economic sectors. New housing projects and additional public facilities to accommodate and integrate the refugees and migrants, in addition the influx also led to thousands of new employees in various institutions and organizations involved with integration etc., thereby contributing positively to national employment rate in the short term, which again led to increased spending and growth.

Although the above stimulates the economies in the short term, a much more relevant issue from a national economic perspective is how well the new comers integrate into host societies and are able to access labor markets, thereby contributing to the state rather than burden the welfare states. The sooner migrants and refugees are able to join the labor markets the better for economies but also for the overall integration into host societies. Good and well-coordinated integration policies focusing on employment and inclusion into the national labor markets are crucial.

This said, in many reports and public debates on refugees and migration “good integration” has become a buzzword or a magic tool, which contributes to the idea that host societies fix the migration challenges solely by enhanced focus on effective integration programmes.

Looking at some of the core numbers and statistics on integration, in Western European countries, also in countries which have focused and invested intensely in integration programmes, it is apparent that these same countries still struggle with challenges, especially in certain urban areas to successfully integrate certain migrant and refugee groups into their labour markets and society in general. Particularly migrants and refugees from certain regions, often from non-western countries in the Middle East, African countries and South Asia, in some cases have extremely low employment rates compared to other immigrant groups.⁴⁵ While Germany and Sweden and many other Western countries currently have fairly strong and

stable economies, there is no statistical or research based evidence that the current positive economic developments have any correlation with immigration. As some economic scholars has pointed out the positive economic development in, for example, Sweden is mostly a result or major economic reforms in recent years.⁴⁶

While there is little doubt that integration programmes are of vital importance, not only from an economic perspective, it is important to recognize that successful integration has a direct link to firstly the numbers arriving over a given period, but also to the social and cultural background of the immigrants. In that sense successful integration is related to other issues pointed out in this paper, namely migration management, and the acknowledgement that receiving states should continue to work on long perspective solutions and effective policies which enables states to regulate and control the influx, also of migrants and asylum seekers.

THE INEFFICIENT RETURN OF MIGRANTS AND REJECTED ASYLUM SEEKERS

One of the key elements in a fair and just asylum system includes the return of migrants not eligible for refugee status. The return of migrants voluntarily or forcefully is often problematic, time consuming and demands enormous resources. For certain nationalities returns are practically impossible. This is mainly because migrant sending countries refuse to accept such returns except if they return on a voluntary basis, which many for a variety of reasons choose not to.⁴⁷

According to the EU Commission their might be up to one million rejected asylum seekers who are legally obliged to leave Europe in the coming years.⁴⁸

The combination of a record high number of rejected asylum applicants and an inefficient return policy/programme has led to a steady increase, which now represents hundreds of thousands of rejected asylum seekers and irregular migrants who are living either semi-legally or illegally in European countries.

These migrants are in a difficult position. They have spent savings and exerted tremendous effort to make it to Europe but have failed. Some are frustrated and angry, others feel hopeless and are living in despair. As the receiving states in EU are accelerating returns the human consequences intensifies. Self-harm and violent behavior is common among migrants facing deportation. Also rejected asylum seekers are frequently suffering from a variety of mental and psychological disorders, especially depression and PTSD are common.⁴⁹

This group of migrants are not only more vulnerable to exploitation (such as human trafficking and labour exploitation) but also vulnerable to resort to crime or radicalization from radical religious/political organizations.

To illustrate the magnitude of the problem it is useful to look closer at the Afghan asylum applicants which represent the second largest asylum-seeking nationality in the EU. In 2015 and 2016, 325.000 Afghan nationals applied for asylum in EU-28.⁵⁰ On average 50% are being rejected within the EU.⁵¹ It is therefore fair to estimate minimum 100.000 Afghans are in return position within EU-28 – and this number is solely covering the influx from 2015 and 2016. A number close to other qualified estimates.⁵²

In 2016, the IOM assisted with a total of 6.150 voluntarily returns from EU countries to Afghanistan.⁵³ More than half of these were from Germany. Although some rejected Afghans “chose” to return voluntarily, it is striking that less than 600 Afghan asylum seekers legally required to leave the EU were deported in 2016.⁵⁴ Assuming the EU countries are capable to repatriate 100 Afghans per week it would take 19 years to return 100.000. A huge and almost impossible logistical task which would be extremely resourceful and expensive.⁵⁵

The case of Nigerian nationals: more than 37,000 entered the European Union irregularly in 2016 – the first nationality arriving via the Central Mediterranean route – and more than 47,000 asylum applications of Nigerian nationals were registered in 2016. For the first three quarters of 2016, the recognition rate of asylum applications lodged by Nigerian nationals stood at 8%, indicating that more than 40,000 of the applications lodged in 2016 are, in principle, likely to be rejected.⁵⁶

While the inefficient return of migrants only rarely leads to physical security incidents, the more imminent challenge from a soft security perspective is the linkage between inefficient returns, state sovereignty and public confidence in government institutions and rule of law. In other words, why have asylum institutions build on the rule of law, when hundreds of thousands of rejected asylum seekers legally obliged to leave cannot be returned by the proper authorities?

MIGRANT DIASPORA FROM A SECURITY PERSPECTIVE

The growing migrant diaspora is another example which is often viewed as a possible security threat for host societies. The size of the diaspora, culture, religion, national identity and level of integration into host societies is frequently linked to the security and threat level. Other variables relates to the intensity of the conflict in the homeland, and especially the degree of militarized conflict. The higher the conflict level the more likely it is that diaspora-based militant groups will emerge, or that homeland militants will forge links to diaspora populations.⁵⁷ Several armed militant or terror groups engaged in a variety of armed conflicts around the globe have strategically utilized European diasporas in order to finance, lobby and obtain material support or recruit cadres to their cause.⁵⁸

Most diasporas are in some way involved in conflicts at “home” where Europe is not directly engaged, however, a new disturbing pattern has appeared. Today the obvious direct threat is seen when the diaspora is recruiting and sending European citizens or migrants/refugees to fight European or NATO forces in for example Afghanistan, Iraq or Syria – or to commit terror attacks in European countries.

While most diasporas are constructed on national identity, culture etc. other diaspora communities are based on religion rather than nationality and state. The Islamic State (IS) has used sophisticated methods of diaspora politics to enhance its power by engaging religious identity politics and encouraging migration to the religious “homeland,” its self-proclaimed caliphate to obtain material support from the diaspora.⁵⁹ Religion-based diasporas consisting of EU citizens an immigrant background, have been directly responsible for some of the deadliest terror attacks in Europe in recent years.⁶⁰

Domestic and foreign policies of the host country and how they are perceived by the diaspora communities can influence the security level among diaspora communities. For example, military interventions or economic and political sanctions aimed at the home countries, or domestic policies in receiving states, for example stricter migration and refugee policies can influence the diaspora to potentially become more hostile towards host societies.

Migrant sending countries can use the diaspora as a means of surveillance of overseas citizens and repressing activists and opposition groups operating abroad. This can lead to a form of transnational state repression that extend the reach and control of a regime beyond its national borders. Foreign governments’ diaspora engagement policies can also be viewed by some as interfering in the domestic political life of other nations. For instance, while voting rights to a country’s citizens living abroad is mostly perceived as a positive trend, it can at other times be a way of monitoring or controlling the diaspora populations, such as when authoritarian states encourage overseas citizens to register with embassies in order to participate in largely uncontested elections.⁶¹

TERRORISM AND POLITICAL EXTREMISM AS A DIRECT OR INDIRECT CONSEQUENCE OF MIGRATION

Jihadi extremism and terrorism is a phenomenon which is ever more being associated to the asylum system and migrants. Several CBSS member states have recently been exposed to fatal terror and the tragic terror attacks in Berlin on December 19, 2016 and in Stockholm on April 6, 2017 were both committed by rejected asylum seekers who had been legally ordered to leave the countries. Finland experienced its first such incident when an 18-year-old Moroccan asylum seeker killed two women and injured several others during a knife attack in the city of Turku on August 18, 2017. One of the consequences of these attacks has been increased focus and debate on the links between national security and migration, The main focus has been on how irregular migration and the asylum system could be misused by terrorist groups to infiltrate European countries and on how some rejected asylum seekers in return position would frustrated and vulnerable to radicalization. The Finnish authorities were already aware of the rising security threat from Jihadists both from outside and inside the country. A few months prior to the attack in Turku the Finnish Security and Intelligence Services, Supo, had updated their security assessment which stated that they had observed an 80% increase of potential “counterterrorism targets” in Finland since 2012.⁶²

In Sweden, it brought headlines when the Head of Säpo, the Swedish Intelligence and Security Agency, in an interview in June 2017 said, the numbers of Jihadi supporters in Sweden had increased from a couple of hundreds to thousands in a few years. The majority of terror supporters had Islamist ideologies, according to Säpo.⁶³ In Denmark 78 potential radicalized asylum seekers has been reported to the Danish Intelligence Service, PET, since 2016.⁶⁴

Although terror attacks are rare in Europe, they undoubtedly have a strong and immediate effect on the political decision makers which can be observed in almost all EU Member States, including CBSS members. There is a kind of chain reaction where a terror attack creates enormous fear and concern among citizens, as observed in table 4, which again leads to

immediate political decisions. As previously argued some of these decisions might increase tensions between diasporas/migrant communities and host populations, which further enhances polarization and potentially fertilize the ground for further radicalization.

In the aftermath of the attack in Stockholm political leaders in Sweden proposed tougher immigration rules. For example, it was discussed whether rejected asylum seekers should wear electronic anklets as a security measure.⁶⁵ Also in Germany and Denmark similar and other proposals has been discussed on a higher political level.⁶⁶

Like observed in many other EU countries one of the immediate consequences of the terror attack in Turku was the following political debate on migration, asylum and security. Recently, the Finnish government decided to earmark 17 billion Euro to internal security, and legislative changes will be made to the Aliens Act and Nationality Act.⁶⁷

The purpose of most terror organizations is to create fear and mistrust among populations which politically will have destabilizing effects on the state and state institutions. At the peak of the migrant influx in 2015 and 2016, it was evident that government institutions were concerned with any possible links between terrorism and the many newcomers, as this could have sparked even more instability and concern among citizens in receiving countries in a time already extremely volatile.

Although it should be emphasized that only very few terror attacks in Europe have been committed by migrants, asylum seekers and refugees,⁶⁸ it is a fact that this threat has increased and will continue to be a vital area of interest, not only for European authorities, but also for ordinary citizens and politicians. In this sense and in the bigger perspective the main security threat from terrorism and the links between terror and migration is not the attacks themselves but the concern, fear and hostility they create.

The sharp increase of migrants and refugees, predominately from Muslim countries, combined with deadly and striking terror attacks in European cities, committed by persons affiliated to or supporting extremist Islamist organizations, has not only increased concern and insecurity for the local populations in Europe, but has also had a negative impact for migrant and refugees, especially those of Islamic faith, who are increasingly being met with skepticism and mistrust by citizens in receiving countries. Increased discrimination, violence and attacks on asylum seekers and migrants have been witnessed in almost all receiving countries throughout Europe.⁶⁹

3.4 CONCLUSIONS - LOOKING AHEAD MIGRATION AND SOFT SECURITY PERSPECTIVES - HOW TO STRIKE THE BALANCE?

Today the EU has managed to partially regain control over its external borders and thereby reduce the irregular migratory flows significantly. This is mostly a result of the EU-Turkey deal, but also due to initiatives between EU Member States and agreements made with third countries outside Europe, some official, some perhaps less official.⁷⁰

However, the refugee situation in 2015/2016 clearly created political instability and concern among European citizens and politicians. These challenges combined with limited practical tools to regulate and control the number of arrivals who sought asylum in member states, resulted in a series of stricter national laws introduced to make it less attractive for migrations to choose their country as destination.⁷¹ These deterrence policies can be seen as an indirect consequence of lack of other options in order to regulate or control the number of asylum seekers, mostly due to international conventions and human rights law. In this perspective, the deterrence policies and race to the bottom between states not to attract asylum seekers is an unfortunate result of international conventions which the signatory states are legally obliged to respect, but at the same time, is under an enormous political and public pressure to regulate and reduce. This paradox has in recent years also paved the way for increased debate on how international human rights conventions are interpreted and whether they are too dynamic. Especially the EHRC has been under attack by several member states and also academic scholars. The "rivalry" between European states to deter and discourage asylum seekers from applying for asylum in their countries, a sort of passing the buck game, already took its beginning more than a decade ago.⁷²

Several reports and academic scholars have for years cautioned against states' stricter immigration laws related to immigration because of its negative implications on refugee and migrant rights.⁷³

As argued in this paper soft security implications are closely related and intertwined with traditional security issues, including the capability to control access to the state territory. Neglecting security issues related to massive migration and refugee in-flows, will be counterproductive and thus might worsen the soft security implications, also for future refugees and migrants arriving in Europe.

The main lesson learned from 2015-16 is the fact that unmanaged and massive influx of irregular migrants can have security implications for receiving states, potentially leading to political, social and economic instability, which again will have negative soft security consequences for local populations as well as for migrants and refugees. This lesson should automatically lead to another question, namely how European and the Baltic Sea States will prepare and manage future migratory and refugee challenges? Including a fair debate on Europe's capacity and political will to continuously receive migrants and asylum seekers through the current systems, which in many ways have turned out to be dysfunctional and inefficient to tackle the situation. The dilemma is clear as pointed out by Professor Nickolas Van Hear:

"The right of the greatest free movement possible, or the greatest possible choice as to whether to move or stay put, has to be balanced against the right of a community to determine its own composition and values."⁷⁴

How to strike this balance is the real challenge. In terms of solutions there is no single set of best practices which would be relevant for all European and Baltic Sea Countries. A commonly used argument and suggestion to policy makers, is to open more legal channels for migrants. The rationale behind is basically human smuggling and irregular migration is a consequence of lack of legal entries for both asylum seekers and migrants.

Whereas legal migration channels are positive, the reality is that the "demand" to migrate to countries in EU-28 will continue to increase, especially from countries that are relatively poor and less developed, primarily from Africa, the Middle East and South Asia. Standing alone, legal migration channels are simply not a sustainable and viable long term solution to solve the continuing migration pressure, due to structural demographic, social and economic changes in sending countries. Additionally, it raises other critical questions. What profile should a migrant have to be eligible for these programmes? The labour markets in EU-28 will in the coming years undergo dramatic changes mostly due to technological advances and development. Modern labour markets will increasingly demand highly specialized employees. Furthermore, millions of people from countries in the south and east of Europe have in recent years migrated towards the Nordic region, Germany, Ireland and the UK where legal migration combined with a demand for an increased workforce in certain sectors of the economy is also seen by some with skepticism.

While it is outside the scope of this paper to include the overall global refugee situation it is useful to consider some broader perspectives - especially the uneven distribution of resources allocated to refugees and displaced persons. In this regard, the current European asylum system is not only extremely expensive and administrative ineffective but is also unfair, since the system exclusively focus on the assistance to the relatively few migrants (in a global context) and refugees who are able to make it to Europe, while the majority of refugees and displaced people who are living in the conflict areas or neighboring countries receive progressively lower levels of assistance from the international community.⁷⁵

Europe and the Baltic Sea States still face conventional security threats. However, increasingly new asymmetric threats such as cyber-crime, irregular migration and climate change emerge. Contrary to common belief irregular migration should not be considered a soft security concern because of the direct physical threats such as possible terrorist posing as migrants, but rather due to a complex combination of consequences including the wider political, economic and social consequences of continued ill-managed mass migration.

Unfortunately, the mixed-migration pressure from unstable and poorer regions is likely to increase significantly in the coming years. Massive demographic and climate changes combined with socio-economic and political instability in typical migrant sending countries will exacerbate the current situation. Within the next 30 years the population in Africa will double from 1,2 billion to 2,4 billion people. The population in Nigeria alone will increase from 180 mill. to 400 mill. by 2050.⁷⁶ The population in Asia will increase steeply as well. In Pakistan the population will increase from 196 mill. to 310 mill. by 2050. The majority in these rapidly growing populations will be young people (62% of the population in e.g. Nigeria and Pakistan are below 24yrs.) who face high-unemployment rates and limited opportunities for social-economic development and social mobility while globalization makes the wealth of the North seem closer.⁷⁷

In summary, these bleak future developments only point to the urgency of rethinking the current dysfunctional system and to prioritize migration management in order to regain control. Simple adjustments to the system are unlikely to lead to

necessary changes in the long perspective, rather there is a need for a paradigm change. This is naturally easier said than done and there are no quick fixes. Instead there is a need for a well-coordinated combination of migration management, humanitarian assistance, political solutions, European and international collaboration, fair trade agreements and development assistance. There is a need for political will, diplomacy, private sector engagement and pragmatic strategies and international collaboration. A new migration management and asylum system should not be about providing less assistance to fewer people, but about assisting more people, more effectively, more fairly and in a way which does not jeopardize soft security and stability in receiving countries. This is a serious and enormous challenge, but also an opportunity. In the end, the real challenge is how to strike the balance between migrant's rights and state sovereignty and the rights of local populations in receiving communities to determine their own future through democratic means.

3.5 RECOMMENDATIONS

Rethink the current asylum migration system and migration management. Simple adjustments are unlikely to lead to necessary long term and sustainable solutions; rather there is a need for a paradigm change. This should be seen as a process and there is a need for further analysis and international dialogue.

Include soft security perspectives in future dialogues on migration management and irregular migration. Recognize the importance of striking the balance between migrant's rights, state sovereignty and the rights of local populations in receiving communities. Consider how to balance human rights, security and integration challenges.

New approaches and solutions should be holistic and multi-faceted and include a well-coordinated combination of migration management, humanitarian assistance, political solutions, European and international collaboration, fair trade agreements and development assistance.

New solutions also require political will, sound diplomatic judgement, private sector engagement and pragmatic strategies and international collaboration.

A new migration management and asylum system should not be about providing less assistance to fewer people, but about assisting more people, more efficiently, in a way which does not jeopardize soft security and stability in our own countries.

A paradigm change is an enormous challenge, but also provides an opportunity to include mainstream migration and security perspectives into several other political agendas such as trade, labour rights and environmental preservation.

4.

**SAFEGUARDING THE RIGHTS
OF MIGRANTS – REDUCING THE
RISK OF EXPLOITATION AND
TRAFFICKING**

BY BJARNEY FRÍÐRIKSDÓTTIR

4.1 INTRODUCTION

A human rights-based approach to migration governance of forced migration can contribute to addressing the soft security concerns of states that are receiving large numbers of asylum seekers, refugees and victims of trafficking in human beings. Implementing this approach also addresses general security issues while it entails granting forced migrants secure legal statuses, rights and assistance, which reduce the vulnerability of forced migrants as regards exploitation and social exclusion. The aim of this chapter is two fold firstly, to outline and discuss the main international human rights standards in the context of migration governance, particularly the principles of equal treatment and non-discrimination as fundamental principles that should be guaranteed to forced migrants. Secondly, to present the core issues raised in the discussion of Working Group III, along with recommendations and conclusions on how to increase and ensure human rights protection for forced migrants.

The human rights regime does not challenge the sovereign right of states to govern access of foreigners to their territory. But the rights of migrants enshrined in international and European human rights law, refugee law and international labour law are standards that must be adhered to in all aspects of migration governance. They are not optional but obligatory for state authorities, and state officials must act in accordance with them in all their actions regarding foreigners, both at the border and within the territory of the state. Given this fact, states should adopt a human rights-based approach to migration governance, whatever their overall strategic or specific objectives in governing migration are. Taking a human rights-based approach can safeguard both the security of individual migrants and the soft security concerns of the state receiving the migrants. It requires that the state has a sophisticated system for identification of vulnerable migrants in place, such as asylum seekers and victims of trafficking, and the ability to offer them protection and services both at the border and once they are within the territory of a state.

4.1.1. A HUMAN RIGHTS-BASED APPROACH TO MIGRATION GOVERNANCE

The United Nations Office of the High Commissioner for Human Rights (UNOHCHR) defines international migration governance as “a process in which the combined framework of legal norms and organizational structures that regulate and shape how states act in response to international migration, addressing rights and responsibilities and promoting international cooperation.”⁷⁸ To establish a common definition of a human rights-based approach to migration governance, it is worth quoting in full the UNOHCHR’s formulation of the value and function of a human rights-based approach in migration governance policies:

“A human rights-based approach is normatively based on international human rights standards and operationally directed to respecting, promoting, fulfilling and protecting human rights. Applied to international migration governance, two main rationales for implementing a human rights-based approach to migration can be highlighted: (1) the intrinsic rationale, acknowledging that a human rights-based approach is the right thing to do, morally and legally, and (2) the instrumental rationale, recognizing that a human rights-based approach leads to better and more sustainable outcomes. In practice, the reason for pursuing a human rights-based approach will be a blend of these two.

The underlying feature of a human rights-based approach identifies rights holders, who have a claim to certain entitlements, and duty bearers, who are legally bound to respect, protect and fulfil the entitlements associated with those claims. Such an approach works towards strengthening the capacities of rights-holders to make their claims, and of duty-bearers to meet their obligations. In the context of migration governance, it is all the more attractive because the approach elevates policy goals and practices to recognized normative standards and principles with international legitimacy, thus providing a universal and clear vision of implementation by States. A human rights-based approach to migration brings the treatment of migrants as human beings to the forefront of all discussions and programming on migration, underlined by the fundamental principles of non-discrimination, empowerment, participation and inclusion, and accountability.”⁷⁹

4.1.2. UNIVERSAL APPLICABILITY OF HUMAN RIGHTS

Everyone is entitled to enjoyment of their human rights and all governing bodies of states that have ratified human rights instruments have the duty to respect and protect the human rights of everyone at their borders and within their jurisdictions. This duty applies both to the citizens of the state in question and foreign nationals and is based on the fundamental human rights principles of equality and non-discrimination.

The principle of non-discrimination is enshrined in all human rights instruments and the personal scope of all the core international and European human rights instruments extends to 'everyone'. Additionally, these instruments stipulate that the rights set forth in them shall be granted on the basis of equality. This is by many regarded as the single most important feature of human rights law, and it is "based on the belief that differential treatment, due to special features of a person or of a group to which a person belongs, is not in accordance with the principle of equality in rights."⁸⁰ The principle "which unifies and underlies [the human rights system] is universality, 'Everyone' is protected, and human rights are linked not to citizenship but to a common humanity."⁸¹

The principle of equality first appeared as a general principle at the international level with the adoption of the Charter of the United Nations in 1945.⁸² The UN Charter calls for the various activities and programmes of international cooperation to be implemented without distinction as to race, sex, language, or religion⁸³ and universal respect for, and assistance in the realization of human rights and fundamental freedoms for all.⁸⁴ In 1948, three years after the founding of the United Nations, the Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly. The personal scope of the UDHR is 'everyone' and its non-discrimination clause provides that everyone is entitled to all the rights and freedoms set forth in the declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁸⁵

International human rights instruments adopted by the United Nations have been developed based on the principles enshrined in the UDHR. In a final report on the rights of non-citizens put forth in 2003, behind which was a review of all United Nations human rights law, Weissbrodt, who was temporarily appointed a Special Rapporteur on the rights of non-citizens, concluded that the instruments provided that "all persons should by virtue of their essential humanity enjoy all human rights unless exceptional distinction, for example between citizens and non-citizens, serve a legitimate State objective and are proportional to the achievement of that objective."⁸⁶ Furthermore, that "while all human beings are entitled to equality and dignity and rights, States may narrowly draw distinctions between citizens and non-citizens with respect to political rights explicitly guaranteed to citizens and freedom of movement."⁸⁷

Nationality is not among the prohibited grounds of discrimination listed in the major United Nations or European human rights instruments, except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which explicitly prohibits discrimination based on nationality. The Human Rights Treaty Bodies overseeing the implementation of human rights instruments have however interpreted their personal scope as prohibiting discrimination based on nationality.

The principle of non-discrimination is applicable to border measures and border policies of states which must ensure that their border measures do not discriminate against migrants on the basis of national or social origin, religion, race, colour, age, sexual orientation or gender identity, political opinion, migration status and economic or social situation.⁸⁸ Arbitrary arrest and detention of migrants at borders is prohibited by international human rights law⁸⁹, as well as collective expulsion of migrants⁹⁰ and returning migrants to a state where they are at a danger of being subjected to torture, inhuman, degrading treatment or punishment.⁹¹

The International Covenant on Economic, Social and Cultural Rights (ICESCR) has been declared to apply to "everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation."⁹² To ensure for example that everyone can enjoy the right to social security, States parties "should give special attention to those individuals and groups who traditionally face difficulties in exercising this right," including the unemployed, workers inadequately protected by social security, persons working in the informal economy, sick or injured workers, refugees, asylum-seekers, internally displaced persons, returnees and non-nationals.⁹³

Regarding the position of non-nationals (aliens) under the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee has provided that “the general rule is that each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens,” and that aliens “receive the benefit of the general requirement of non-discrimination in respect of the rights guaranteed in the Covenant.”⁹⁴ In relation to the fact that although the Covenant does not “recognize the rights of aliens to enter or reside in the territory of a State party”, it has been reiterated that however, “once aliens are allowed to enter the territory of a State party they are entitled to the rights set out in the Covenant.”⁹⁵

4.2. CONTEXT AND TRENDS

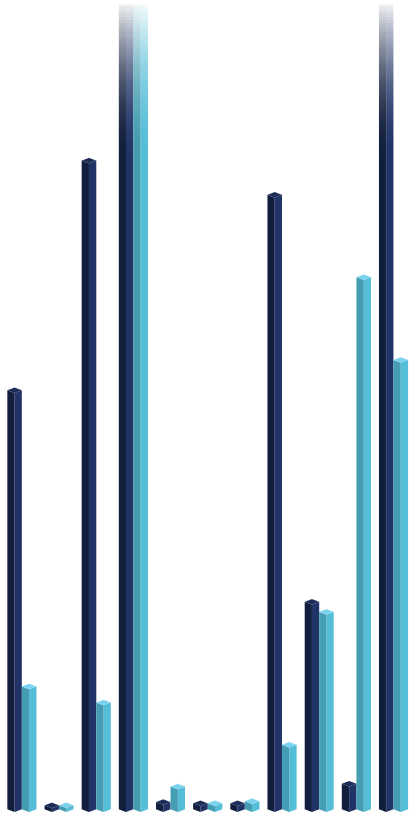
Protection of the human rights of asylum seekers/refugees, trafficked persons and persons detected as irregularly present, is a challenge to state and local authorities in a non-emergency situation. In cases of large numbers of arrivals, such as in 2015 and 2016, when several member states of the CBSS received significantly higher numbers of asylum seekers than in the preceding years, the lack of administrative capacity to address such situations and correctly identify the protection needs of each person added to that challenge.

In 2015 Germany received 441.800 asylum applicants and 722.300 in 2016, Sweden received 156.100 in 2015 and Poland 10.300 in 2015 and 9.800 in 2016. The Russian Federation registered 26.410 asylum seekers in 2016 and Denmark, Finland and Norway also received increased numbers of asylum seekers in 2015 in particular. Finland registered 32.200 asylum seekers, Norway 30.500 and Denmark 20.800.⁹⁶ As can be derived from Table 6, the member states of the CBSS were disproportionately affected by increased numbers of asylum seekers seeking protection in Europe; seven out of the eleven member states received large numbers of asylum seekers. The majority of the total number arriving in CBSS member states is however concentrated in Germany. Table 7. shows the number of first instance and final decisions on refugee status in all CBSS member states except the Russian Federation for which statistics are not available. It cannot be assumed that the decisions taken on refugee status in 2016 are all for applications lodged in that year, but the information indicates that the levels of first instance decisions taken in 2016 ranges between 12 -57% of all asylum applications lodged in 2015 and 2016 in CBSS member states. The lowest level of recognition is in Poland, 12% and the highest in Norway, 57%. In Finland, Germany and Sweden the rate is around 55%, in Estonia and Latvia 50%, in Lithuania 42%, in Denmark it is 39% and in Iceland 33,5%. These numbers show that although most CBSS member states have coped quite efficiently with addressing asylum applications of large numbers of persons in a short period, that at the end of 2016, there were more than 710.000⁹⁷ asylum applications lodged in 2015 and 2016 still without final decision at the end of 2016. In Germany 533.000 of those and 82.900 in Sweden.

Table 8 presents the number of persons apprehended as irregularly present in nine CBSS member states in 2016. There can be various reasons for this status, such as that a residence permit is no longer valid and has not been renewed and irregular entry.

TABLE 6.

Numbers of new asylum requests in 2015 & 2016 in CBSS member states

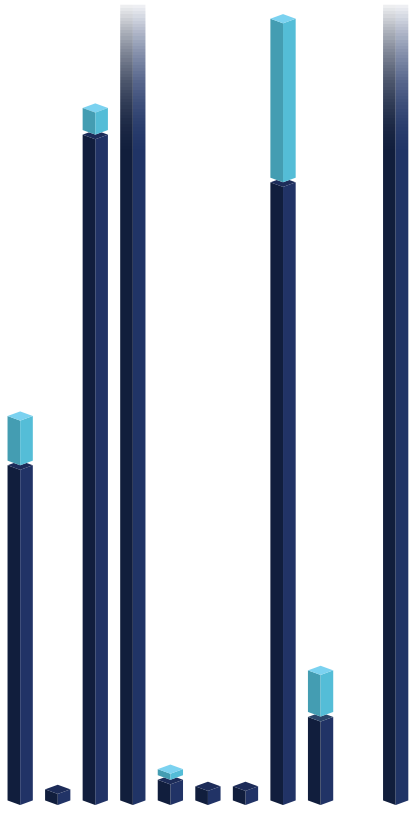


| | | |
|---|------------------------------------|-----------------------------------|
| Denmark 20.800 6.100 | Estonia 200 200 | Finland 32.200 5.300 |
| Germany 441.800 722.300 | Iceland 360 1130 | Latvia 300 300 |
| Lithuania 300 400 | Norway 30.500 3.200 | Poland 10.300 9.800 |
| The Russian Federation 1267 26.410 | Sweden 156.100 22.300 | |

Source: Eurostat: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics except for Iceland and Russia OECD: <http://www.oecd.org/migration/keystat.htm>

TABLE 7.

Numbers of *first instance* and *final decisions* on refugee status in CBSS member states in 2016

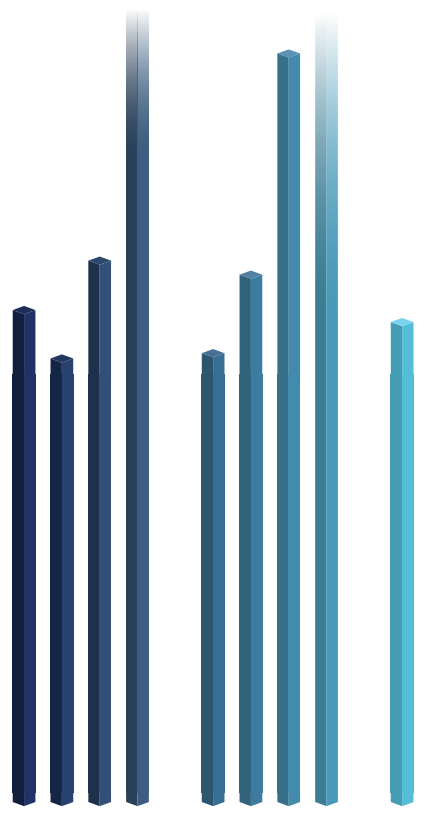


| | | |
|---|-----------------------------------|---------------------------------|
| Denmark 10.400 1.400 | Estonia 200 0 | Finland 20.800 700 |
| Germany 631.100 123.700 | Iceland 500 200 | Latvia 300 0 |
| Lithuania 300 0 | Norway 19.300 5.000 | Poland 2.500 1.300 |
| The Russian Federation | Sweden 95.500 11.800 | |

Source: Eurostat: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

TABLE 8.

Numbers of persons apprehended as irregularly present in CBSS member states in 2016

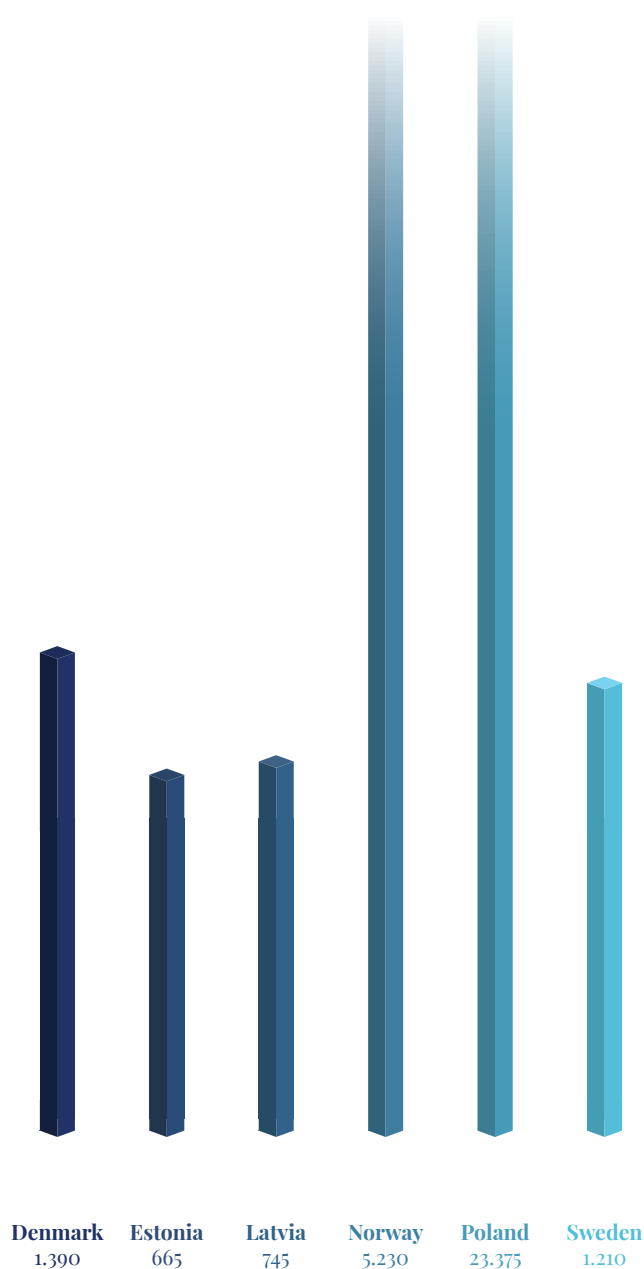


| | | |
|--------------------------------------|------------------------|-------------------------|
| Denmark 1.390 | Estonia 665 | Finland 2.130 |
| Germany 370.555 | Iceland ... | Latvia 745 |
| Lithuania 1.920 | Norway 5.230 | Poland 23.375 |
| The Russian Federation ... | Sweden 1.210 | |

Source: Eurostat: http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_enforcement_of_immigration_legislation

TABLE 9.

Numbers of persons returned to country of origin from CBSS member states in 2016

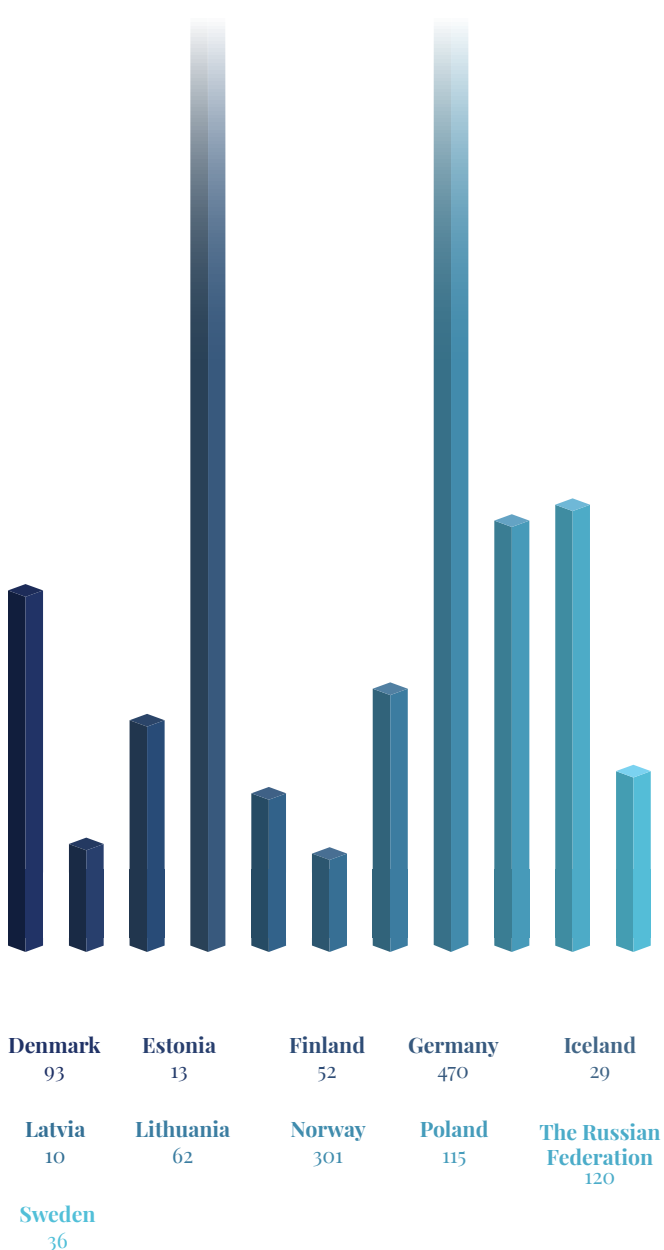


Statistics are not available on other CBSS member states – Source Eurostat: http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_enforcement_of_immigration_legislation

Table 10 gives information on the number of persons identified as victims of trafficking in human beings in CBSS member states in 2015, 2014 in the case of the Russian Federation. The total number is 1.301 persons, including 29 potential victims in Iceland. This low level of identification of victims can hardly be taken as comprehensive or even indicative of the scope of the issue in the Baltic Sea Region. It is rather to be interpreted as demonstrative for the low levels of recognition and/or identification of persons as victims of trafficking in human beings.

TABLE 10.

Number of persons identified as victims of trafficking in CBSS member states in 2015 (2014 in the case of the Russian Federation)



One of the conclusions that can be drawn from examining the information put forth in Tables 6. to 10. comprehensively, is that there are significant numbers of persons present in CBSS Member States without secure legal statuses. Those are persons who have applied for asylum and are waiting for their application to be processed, persons who are irregularly present but have not been returned to country of origin and victims of trafficking in human beings that are not recognised as such. Low levels of recognition of persons as refugees and victims of trafficking in human beings and non-return or provision of secure legal statuses to those who are found to be irregularly present within the territory of a state create situations of vulnerability for the persons in these situations. It is in the context of these challenges, partially created by the trend of large groups arriving and not receiving formal statuses that the human rights protection of vulnerable groups of migrants was discussed in the working group.

Implementing a human rights-based approach in mixed migration situations with considerable numbers of migrants, is a challenge for all states as it requires that border officials have sufficient knowledge and resources to identify vulnerable migrants and that there are facilities and services in place to protect them. It is costly and time consuming. States will have to provide both personnel and material resources to administer these types of situations. It is, however, an obligation they have undertaken by ratifying human rights instruments. Such an approach will be beneficial in various ways for the state while correct identification and protection provided at the border will contribute to safeguarding the soft security concerns of the State.

As concerns migrants who are present within the territory of a state, a human rights-based approach entails that all human rights standards relevant to the situation of vulnerable migrants such as asylum seekers, failed asylum seekers, refugees, victims of trafficking in human beings and irregular migrants are respected, including international labour standards. Failure to respect and protect the human rights of forced migrants can negatively affect both individual migrants and society in general. It can expose vulnerable migrants to severe forms of exploitation, lead to social dumping in the labour market and prevent integration of migrants into the host society which disrupts social cohesion.

Granting migrants who are regularly present within the territory of a state the right to equal treatment with nationals and ensuring that those irregularly present enjoy fundamental human rights contributes to and promotes social inclusion and is one of the fundamental contributing factors to integration, both of which contribute to social cohesion. Irregular migrants who are in employment can be taken as an example. These migrants can be persons whose resident and work permit has expired or their asylum claim has been rejected, but they are still present within the jurisdiction of a state and in employment. They are in a vulnerable position in the labour market and their fundamental social rights and rights at work are violated which puts them at risk of further exploitation. State policies toward these migrants are often punitive, they are considered as 'illegal' persons, their presence and activities criminalized but they are 'tolerated'. It is regarded as migration control problem rather than an administrative problem. They are not regularized nor deported so they have no secure legal status. This situation can have the effect "of increasing and entrenching undeclared work and will make it harder, not easier, to effectively address the problems associated with irregular migration, including the denial of rights of irregular migrants." Secondly, it endangers integration measures through the stigmatization of employment of migrants, whereby they are subject to procedures that question their right to reside in the country on a regular basis. This is considered to possibly, at the most extreme end, result in employers deciding it is 'too much trouble' to employ non-nationals, leading to nationality discrimination.⁹⁸ Thus, the negative status ascribed to irregular migrants in employment by classifying them as 'illegal' may directly result in discrimination based on nationality.

4.3. ANALYSIS OF KEY CHALLENGES, GAPS AND BOTTLE NECKS AND HOW TO ADDRESS THEM

The objective of the working group was to discuss current practices, gaps and challenges and best practices in migration governance in CBSS Member States in the context of human rights standards and to identify forward looking strategies and recommendations based on the discussion. The discussion in the working group was divided into two parts, the first part focused on general human rights standards in relation to migration governance and the second part on protection of vulnerable groups such as asylum seekers and refugees, victims of trafficking in human beings and irregular migrants, or those with insecure legal statuses but present within the borders of a state and the role of human rights in ensuring their protection. Representatives from all CBSS Member States participated in the discussion and among them were government officials, specialists from public institutions and non-governmental organizations providing services to asylum seekers and victims of trafficking in human beings, staff of immigration services and international organisations as well as researchers and policy makers.

4.3.1. DISCUSSION - HUMAN RIGHTS AND MIGRATION GOVERNANCE

In a general discussion about a human rights-based approach to migration governance, the working group agreed that such an approach does not constrict states in implementing their migration governance policies with regards to regular migration. With respect to forced and irregular migration however, there is lack of political will to grant rights and secure legal statuses to persons while it entails providing them with protection and services.

Integration measures for migrants already present within the territory of a state were taken as an example of policy measures that call for a human rights-based approach while granting persons secure legal statuses with the same rights as nationals in all matters that concern their daily life such as education, labour market participation, family matters and cultural participation is seen as a fundamental tenant in granting migrants access to society and provide for their inclusion which then creates conditions for achieving general social cohesion. In this context, integration policies must be based on human rights while they are an important in making the most of the resources provided by migration. The right to equal treatment is central to integration, in particular to labour rights, and policies that discriminate and/or differentiate between persons should not be accepted within European nation states. As regards enjoyment of rights, any migrant, forced or voluntary is in a vulnerable situation due to being a foreign national irrespective of her/his status and the idea of it being alright to treat them differently from nationals “because here they are anyway better off than in their country of origin” is dangerous both for the individual and the society as a whole.

Human rights play an important role in ensuring that migrants are not exploited and lack of solidarity among the countries in the Baltic Sea Region was mentioned in this context. Some countries may even deliberately design reception and integration measures with the aim to remain transit countries. The member states of the CBSS have different strategic objectives when it comes to migration and integration of migrants, both regarding forced and voluntary migrants and related to these objectives there are several layers of complexities and negative rhetoric about migrants and refugees to support these objectives. In many countries forced migrants are portrayed and perceived as threats to the local communities, particularly if they are seen as a separate community from the local population. To address this, there is a need to increase interaction and dialogue between migrants and the host community. Organisations working on migration policy, protection and services should be working with the migrant population rather than talking for them.

As regards the link between a human right-based approach and soft security, the objectives of the two approaches are the same: inclusion of migrants. However, it is not only the migrant population that needs to ‘integrate’ but also the host population. Local level authorities and community based organisations should be supported in implementing integration projects based on a soft security approach. A discussion on the definition of the soft security concept provided that it entails defining security risks within the theoretical framework of soft security using a dialogue instead of creating threats. It includes the promotion of social inclusion, integration and cohesion and is meant to empower the most vulnerable and establish communication and dialogue between migrants and host communities. The approach is perhaps more useful at the local level than on the national one, because it assumes the abolishment of an *us - them* dichotomy between migrants and the host

population in order to achieve better integration. While all groups of migrants, both forced and voluntary, asylum seekers and refugees can be included under the umbrella of the soft security approach, it is not a homogenous group by any means.

The human rights agenda is missing in the context of asylum policy. Often when discussing migrant's rights in that context, human rights become selective and hard security measures take the lead in the forced migration discourse. In the public discourse about migration, it is frequently maintained that local inhabitants are disadvantaged as compared to asylum seekers and refugees who are given protection, assistance and access to services by the authorities. That due to this, they are better off than the locals and the locals therefore treated unequally. This kind of discourse is often more prevalent in countries where the general economic and social situation is difficult and there are high levels of unemployment. However, the needs of refugees and asylum seekers as regards protection, services and integration are different from the majority of the local population. There is a need for this type of "positive discrimination" to invest in, and support the refugee population to ensure integration which will then both benefit the individual refugee and the local community.

Mixing the concepts 'migrant' and 'refugee' in public discourses is frequently deliberate. Refugees are presented as economic migrants and local populations are not aware of how serious the violations against the refugees are in their country of origin due to the simplification in talking about everyone as a migrant. In relation to this, there is a need to make a clear distinction between labour migrants and refugees in public discourses and for a rights-based approach to refugees to be applied on the basis of the Geneva Convention. In public discourses, there is some confusion about when a refugee becomes a refugee, that is, whether it is when their application is accepted and the formal status as a refugee granted, or that the acceptance of the application is only an affirmation of a person's status as a refugee, while persons become refugees when they flee their home country because of a conflict. The differences in use of terminology from country to country as well as differences in definitions of concepts, are often deliberate while the definition of a 'refugee', or recognizing a person as a refugee in accordance with the Geneva Convention creates clear responsibilities for the state.

While on the one hand it is accurate to state that there is a "refugee crisis without refugees" in some countries in the Baltic Sea Region, the situation in other states is that the number of refugees present is significantly higher than the number of persons recognized as refugees. In the Russian Federation for example, there are around one million persons from Ukraine recognized as refugees, but the actual number of those who would qualify as a refugee in accordance with the Geneva Convention is ten million. Only around 10% of all refugees in the Russian Federation have been granted a refugee status. In St. Petersburg, only 25 have a refugee status and approximately 16 000 people have subsidiary protection. These different statuses come with differences in rights which also affects the possibilities the refugees have to integrate in society which was considered disadvantageous to individual refugees and society as a whole. Thus, it would be preferable to grant all refugees the same rights, independent of which 'type' of refugee they are considered to be.

Activities that focus on the right to cultural participation as means to prevent social exclusion of migrants is a particularly effective tool to work towards integration in host communities. Events related to culture and art provide for space for migrants to express themselves, make use of their talents and education as well as cooperation and interaction between the migrant community and the host community.

The City of Helsinki Cultural Office seeks to develop a culturally rich and diverse capital region in which culture is a universal right. The cultural policy of the City of Helsinki also aims to improve the quality of life of Helsinki residents, promote community spirit and well-being, prevent social exclusion and develop a diverse city. In August 2016, the City of Helsinki Cultural Office launched a project engaged in coordinating reception centers, asylum seekers, volunteers, partners and communities and different departments of the Helsinki Cultural Office. The coordination aims at promoting the existing cultural events in the cultural office venues, supporting migrant talents in the cultural centres, and developing a model for participatory local cultural work with immigrants and communities in Helsinki.

The goals of the project are to promote the activities that are organized by the venues of the Helsinki City Cultural Office among immigrants; to provide for immigrants, communities and Helsinki based migrant talents an orientation to the cultural centres in Helsinki; assist asylum seekers and refugee artists in obtaining access to perform in Helsinki cultural centres that reflect their skills, so they can be part of the artistic life in the city; support cultural initiatives of communities, and contribute with the Cultural Office's producers to develop various cultural events for immigrants. Since April 2017, the Cultural Office has been implementing participatory coordination with different partners to promote the orientation of immigrants and communities by organizing visits for students in Finnish language courses to the Cultural Office's venues to explore its activities and possibilities of internships.

4.3.2. PROTECTION OF VULNERABLE MIGRANTS

One of the major challenges to protection of forced migrants, asylum seekers, refugees and victims of trafficking in human beings is the lack of identification of their status and protection needs at borders and in reception centres. Due to insufficient knowledge of the protection standards for each group, forced migrants are often seen and treated as violators of immigration law by the law enforcement authorities and are not seen as persons with a right to protection. Lack of education and training of border guards and police officers is a significant contributing factor in creating this situation. Lack of political will and corruption within agencies of the state are also a contributing factor to not ensuring that claims of persons arriving at the border seeking protection are adequately addressed. The role of NGOs and other independent actors in monitoring and follow up on the case management at the border and in reception centres is crucial to prevent this.

Lack of adequate human resources and time are a major obstacle to accurate identification and protection in situations where large numbers of persons arrive at the borders of a state in groups and/or during a short period of time. For example, 600-800 persons are reported to arrive every day at the border between Belarus and Poland and border guards, due to insufficient training and knowledge to identify vulnerable persons with psychological problems or victims of torture for example, hinder the correct identification of protection needs at the border. The states are encouraged to allocate sufficient human resources to ensure proper identification of vulnerable persons and to involve the immigration police in providing or identifying necessary services for persons in need of protection more quickly.

Sweden has set up procedures at its borders to ensure that victims of trafficking in human beings and traffickers as well are identified at the border and that the victims are referred to the relevant organisations or institutions for assistance. A special structure has been created, which recognizes different indicators. Correct identification is considered to contribute to addressing other security concerns as well and that preventing human trafficking helps in fighting other kinds of crime. Therefore, sufficient human resources spent on identification at the border are considered of utmost importance.

It is clear that national authorities in the CBSS Member States should increase information sharing, cross-referencing of information and coordinate their work better to prevent trafficking in human beings in the region.

In Estonia, the presence of forced migrants is a sensitive topic and there is a pressing need to increase information and dialogue on tolerance and acceptance. The protection needs of refugees and victims of trafficking in human beings are not met due to lack of knowledge of protection standards within the police and the lack of ability of the police and border guards to address the situation. This has resulted in forced migrants being treated as criminals and in case of trafficking in human beings there is a need to shift the focus as regards criminal law to perpetrators instead of criminalization of the victims. To achieve this, the involvement of the local community and grassroots organisations in protecting migrant's rights and reducing risk of exploitation is important. Local actors are often in a position to identify victims within the community and provide services to them more efficiently than state agencies. Equally important is a reform of the legal system and working methods of government agencies who are currently not employing procedures that enable identification of victims of trafficking in human beings and other forced migrants in vulnerable positions. Persons found to be trafficking victims need to have official recognition and access to protection.

HAPKE 3 PROJECT

The Hapke 3 project which centres on services for vulnerable asylum seekers is implemented in the Joutseno and Oulu asylum reception centres in Finland by the Asylum, Migration and Integration Fund (AMIF) and supported by the EU. The main target group of the project is single women who have experienced violence and are asylum seekers. The basis for the project is found in the Finnish Reception Act which provides allowance that the special needs of vulnerable clients shall be taken into consideration throughout by providing information and guidance, accommodation, subsistence support, social services, health services, interpretation and translation, work and study activities, including Finnish language teaching, assisted voluntary return and national assistance system for victims of trafficking. Three of the main pillars of the project are identification and assistance, participation and protection.

To ensure correct identification of the protection needs of individual women and provide them with the assistance needed to address their situation, the project puts an emphasis on building the capacity of specialized staff such as social workers and nurses. They are trained in giving psychological first aid in the reception centres. To ensure participation and adequately meet the needs of the women clients in the asylum centres and guarantee that the voices of women are heard, views of

those in a vulnerable situation have been gathered through general client survey. The survey revealed that women in a vulnerable situation are less likely to participate independently and less likely to talk in front of others or to persons in position of authority. To address this, trusted interviewers, focus groups and individual interviews have been utilized to empower the women and the information gathered from these have been followed up with activities to ensure a visible response to the issues raised. For addressing protection needs, counsellors and therapists have led group activities where the women have developed 'how to' guides for other women. Targeted support services (personal guidance) have been provided for women in a vulnerable situation and to ensure inclusive response to security, safety walks for the reception centres are implemented regularly to familiarize the clients with the surroundings of the centres and obtain information to make the centres more inclusive, gender equal and democratic.

In many countries, such as Latvia, identification of victims of trafficking in human beings is not only seen as crucial for the protection of the victim nor in relation to possible prosecution of the perpetrator. Access to assistance should not be made conditional upon victims' cooperation in a criminal case as it often puts undue pressure on them. The focus should be shifted from the person's legal status to the protection needs of the person and providing adequate assistance. The authorities should refrain from approaching victims of trafficking in a search for the 'perfect victims' and focus on the assisting them. Trust is a key issue in terms of addressing trafficking in human beings and the law enforcement approach is less likely to establish trust with the victims than the human rights approach. Victims of trafficking in human beings should have the chance to be granted asylum, refugee status or other protection statuses since trafficking is not only a crime, it is also a violation of the fundamental human rights of the victim.

Low levels of recognition of cases of trafficking in human beings for labour exploitation is a serious concern in most of the CBSS Member States. Possible reasons for this are the inability of government actors to distinguish between exploitative labour conditions and trafficking for forced labour and that the victims do not necessarily see themselves as victims even though they are working in conditions that constitute forced labour. Although there have been criminal cases on trafficking for labour exploitation, for example in Finland, efforts to prevent and reduce the phenomena in the region are considered inadequate. To address these shortcomings, it is necessary to raise awareness among public officials to challenge the belief that the victims, even if exploited, are better off while they "are receiving better wages here than in their countries of origin". Labour unions and labour inspectors need to be more involved in addressing the problem through their monitoring activities and diverse actors from the private sector such as contractors and recruitment and employment agencies as well. It must be ensured that the work against trafficking in human beings is done together with the victims since it is the most important way to reach them and to understand them.

Failure to recognize and address the nexus between asylum and trafficking in human beings has serious consequences in the member states that have received substantive numbers of asylum seekers and where asylum seekers are present with insecure legal statuses while a decision on their claim to asylum is pending. Another problematic aspect of this nexus is that most states do not acknowledge that victims of trafficking in human beings may have a ground for receiving asylum status in the country into which they were trafficked, because they are not permitted access to the asylum procedure to claim asylum. A starting point for reducing risks of exploitation is admitting and fully recognizing that all forced migrants irrespective of their status, are at risk of being exploited and this continuum of exploitation should be addressed. Even though initial identification at the border can be crucial for providing protection, one of the most important means to address these situations is to provide for a continuing process of identification of the vulnerabilities and threats to the personal security, asylum seekers may be facing after they have been admitted into the territory of a state as applicants for asylum. This can be achieved by continuous monitoring and interviewing of asylum applicants in reception centres.

Failed asylum seekers who have not been granted other secure legal status and have not been returned or returned voluntarily, and irregular migrants present within the territory of a state and not returned, are a group in need of protection that receives insufficient attention. The basic human rights of persons who fall into this group are usually not explicitly guaranteed in national law in accordance with international and European human rights law. Their presence within the borders of a state is often 'tolerated' but not officially acknowledged in order to avoid the obligation to offer them secure legal statuses. This leaves irregular migrants extremely vulnerable to exploitation in the labour market and to other forms of exploitation while they often conduct their daily life so as to avoid detection. The act of governments to ignore participation of irregular migrants in the labour market in exploitative conditions while economic benefits can be gained from low production costs created by these exploitative conditions, constitutes social dumping and is a violation of the human rights of these migrants as well as their rights at work.

4.4. CONCLUSIONS - DILEMMAS AND CHALLENGES FOR THE FUTURE

Implementing a human rights-based and soft security approach is essential in all aspects of migration governance, in the entire continuum of processes from arrival of forced migrants at the borders of a state to integration as residents at the local level. Lack of political will, insufficient knowledge of human rights standards, refugee law and adequate protection responses as well as lack of human and material resources in implementing these approaches, are the main challenges in ensuring that forced migrants receive the protection and services needed. The considerable increase in numbers of asylum applications and large numbers of persons arriving at the borders of several of the member states of the CBSS in 2015 and 2016 posed a significant challenge to the institutions and agencies responsible for providing protection and services to forced migrants.

Two main challenges for the future can be identified from the discussion in the working group. Firstly, to ensure that those migrants who are already present in CBSS Member States as asylum seekers, refugees, failed asylum seekers, victims of trafficking in human beings and irregular migrants, are provided with protection and services based on the human rights they are entitled to enjoy in accordance with international and European human rights law and international refugee law. Secondly, to guarantee that the public institutions and agencies responsible for providing forced migrants with protection and services have the capacity to respond to the protection needs of each individual person in any situation, including those who are counted as part of large groups of persons arriving at the border during a short period of time.

4.5. RECOMMENDATIONS

Train border guards and police officers and provide sufficient human and material resources to ensure the correct identification of forced migrants at the border.

Establish procedures among all actors involved in migration governance and services to ensure follow up on the personal situation of asylum seekers, refugees and victims of trafficking in human beings to address situations of vulnerability and/or exploitation that may endanger their safety and well-being.

Implement proactive measures to prevent forced migrants with insecure legal statuses from becoming victims of trafficking in human beings or other severe forms of exploitation.

Implement integration measures at the local level based on a soft security and human rights-based approach.

Provide secure legal statuses and protection of the basic human rights of failed asylum seekers and irregular migrants who cannot be returned or are awaiting return to their country of origin to protect them from exploitation and abuse.

5.

**CONCLUSIONS AND LOOKING
FORWARD - BALANCING SECURITY
AND HUMAN RIGHTS AND
INTEGRATION**

CONCLUSIONS AND LOOKING FORWARD - BALANCING SECURITY AND HUMAN RIGHTS AND INTEGRATION

The large numbers of asylum seekers seeking protection in CBSS Member States in 2015 and 2016 posed logistic, administrative and political challenges in the states receiving the largest numbers of asylum seekers. The realities of receiving and housing newly arrived migrants, processing their applications, and making choices regarding their paths to integration proved difficult. These challenges were combined with what has been regarded by some state authorities, as limited practical tools to regulate and control the number of arrivals of those who sought asylum, due to international conventions and refugee law. This resulted in a series of stricter national laws introduced to make it less attractive for new arrivals to choose their country.⁹⁹ These deterrence policies can be seen as an indirect consequence of lack of other options to regulate or control the number of asylum seekers. In this perspective, the deterrence policies and race to the bottom between states not to attract asylum seekers is an unfortunate result of international conventions which the signatory states are legally obliged to respect, but at the same time, are under an enormous political and public pressure to regulate and reduce. This paradox has in recent years paved the way for increased debate on how international human rights convention are interpreted and whether they are too dynamic. Especially the European Court of Human Rights (ECHR) has been under attack by several states and academic scholars. This is not a new phenomenon. The “rivalry” between European states to deter and discourage asylum seekers from applying for asylum in their countries, a sort of passing the buck game, already started more than a decade ago.¹⁰⁰ Asylum seekers are often well informed and migrate strategically, seeking to arrive in countries where the possibility for refugee status or other forms of legal permits to stay are high. Other factors include, for example, the time frame for family reunification, employment opportunities, housing and social benefits, which asylum seekers examine prior to “choosing” their destination country.¹⁰¹

Several reports and academic scholars have for years cautioned against states’ stricter immigration laws because of the negative implications for refugee and migrant rights.¹⁰² As argued in this report soft security implications are however closely related and intertwined with traditional security issues, including the ability to periodically limit access to the state territory. Neglecting the importance of new asymmetrical security challenges, including issues related to large scale migration and refugee in-flows, will be counterproductive and might have negative soft security implications for refugees and migrants. Challenges to the universal application of human rights standards is by no means new, particularly not when it relates to protecting the rights of non-citizens, nor did the voices advocating for absolving states from the obligation to protect refugees that seek asylum on their territory start in 2015. In that context, it is important to recall that governments have ratified, and agreed to be bound by the standards of international and European human rights treaties and the Refugee Convention willingly. Those governments have the prerogative to denounce these at any time, should they choose to do so. No nation state is coerced to be bound by these instruments. When discussing forced migration characterized by a large number of persons leaving a specific country or region in a short period of time, it is evident that political actors use different rhetoric in the domestic debate on the issue than in international forums where refugee movements are discussed in the context of the problems caused by ongoing wars or political persecution by repressive governments. In September 2016 the discussion on the New York Declaration for Refugees and Migrants in the United Nations General Assembly, in which all CBSS Member States are represented, the governments of all UN Member States agreed that the challenge concerning large movements of refugees and migrants “is above all moral and humanitarian,” and that the State’s party to the UN have a “shared responsibility to manage large movements of refugees and migrants in a humane, sensitive, compassionate and people-centred manner.” Furthermore, that these large movements of “refugees and migrants must have comprehensive policy support, assistance and protection, consistent with States’ obligations under international law,” that their human rights should be fully respected so they can live their lives in safety and dignity.¹⁰³ These governments agreed that “demonizing refugees and migrants”, which can for example be seen in political rhetoric stating that offering them protection and respecting their rights diminishes the quality of life of the domestic population, “offends profoundly against the values of dignity and equality for every human being, to which we have committed ourselves.”¹⁰⁴

All nation states have a legitimate interest in implementing measures to safeguard the well-being of their inhabitants and the general security situations on their territory. Some advocates for refusing asylum seekers entry for protection do so based on the claim that their presence creates security risks, in particular when large numbers of persons arrive in a short period time. It is self-evident that the arrival of large numbers of persons seeking protection as refugees in a short period, or over a prolonged period of time, poses an administrative challenge to border agencies and service providers. To address these administrative challenges and in order to meet the protection needs of individuals seeking asylum and the security

concern of individual nation states, the authorities need to ensure that the government agencies responsible for receiving refugees at the border have the human and financial resources needed to efficiently manage the situation; that they are trained to identify the protection needs of individuals correctly and that there are enough resources in services to provide for their protection needs. This approach requires political commitment and sufficient financial and human resources so that the capacity of government agencies is sustainable and enables them to respond to situations of large numbers of persons arriving, when it occurs. This requires planning and preparedness and investment in the training of government agents so that they are fully capable of following and implementing international human rights and refugee law standards when addressing the claim of each refugee. Such an investment at the initial stage of arrival of a refugee at the border would serve both the interest of the state and the individual refugee/asylum seeker.

Migration is a term used for a multifaceted phenomenon and a wide spectrum of 'types' of migrants, both forced and voluntary fall under the term. Although creating channels for regular voluntary labour migration is often discussed as a solution to relieve 'migration pressures', it is vital for the protection of refugees to distinguish between voluntary and forced migrants in addressing migration. While migrants "are distinguished from refugees by the fact that they, unlike refugees, can look to their country of nationality for protection and so do not require protection from the international community."¹⁰⁵ Although increased opportunities for migration for labour purposes can contribute to addressing the situation of irregular migrants in employment, it cannot be seen as a solution to addressing forced migration of refugees. Granting refugees who are resident within a state that has offered them protection access to the labour market, is however an important pathway to integration into the host society through inclusion. Providing opportunities for refugees to be gainfully employed, serves both the individual interest of the refugee and the soft security and economic interest of the host community.

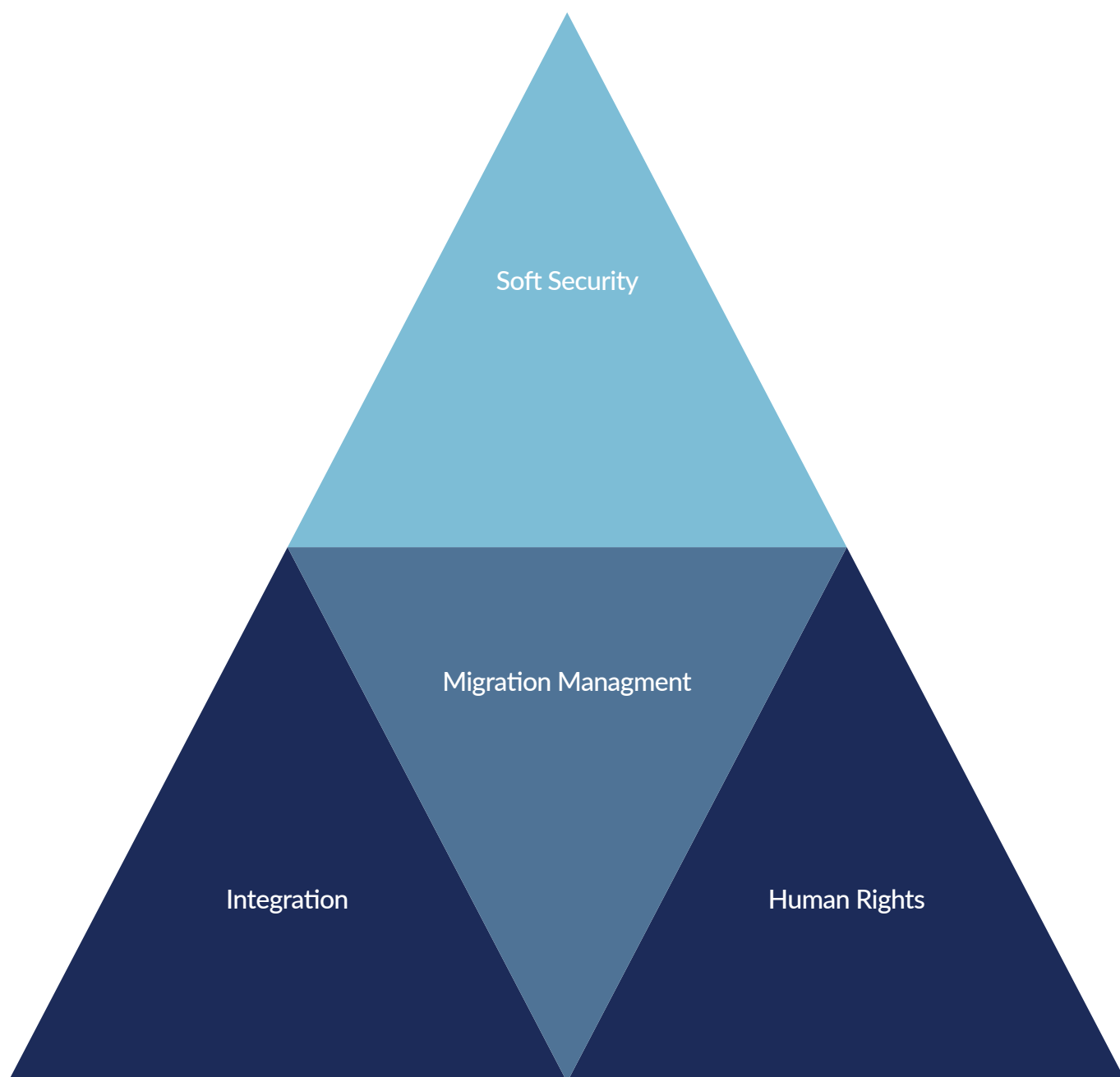
To prevent a waste of human capital and relieve the 'burden' on the country's welfare system and security, it is important to make integration a key objective from the outset of migrants' arrival to the destination country. It implies the approach in which migrants and refugees have fast access to labour market. The often-lengthy asylum procedure has a negative effect on their labour market position, additionally, the lack of work and dependence on social assistance benefits can contribute to a feeling of marginalization and isolation, and result in greater chances of involvement in crime.¹⁰⁶ The studies conducted on asylum seekers and refugees show that the barriers they faced in the labour market are particularly high in the early period of their stay. Moreover, there is interdependence between the labour participation rate and the time they live in the destination country.¹⁰⁷ The position of asylum and labour migrants in the labour market are determined by personal characteristics (level of education, work experience, social networks), on the one hand and "structure of opportunities" existing in the destination country (procedures of granting of residence status, access to integration programmes, diploma recognition process, etc.), on the other, as well as openness of the host society and employers (awareness and acceptance of migrants' presence in society). The role of policy makers and the public administration is to address all three groups of factors: to ensure adequate support to migrants to find legal paid work, such as language courses, counselling and professional training, to secure fast and accessible procedures and anti-discrimination legislation as well as to match employers with potential labourers among asylum seekers and refugees. This kind of holistic approach, which takes into account the complexity of the migration phenomenon as a whole, is a precondition for successful integration.¹⁰⁸

Building trust, by increasing dialogue between different population groups living in a community can serve as tools to address racisms, xenophobia and misinformation and misconceptions about migrant groups and migration in general and contribute to responding to the soft security interest of the host state.

The TRUST – Good Relations in Finland project for example, has the aim to promote equality for asylum seekers and immigrants, reinforce the preparedness of local and regional organizations in advancing good relations between population groups and to develop local models of cooperation in the reception of asylum seekers and the integration of migrants with residence permits.¹⁰⁹ The project which is implemented in seven municipalities in its pilot phase, aims at developing models of good relations at the local level, increasing awareness on equality and other civil and human rights by creating training material for asylum seekers and migrant groups, attempting to recognize early on tensions between population groups and preventing conflict between them. The means and tools for early recognition and prevention are based on indicators of good relations, which allow the measurement and analysis of population relations. Based on the results of a local level analysis, measures enhancing good relations between population groups, preventing discrimination and advancing equality are carried out. Another goal of the project is to locally recognize and prevent the operation and means for action of extremist organizations.

FINAL REMARKS

Analyzing the asylum migration flows to Europe and the Baltic Sea Region from a soft security perspective highlights the complexity of the issue and calls for a holistic approach. Effective migration management is needed to address some of the negative effects of migration including the perceived and potential security threats it poses. Safeguarding the rights of migrants and refugees must be respected to protect vulnerable groups and reduce the risk for further exploitation. Integration challenges must be addressed to enhance the positive aspects of migration both for the migrants and the receiving communities. However, neither migration management, a human rights approach nor integration efforts alone are sufficient. There is rather a need for a balance between addressing the negative aspects of migration as well as emphasizing the positive aspects. There is a need to recognize and encompass the complexity and diversity of migration and to balance migration management, human rights and integration issues. The model below illustrates the interdependence and how these three concepts all are, or should be, fundamental components of a soft security approach to migration.



How to strike this balance is the challenge and in terms of solutions there is no single set of best practices which would be relevant for all European or Baltic Seas States. National governments are encouraged to facilitate a forum for dialogue and increase exchange of information and establish cooperation between the various actors and agencies with a vested interest in migration issues. Establishing cooperation between public institutions responsible for migration governance, including the state agencies, migrant communities, local governments, civil society and human rights organisations, academic institutions and policy analysts could significantly contribute to increasing understanding of, and providing adequate responses to the soft security interest of the state.

Migration and asylum seekers inflows are currently a major issue of debate across all European countries, very often highly polarising public opinion. Moreover, there are often highly divided myths and stereotypes about migration and there is a need to combat both the “discourse of fear”, widely present in media and in public debates in some places as well as the “discourse of denial”, seen in places, towards the real soft security threats migration can cause. Migration should be recognised and presented in a more balanced and realistic way, including both the negative and positive perspectives to create a better platform for nuanced public democratic debates that recognise migration related soft security threats as well as how well managed migration can be an opportunity for both social and economic development.

Whereas migration tends to be a highly-politicized issue in most countries, it is of utmost importance to provide accurate data, evidence and information on migration trends and how migratory flows affect receiving societies in different ways. Again, there is a need for a nuanced and critical analysis. This includes distinguishing clearly between different types of migrants, that is forced migrants on the one hand and voluntary migrants on the other.

In discussing migration and its effect on host societies, all parties to the public discourse, that is public officials, politicians, civil society representatives, academia and the media, should commit to enabling evidence based discourses and refrain from stereotypes, simple generalizations or biased one-side approaches.

National governments are encouraged to adopt sophisticated migration governance strategies based on their policy priorities, while ensuring that measures addressing forced migration are compliant with human rights and refugee law. The recent migratory movements to Europe and the Baltic Sea Region, clearly show that this is a challenge for most states.

The claim that mixed-migration pressure from unstable and poorer regions of the world is likely to increase significantly in the near future is widely acknowledged. Those assessments highlight the urgency to rethink the current migration systems and to prioritize effective migration governance in order to ensure safe and orderly migration for all parties, states and individuals alike. Simple adjustments are unlikely to lead to the necessary changes. There is a need for a well-coordinated combination of migration governance strategies, humanitarian assistance, political solutions, European and international collaboration, fair trade agreements and development assistance. There is a need for political will, diplomacy, private sector engagement and pragmatic strategies and international collaboration.

6.

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