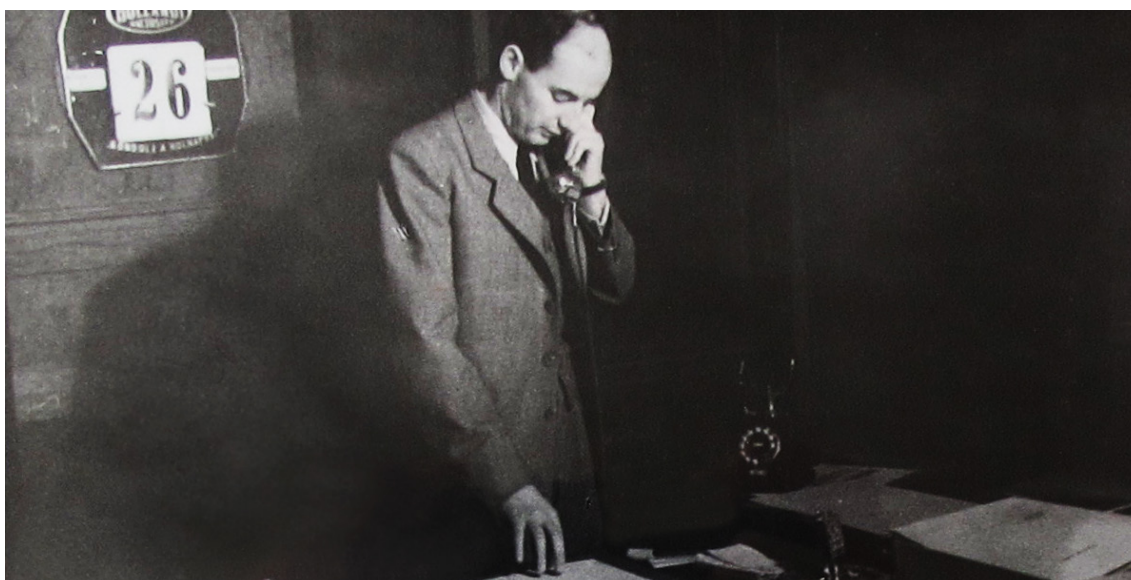


Humanitarian Visas Key to Improving Europe's Migration Crisis



RAOUL WALLENBERG'S HUMANITARIAN VISAS

The best known Humanitarian Visa is the so called Schutz Pass issued by Swedish diplomat Raoul Wallenberg. He served at the Budapest legation in the critical end phase of the Nazi reign in Hungary. In collaboration with staff at the embassy and the Swedish foreign ministry, and with the support of the Swedish government, he saved thousands of Hungarian Jews. If not protected they would have fallen victim to persecution by German occupants and members of the Hungarian Arrow Cross Movement.

Introduction

Humanitarian visas can be highly effective and useful tools to ensure access to asylum for select groups of asylum-seekers with a need for international protection. In the context of the current refugee protection crisis, humanitarian visas could complement and alleviate the pressure on ordinary asylum procedures on the territory of Member States in the EU.

A system of humanitarian visas may be implemented on the basis of existing EU law and could be managed without the establishment of any new institutions. The assessment of such visas may further be directly integrated into the existing domestic asylum systems. As such, it would be possible for a smaller group of Member States to proceed through enhanced cooperation in order to test the benefits from such collaboration in a smaller group.

Developing and implementing a system of humanitarian visas promises several key benefits:

- It provides for a more managed and orderly mode of arrival for refugees.
- It reduces costs relating to returning migrants whose claims have been rejected.
- It undercuts the current illegal networks of human smugglers by allowing refugees to lawfully travel to their destination countries.
- It establishes an alternative to the perilous routes that migrants and refugees currently employ, reducing the growing death toll at Europe's borders.
- It may serve as a step towards a more equitable distribution of asylum-seekers amongst the Member States.

The Scene

The numbers speak for themselves. During 2015, more than **3,700** migrants and refugees died trying to cross the Mediterranean in order to get to Europe. That makes the Mediterranean the deadliest waters in the world, accounting for nearly two-thirds of all recorded migrant fatalities worldwide in 2015.

There were **1,321,560** asylum claims during the year, according to the International Organization for Migration. Frontex says at least **800,000** of these claims consisted of irregular entries.

Europol estimates that **30,000** people smugglers are involved in Europe, and that people smuggling is a growing and lucrative criminal enterprise. Some estimates put the figure of global profits from smuggling to be around **€22 billion** a year.

Refugees and migrants spend over a billion euro per year to reach Europe, and the cost of deportations in Europe is close to a billion euro per year, according to the Migrants' File, a data journalism organization that has analyzed thousands of payments to smugglers to estimate the size of the market.

Migration flows are skewed, with a heavy burden on the southern most countries to handle reception, while countries like Germany and Sweden take the lion's share of refugees.

The Idea

One effective measure to get a handle on the refugee crisis is to develop a system where EU Delegations and Member States' embassies issue humanitarian visas to persons who

are considering leaving their area of origin to seek asylum in the EU. This system would bind together states' embassies with their domestic asylum systems.

Creating a system of humanitarian visas would enhance states' ability to manage the arrival of refugees, ensure a safe alternative to the current mode of arrival, drain parts of the market for human smuggling, and ensure that a higher percentage of arriving refugees are indeed in need of international protection, thereby reducing the costs and administrative problems relating to returning those rejected.

A system of humanitarian visas would create the necessary legal avenues for migrants and refugees, which should lower the numbers of people making the dangerous trip over the Mediterranean, and thus save many lives.

Improved Manageability

Implementing a system of humanitarian visas in the EU would allow Member States a much more orderly and manageable process in regard to asylum claims and arrivals, starting well before the journey has begun.

This enhanced control allows states:

- to screen applicants before territorial contact is made, allowing the asylum state to reject unwarranted claims before the person has entered the territory.
- to gather more up-to-date knowledge on persecutory threats directly in the region, which is helpful in both single cases but also in similar cases.

Stemming Human Smuggling

Studies indicate that human smuggling is extremely profitable and appears to be the fastest growing form of transnational crime.

The billions of euro currently spent on border control is only driving up prices and creating a game of cat and mouse between border authorities and human smugglers. In contrast, a system of humanitarian visas promises to provide a more effective tool in combating this form of transnational crime. It strikes at the heart of their business case by providing a much cheaper and safer alternative.

A future system must provide an incentive for asylum-seekers to reach out to the authorities as early as possible. Then authoritative information about the prosperity of an asylum application can be given, and the human smugglers' information monopoly would be broken.

Savings for EU Member States

It can be reasonably assumed that a straight comparison of the cost per case between the status quo system and the humanitarian visas system would indicate that humanitarian visas are the cheaper choice.

Compared to the traditional asylum system, humanitarian visas promise several advantages from a cost-saving perspective.

Assuming that recipients of such visas will all, or nearly all, subsequently qualify for international protection, costs are further likely to be reduced in regard to detention, return assistance, and forced removal, as well as long-term costs in relation to rejected asylum-seekers who, for one reason or another, cannot be returned to their country of origin.

In comparison, the operation of humanitarian visas does not involve significant additional costs. While the substantive examination of applications would likely remain with the ordinary asylum authorities, some additional costs are likely to be incurred to ensure adequate staffing at embassies and representations.

The list of savings could be extended further, however the major savings and humanitarian gains are that the psycho-social damage that is a well-known effect of long asylum procedures will be minimal.

More Equal Distribution of Refugees

Why would such a system of humanitarian visas constitute an additional step towards an equal distribution of asylum seekers? The first reason is that a fairly big number of contact points with the asylum process would be made available all over the world. Today the smugglers' routes and skills decide what Member States the asylum seeker will come in contact with. Well-resourced Member States usually have more embassies than less resourced states. This in turn creates a proportional distribution.

Persons who are considering leaving their area of origin would be able to seek asylum at EU Delegations and EU Member States' embassies so they can start the asylum procedure there. This would help EU states reach potential asylum seekers in the beginning of the migration procedure.

Today the diaspora, human smugglers and rumours influence the individual's choice of means and goal. The contact with the authorities is not initialized until late in the process – generally not until the asylum seeker has reached the country where she wishes to seek asylum. This is too late to be able to correct an erroneous view that affects the choice of country of destination.

Improved Integration in the EU

Humanitarian visas allow for the start of integration measures immediately upon or shortly after arrival on state territory. This helps protection seekers enter the employment market earlier. And money otherwise spent on smuggling can now be used to facilitate establishment in the new context.

In the long term, public perception of protection seekers, and even immigrants at large, could be improved because beneficiaries of humanitarian visas would have less of a rocky social and material status.

Not a New Idea

The idea to reach out beyond state borders to offer protection to individuals is not new. States have practiced it regularly with regard to their nationals abroad, and developed an important normative body of international law dealing with that subject.

In a number of cases, the extermination of the European Jewry during the Second World War, as well as Nazi persecution of political opponents, brought about significant counter strategies by foreign diplomats and embassy staff.

In the years since, there are many other examples of European countries working with humanitarian visas, including Austria, France, the Netherlands, Spain, Denmark, the UK, and Switzerland.

The Swiss system of designed and operating humanitarian visas which ended in the 2000s offered a number of features and safeguards worthy of emulating in a wider European context.

The Swiss example proves that humanitarian visas can be managed both qualitatively and quantitatively, and that fears of massively boosted caseloads are unfounded. Without pretensions of perfection, its system offers a number of features and safeguards worthy of emulating in a wider European context.

How it Would Work

Today there is a greatly developed network among embassies. Persons who are considering leaving their area of origin to seek asylum in Europe should be given reason to visit one of these and start the asylum procedure there.

If the visa is granted by the embassy, the seeker can fulfil the asylum application in the Member State. Thus, the seeker could travel legally to the EU and avoid the Mediterranean and other smuggling routes. The thousands of euros each migrant pays to a smuggler could thus be used in a better way.

If rejected at an embassy, the seeker would realize that it is not worth it to invest a fortune and risk their health to travel irregularly to a country who has already denied their entry.

Humanitarian visas must be conceived as a complement to ordinary asylum procedures on the territory of Member States, and be well integrated with them.

This system could first be set up amongst an avant-garde group of EU member states so as to test the benefits coming from multilateral collaboration in a smaller group. This could make agreement amongst the whole of the EU easier in a second step.

Authors:

Gregor Noll, Professor of International Law at the Faculty of Law, Lund University. Board Member of the Board of Trustees of the Raoul Wallenberg Institute.

Thomas Gammeltoft-Hansen, Research Director, Raoul Wallenberg Institute