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# Student Comment: Syrian Refugees - Economic Benefit or Substantial Burden on States of the European Union

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## **Syrian Refugees - Economic Benefit or Substantial Burden on States of the European Union**

**Aviana Cooper<sup>1</sup>**

### **Abstract**

This comment will discuss the current status of the Syrian refugee crisis as well as the economic and humanitarian issues the European Union is facing to assist these refugees in their escape.

This comment will also discuss the efforts being made by the European Union to alleviate the issue of refugees coming into their member states. Further describing how these efforts are impacting the European Union's budget and how much money has already been allocated towards these projects. Is it in the best interest of the European Union to continue to let refugees into their country by the thousands or to put that money towards assisting to build up areas around the borders of neighboring countries? This paper will also discuss whether there are significant benefits in permitting refugees into the country, in regards to the economics of the member states. Specifically, this comment will examine how the European Union is balancing the potential financial harm of accepting refugees while adhering to international humanitarian obligations.

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1. *Aviana Cooper is a Candidate for Juris Doctor, May 2017, at the University of Baltimore School of Law with a focus on health care and administrative law. She would like to thank Professor Catherine Moore for her guidance and assistance on this comment.*

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**I. Introduction**

Syrian refugees have been fleeing to other countries across the European continent to seek asylum since the conflict between Syrian nationals and its government began in 2011. The International Organization for Migration (IOM) released a statement indicating that on December 21, 2015, a “milestone” was passed; a total of 1,006,000

Syrian immigrants entered into Europe by land and sea.<sup>2</sup> This number covered only those who entered into six European nations: Greece, Bulgaria, Italy, Spain, Cyprus, and Malta.<sup>3</sup> More recently, on January 29, 2016, the IOM estimated that 55,528 Syrian “migrants and refugees crossed the Mediterranean” entering into Europe, specifically Italy and Greece, during the first days of the new year – estimated at almost 2,000 people per day.<sup>4</sup> Concurrently, the IOM recorded that at least 244 people died at sea while attempting to reach European borders.<sup>5</sup> This crisis has been deemed the “largest refugee crisis since the Second World War.”<sup>6</sup>

These figures are a stark increase when compared to those from December 2014, in which the European Union (“EU”) had only extended protection to approximately 217,000 refugees.<sup>7</sup> According to the United Nations High Commissioner for Refugees (UNHCR), the number of Syrians seeking international protection via asylum from countries within the EU has continued to increase.<sup>8</sup> Between April 2011 and November 2015, 813,599 refugees applied for asylum, with 137, 947 applicants having applied in December 2014 alone.<sup>9</sup> And as of January 2016, there have been over 900,000 asylum seekers in the EU.<sup>10</sup>

Though many of the European Nations would like to continue their open-door policy to any and all refugees, many countries are noticing a large problem with being able to cope financially with the massive influx of refugees and asylum seekers per month. Many refugees are being left in an area known as “no man’s land” between the

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2. *Irregular Migrant, Refugee Arrivals in Europe Top One Million in 2015: IOM*, INT’L ORG. FOR IMMIGRATION, (Dec. 22, 2015), <http://www.iom.int/news/irregular-migrant-refugee-arrivals-europe-top-one-million-2015-IOM>.

3. *Id.*

4. *Migrant Arrivals in Europe in 2016 Top 55,000, Over 200 Deaths*, INT’L ORG. FOR MIGRATION, <http://www.iom.int/news/migrant-arrivals-europe-2016-top-55000-over-200-deaths> (last visited Jan. 29, 2016).

5. *Id.*

6. E. Tendayi Achiume, *Syria, Cost-sharing, and the Responsibility to Protect Refugees*, 100 MINN. L. REV. 687, 688 (Dec. 2015).

7. *Id.* at 689.

8. *Syrian Regional Refugee Response*, 3RP (Feb. 7, 2016), <http://data.unhcr.org/syrianrefugees/regional.php>.

9. *Id.*

10. INTERNATIONAL ORGANIZATION FOR IMMIGRATION, *supra* note 1.

borders of countries such as Greece, Turkey, and Sweden.<sup>11</sup> In an article released by CNN, refugees “from Syria, Iraq and Afghanistan are being allowed through but those from other countries [are] deemed ‘economic migrants’ and [are] turned back.”<sup>12</sup>

To combat these issues, the EU has begun working with Turkey in an attempt to keep most of the refugees in Turkey. Turkey and the EU have made concerted efforts to establish the necessary funding to pay for the resources Turkey will need in order to provide basic necessities for refugees within their country.

## II. Background

### a. Syrian Conflict

In March 2011, the conflict in Syria began when Syrian security forces in Deraa reacted violently to a peaceful “pro-democracy, anti-government” protest.<sup>13</sup> Following the protests in Deraa, more demonstrations spread across Syria, as did the violent reactions from President Bashar al-Assad’s regime.<sup>14</sup> President Assad publicly spoke out against the protestors, attributing their demonstrations to conspiring to overthrow the government.<sup>15</sup> In April of that year, President Assad attempted to calm the protestors by allowing controlled demonstrations. However, this attempt failed horribly, leading to escalated protests and over a hundred protesters killed by government forces.<sup>16</sup>

In April 2011, B. Lynn Pascoe, Under-Secretary-General for Political Affairs of the United Nations, informed council members of the dangerous activities that were going on in Syria, stating that, “the Syrian Army is . . . firing at unarmed civilians, preventing medical personnel from helping the wounded, raiding mosques and arresting

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11. Mairi Mackay & Jessica King, *Syrian Refugees: 3 Stories You Need to Read*, CNN (Nov. 27, 2015, 2:57 PM), <http://www.cnn.com/2015/11/26/europe/syrian-refugees-crisis-macedonia-sweden-turkey/>.

12. *Id.* (Stella Nanou, a UN refugee agency spokesperson told media personnel: “These are very tired people, they have had long journeys, they are in very harsh conditions,” said Nanou. “(They are) are frustrated—they cannot understand how it is possible that a week ago other people from the same country could cross and now they cannot.”).

13. Achiume, *supra* note 5, at 695.

14. Achiume, *supra* note 5, at 695.

15. Achiume, *supra* note 5, at 695.

16. Achiume, *supra* note 5, at 695.

many others.”<sup>17</sup> Mr. Pascoe requested that the United Nations (UN) go down to the city and assess any humanitarian needs on the ground.

<sup>18</sup> As indicated by several human rights groups, as well as numerous media organizations, “350 to 400 anti-government demonstrators . . . were killed across Syria by security forces and their supporters” since March 2011.<sup>19</sup> Mr. Pascoe informed the Council that the UN confirmed that “electricity, communication systems[,] and water in Deraa had been cut off” early in the month of April, causing the closure of schools and health-care facilities that had been operated by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).<sup>20</sup>

A report released by the Syrian Observatory for Human Rights indicated that in January 2016, alone, there were 4,700 deaths accounted for in Syria.<sup>21</sup> The massacre of men, women, and children committed by the Syrian government has caused a diaspora of Syrians to outlying countries. Until the UN can come to an agreement on how to properly combat this situation, the people of Syria are left with no other choice but to flee.

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17. Syrian Army Carrying Out ‘Major Military Operation’ Against Key City – UN Official, UN News Centre (Apr. 27, 2011), [http://www.un.org/apps/news/story.asp?NewsID=38201#.Vq\\_ZVCorLWJ](http://www.un.org/apps/news/story.asp?NewsID=38201#.Vq_ZVCorLWJ).

18. *Id.*

19. *Id.*

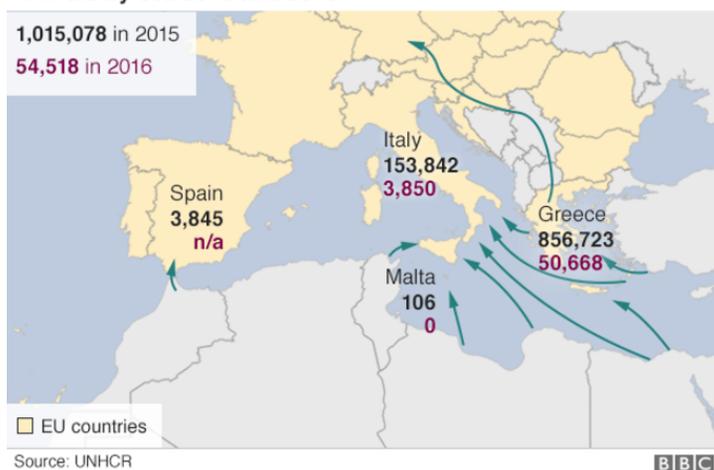
20. *Id.*

21. *About 4700 people killed in January, 2016*, SYRIAN OBSERVATORY FOR HUMAN RIGHTS (Feb. 1, 2016), <http://www.syriahr.com/en/?p=43826> (“hereinafter “SOHR”) (The SOHR “estimates the real number of non-Syrian casualties from the IS, Jabhat al-Nusra, Islamic factions, Jund Al-Aqsa battalion and pro-regime militants is approximately 8 hundreds of soldiers and fighters more than the documented number because of reticence about casualties by all parties, the difficulties of reaching to the outback and the difficulties to investigate about those who have died inside the regime or IS jails.”).

## b. Refugee Flow

The majority of Syrian refugees are concentrated in Lebanon, Turkey, Egypt, Jordan, and Iraq.<sup>22</sup> However, many are making their way to European nations such as Italy, Greece, the United Kingdom, Germany, Bulgaria, and Sweden.<sup>23</sup> Refugees are making passage by land and sea, with the majority arriving by sea.<sup>24</sup> As shown in the figure below, European countries accepted over 1 million migrants and refugees by sea in 2015, and over 50,000 as of January 2016.<sup>25</sup>

Arrivals by sea 2015 and 2016



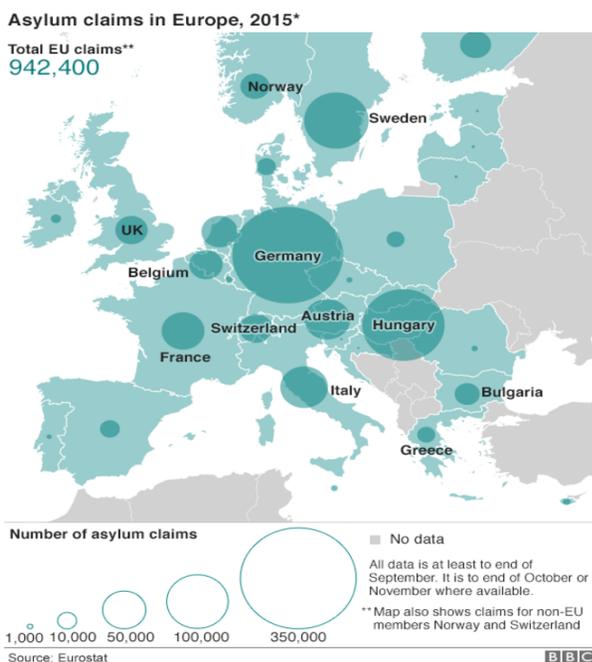
22. *Syria Regional Refugee Response*, *supra* note 7.

23. *Migrant crisis: Migration to Europe explained in graphics*, BBC (Jan. 28, 2016), <http://www.bbc.com/news/world-europe-34131911>.

24. *Id.*

25. *Id.*

While not all of these individuals are claiming asylum, according to Eurostat more than 900,000 claimed asylum within the EU (see figure below).<sup>26</sup>



Among the European countries, “Germany has received the highest number of new asylum applications, with more than 315,000 by the end of October 2015.”<sup>27</sup> By the end of October 2015, Hungary “moved into second place” after receiving more than 170,000 asylum applications from both Syrian refugees and migrants from other countries.<sup>28</sup>

26. *Id.*

27. *Id.*

28. *Id.*

### c. What is the European Union; who are the member countries and what does the Union stand for?

The EU currently consists of a political and economic partnership between twenty-eight European countries.<sup>29</sup> The EU, initially created after the Second World War and formerly named the European Economic Community (EEC), was designed to assist in the economic redevelopment of the European countries afflicted by the war.<sup>30</sup>

What once was purely an economic union then became one that addressed many “policy areas, from climate, environment, and health to external relations and security, justice and migration.”<sup>31</sup> In 1993, the organization officially changed its name from the EEC to the European Union.<sup>32</sup>

The EU’s executive body is known as the European Commission, whose duties are described in Article 17 of the Treaty on the European Union. Article 17 provides that members of the European Commission are to “promote the general interests of the Union and take appropriate measures to that end . . . [and] shall execute the budget and management functions, as laid down in the Treaties . . . [as well as] initiate the Union’s annual and multiannual programming . . . to achiev[e] interinstitutional agreements.”<sup>33</sup> Since the establishment of the EU, it has assisted member states by raising living stand-

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29. *The EU in Brief*, EUROPA.EU (last visited Jan. 10, 2016) [http://europa.eu/about-eu/basic-information/about/index\\_en.htm](http://europa.eu/about-eu/basic-information/about/index_en.htm).

30. *Id.* “The first steps were to foster economic cooperation: the idea being that countries who trade with one another become economically interdependent and so more likely to avoid conflict. The result was the European Economic Community (EEC), created in 1958, and initially increasing economic cooperation between six countries: Belgium, Germany, France, Italy, Luxembourg and the Netherlands. Since then, a huge single market has been created and continues to develop towards its full potential.” *Id.*

31. *The EU in Brief*, *supra* note 28.

32. *The EU in Brief*, *supra* note 28.

33. Consolidated Version of the Treaty on European Union, EUR-Lex, (last visited on Mar.14,2016).<http://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX:12012M/TXT>.

ards and increasing peace amongst said members.<sup>34</sup> The EU, through its members, also agreed to abolish border controls between member states, allowing people to travel freely throughout the majority of the continent.<sup>35</sup>

### i. EU Charter of Fundamental Rights

One of the most important goals of the EU is to maintain and promote human rights throughout its member states, as well as across the globe. The EU's Charter of Fundamental Rights (Charter) states that it:

[B]rings together in a single document rights previously found in a variety of legislative instruments, such as in national and EU laws, as well as in international conventions from the Council of Europe, the United Nations (UN) and the International Labour Organisation (ILO). By making fundamental rights clearer and more visible, it creates legal certainty within the EU.<sup>36</sup>

Following the entry into force of the Lisbon Treaty, the member states were, and still are, legally bound to uphold the Charter of Fundamental Rights.<sup>37</sup> The Charter consists of fifty-four articles and seven chapters, which deal with the subjects of human dignity, freedoms, equality, solidarity, citizens' rights, and justice.<sup>38</sup>

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34. *The EU in Brief*, *supra* note 28.

35. *Charter for Fundamental Rights*, EUR-LEX (Jun. 18, 2014), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l33501> "Thanks to the abolition of border controls between EU countries, people can travel freely throughout most of the continent. And it's become much easier to live, work and travel abroad in Europe. The single or 'internal' market is the EU's main economic engine, enabling most goods, services, money and people to move freely. Another key objective is to develop this huge resource to ensure that Europeans can draw the maximum benefit from it."

36. *Id.* (In attendance was a representative from each of the member states, all in agreement on the terms of the Charter. "In addition, the charter was to include the fundamental rights that apply to EU citizens as well as the economic and social rights contained in the Council of Europe Social Charter and the Community Charter of Fundamental Social Rights of Workers. It would also reflect the principles derived from the case law of the Court of Justice and the European Court of Human Rights.")

37. *Id.*

38. *Id.* Along with setting out a list of fundamental rights within one document, the Charter also provided guidance to the EU in proposing and adopting legislation. "It also

The EU receives income from “contributions from member countries, import duties on products from outside the EU and fines imposed when businesses fail to comply with EU rules.”<sup>39</sup> The budget is decided amongst the members of the EU and supports several programs and initiatives such as: developing rural areas, conserving the environment to protect external borders, and promoting human rights.<sup>40</sup> The EU’s Commission, Council, and Parliament all have an equal say in drafting the budget and determining how it is allocated, however, the Commission is ultimately responsible for budget spending.<sup>41</sup> The agreed upon budget for the year is known as the multiannual financial framework, which allows the EU to plan and appropriately fund its programs years in advance.<sup>42</sup> To comply with transparency requirements, any organization and/or companies who receive funding from the EU are listed on the public record.<sup>43</sup>

## ii. The 1951 Convention and Protocol Relating to the Status of Refugees

All EU member states signed the 1951 Geneva Convention and Protocol Relating to the Status of Refugees (“Convention”), under which the status and legal definition of a “refugee” are described. Not only does this treaty explain what the definition of a refugee is, but it also lists what each member state, those who ratified the document, is required to do when it comes to providing for refugees.

Under the Convention, a “refugee” is defined as any person who:

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shows how the rights enshrined in the Charter have played a role in infringement proceedings taken by the Commission against EU countries. In the 2013 Court of Justice Åkerberg Fransson ruling, the Court clarified that it might be sufficient for an EU country to actually pursue an objective provided for in the EU Treaties or secondary law - rather than directly transposing European legislation - to trigger the application of the Charter at national level.” *Id.*

39. *How is the EU Funded*, EUROPA.EU, [https://europa.eu/european-union/about-eu/money/revenue-income\\_en](https://europa.eu/european-union/about-eu/money/revenue-income_en) (last visited Feb. 1, 2016).

40. *How is the EU Budget Spent?*, EUROPA.EU, [https://europa.eu/european-union/about-eu/money/expenditure\\_en](https://europa.eu/european-union/about-eu/money/expenditure_en). (last visited Feb. 1, 2016).

41. *Id.* “The Multiannual Financial Framework (MFF) sets out the EU’s long-term spending priorities and limits. The EU countries and the Commission share responsibility for about 80% of the budget.” *Id.*

42. *How is the EU Budget Spent?*, *supra* note 39.

43. *How is the EU Budget Spent?*, *supra* note 39.

Has [a] wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.<sup>44</sup>

While setting a precise definition of what *is* a refugee, the Convention also lays out several instances where this definition and for whom this Convention does not apply. The Convention explains that the definition of a refugee shall not apply to persons who have reclaimed citizenship in their native homes, nor to persons who have “committed [a crime] against peace, a war crime, or a crime against humanity . . . a serious non-political crime outside of the country of refuge . . . or been guilty of acts contrary to the purposes and principles of the United Nations.”<sup>45</sup> Within the Convention, there are general provisions specified for both the refugees, as well as the countries in which they seek refuge. Article 2 states that all refugees should conform and abide by the laws and regulations of the country, as well as assist in efforts to maintain public order.<sup>46</sup> Accordingly, throughout the Convention, there are provisions and requirements contracting states must abide by – those states in which refugees are

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44. *Convention and Protocol Relating to the Status of Refugees*, U.N. HIGH COMM’R FOR REFUGEES, <http://www.unhcr.org/3b66c2aa10.html>, (last visited Feb. 2, 2016).

45. *Id.* at 16.

46. *Id.*

seeking refuge. Articles 3 and 4 describe the prohibition of discrimination based on race, religion, or country of origin.<sup>47</sup> Article 7 permits that after three years, “all refugees shall enjoy exemption from legislative reciprocity,” and all those qualifying refugees shall continue to enjoy the “rights and benefits to which they were already entitled.”<sup>48</sup> Related to economics, Articles 21 through 24 require that a contracting state provide housing, public education, public relief, rights to labor legislation, and social security to refugees.<sup>49</sup> Within each of these articles, a Contracting State is to “accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals.”<sup>50</sup> There are to be no additional taxes or fees imposed on refugees, nor any penalties imposed on those refugees who are unlawfully within the borders of the Contracting State, as long as they are able to demonstrate that they have fled a country for their safety.<sup>51</sup>

There were twenty-six states present at the formation of this Convention, including: Germany, France, Norway, Denmark, and the United Kingdom. Those countries that have ratified the Convention have agreed to abide by its terms.

### iii. European Union’s Refugee Fund and Asylum Policy

The EU makes a clear distinction between asylum seekers and refugees. As an asylum seeker, an individual would be seeking refugee status despite not meeting the definition, however, an individual could be granted such rights and benefits if so decided by the member state based on the state’s domestic implementation of the Charter.<sup>52</sup>

The European Union has several funding programs to assist with taking care of refugees. One of the funding programs is the European Refugee Fund, which was set up to support the efforts of the

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47. *Id.* at 17.

48. *Id.*

49. *Convention and Protocol Relating to the Status of Refugees*, *supra* note 43.

50. *Convention and Protocol Relating to the Status of Refugees*, *supra* note 43.

51. *Convention and Protocol Relating to the Status of Refugees*, UNHCR at 29 (last visited Feb. 2, 2016), <http://www.unhcr.org/3b66c2aa10.html>.

52. Delphine Perrin & Frank McNamara, *Refugee Resettlement in the EU: Between Shared Standards and Diversity in Legal Policy Frames*, 3 *KNOW RESET* 1, 23 (2013), <http://www.migrationpolicycentre.eu/docs/Know-Reset-RR-2013-03.pdf>.

member states in “receiving and bearing the consequences of receiving refugees and displaced persons.”<sup>53</sup> Every member of the EU participates in this program, with the exception of Denmark.<sup>54</sup> The European Parliament established the most recent European Refugee Fund on May 2007, replacing earlier programs to extend its operation.<sup>55</sup> The 2007 fund was set up to last from January 1, 2008, until December 31, 2013.<sup>56</sup> However, the rules on eligibility of expenditure will allow the fund to be charged until June 30, 2015, and “technical assistance spending” charged until March 31, 2016.<sup>57</sup> Parliament defined the objectives of the fund “. . .to support and encourage the efforts made by the Member States in receiving, and in bearing the consequences of receiving, refugees and displaced persons, taking account of Community legislation on those matters, by co-financing the actions provided for.”<sup>58</sup>

The European Refugee Fund also aims to assist in the asylum process between the member states.<sup>59</sup> Under the EU’s asylum policy, it seeks to “harmonize” the procedures between the member states by “establishing common asylum arrangements.”<sup>60</sup> As stated in the proposed policy, the member states must work to offer “appropriate status to any third-country national requiring international protection” while remaining in compliance with the principle of “non-refoulement.” All members of the EU will be bound by this policy, and it can be located within Article 18 of the EU Charter of Fundamental Rights, as well as the proposed amendments to Articles 67(2) and 78 of the Treaty on the Functioning of the European Union.<sup>61</sup>

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53. *European Refugee Fund*, GOV.UK, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/453121/european\\_refugee\\_fund\\_general.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/453121/european_refugee_fund_general.pdf) (last visited Feb. 1, 2016).

54. *Id.*

55. *Id.* (The Decision defined the objectives to which the Fund contributes the implementation arrangements, the available financial resources, and the distribution criteria for the allocation of the financial resources. It also established the ERFIII’s management rules and monitoring and control systems, which are based on the sharing of responsibilities between the European Commission (EC) and Member States.)

56. *Id.*

57. *Id.*

58. *supra* note 52.

59. *Id.*

60. Sarah Sy, *Asylum Policy*, EUROPEAN PARLIAMENT AT YOUR SERVICE 1 (Sep. 2016), [http://www.europarl.europa.eu/ftu/pdf/en/FTU\\_5.12.2.pdf](http://www.europarl.europa.eu/ftu/pdf/en/FTU_5.12.2.pdf)

61. *Id.*

### III. Economic Issues – Implementing the Policies

#### a. How will it affect EU Member States' Economies

According to the European Parliamentary Research Service (EPRS), in September 2015, asylum applications reached a record high, with more than 170,000 applications.<sup>62</sup> The EPRS indicated that the European Commission believes that by the end of 2016 there will be an estimated 1.5 million arrivals, and an additional half million refugee arrivals in 2017.<sup>63</sup> This projected data indicates that there are nearly 2 million refugees that will need to be processed and provided funding in addition to the already hundreds of thousands waiting to be processed currently.

However, in order for the EU member states to be compliant with the Convention they must provide the refugees with the same rights and benefits as their citizens. For example, Article 21 and 24 require States to provide refugees with housing, education, and social security.<sup>64</sup> Therefore, with the expected influx of 1.5 million asylum applicants, the initial cost that is associated with applicants will pose a large financial impact on accepting member states. In particular, those states who are seeing a higher influx of refugees coming across their borders such as Germany, Greece, Sweden, and Hungary will bear a larger financial hardship than they had in the past.

In addition to providing food, shelter, and housing for the newly entered refugees, there are tremendous costs associated with the processing of applications. Germany, for instance, through projections made by the German Council of Economic Advisors, believes that the budgetary costs for this massive influx “will be between €5.9 billion and €8.3 billion in 2015, and up to €14.3 billion in

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62. *Briefing: Economic challenges and prospects of the refugee influx*, EUROPEAN PARLIAMENT, 2, 8 (Dec. 2015), [http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572809/EPRS\\_BRI\(2015\)572809\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/572809/EPRS_BRI(2015)572809_EN.pdf). (According to the European Asylum Support Office (EASO), in September 2015 asylum applications in the EU+ countries rose for the fifth consecutive month reaching a new record high with more than 170 000 applications.)

63. *Id.*

64. *Convention and Protocol Relating to the Status of Refugees*, *supra* note 42, at 21-24.

the year after.<sup>65</sup> This public expenditure is expected to stimulate domestic demand and to increase GDP by between 0.3% and 0.5% in 2016.”<sup>66</sup>

According to the International Monetary Fund (IMF), however, these issues may be temporary, and the long-term effects may show an increase in their economies as a whole, specifically in the labor market.<sup>67</sup> The recent report from IMF indicates that, although there are legal boundaries that would delay refugees from seeking employment when they first arrive, if there are policies to facilitate labor market integration, the economic “boom” would be seen much sooner than typically experienced when immigrants come into a new country.<sup>68</sup> IMF suggests getting rid of excessive employment protections, or making exceptions for refugees, to allow for them to gain access to these lower end job openings, thus decreasing unemployment overall.<sup>69</sup> Therefore, in order to alleviate some of the burden on the states’ government of having to use all of the refugee funds, allowing refugees to work would not only provide them with their independence but will enable refugees to participate in the economy.

## **b. Conflicting issues**

### **i. Taking care of own citizens v. Syrian Refugees and other migrants**

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65. EUROPEAN PARLIAMENT, *supra* note 61, at 5.

66. EUROPEAN PARLIAMENT, *supra* note 61, at 5.

67. *The Refugee Surge in Europe: Economic challenges*, INT’L MONETARY FUND, (Jan. 2016), at 12 <https://www.imf.org/external/pubs/ft/sdn/2016/sdn1602.pdf>. “The fiscal expansion will— together with supportive monetary policy—help compensate for possible downward pressures on wages and inflation associated with the gradual entry of refugees into employment. In the medium and long run, the impact of the refugees on employment and GDP will depend on the speed of their integration in the labor market, the extent to which the newcomers’ skills will complement or substitute those of the native labor force, and their impact on the allocation of resources, product mix, and production technology.” *Id.*

68. INT’L MONETARY FUND, *supra* note 65, at 17.

69. INT’L MONETARY FUND, *supra* note 65. “Excessive employment protection significantly reduces the likelihood of exiting unemployment, particularly for those workers whose productivity is a priori uncertain, such as refugees (Blanchard, Jaumotte, and Loungani 2013). A high statutory minimum wage may also prevent from hiring low-skilled workers, who are likely to be overrepresented.” *Id.*

EU Member states are required to allow refugees into their countries and provide them with any and all benefits a citizen of that country would generally receive through government subsidies. However, many citizens of these EU Member States do not want more immigrants into their country, claiming they will bring down the economy. According to a survey conducted by the PEW Research Center, when asked if they agreed with the statement: “Immigrants today are a burden on our country because they take our jobs, and social benefits,” 70% of Grecian citizens concurred, compared to 69% of Italian citizens.<sup>70</sup> When asked about immigrants being the cause of higher crime rates, Greece tallied in at 51% of its citizens believing that immigrants were the reason for higher crime and Germany polled in at 48%.<sup>71</sup>

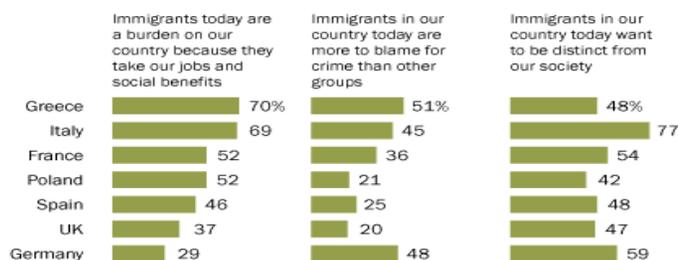
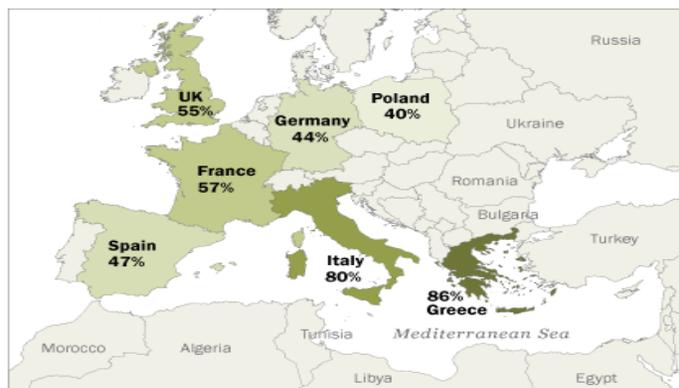
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70. Andrew Soregel, *Refugees: Economic Boon or Burden? Millions of Refugees are Fleeing Syria, but not Every Country is Well-Suited to Bring Them In.*, USA NEWS (Sept. 15, 2015), <http://www.usnews.com/news/blogs/data-mine/2015/09/15/would-syrian-refugees-be-an-economic-boon-or-burden> (Study was conducted in 2014).

71. *Id.*

### Many in EU Want Less Immigration

Percent saying their country should allow fewer immigrants



Source: Spring 2014 Global Attitudes survey.

PEW RESEARCH CENTER

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Despite these negative feelings, the EU Member States have a duty to integrate refugees into their country, as stated in the convention. Although many individual citizens do not believe that there is a benefit in allowing refugees in, there have been several different studies that demonstrated a positive impact on wages.<sup>73</sup> Conversely, because there are funds already set aside by the EU for the sole purposes of providing assistance to the EU Member States with refugees, the European Refugee Fund, the resources that would normally be given to citizens, would not be removed or replaced because there

72. *Id.*

73. *Id.* (“A separate 2014 study found that refugee populations in Denmark ultimately had a positive impact on local wage gains, although such groups aren’t exactly one-size-fits-all economically. The aggregate costs Jordan incurred by taking on Syrian refugees totaled nearly \$8.2 billion in 2012 and 2013, while economic benefits clocked in at only \$5.8 billion.”).

would be no need. Those funds would remain secure and untouched unless there was a dire need to reallocate.

### c. What has the EU done and are there enough resources?

Whether there are resources available for refugees coming into Member States depends on the state. Greece, for example, had a near collapse of its economy just prior to the large influx of refugees – this influx has put further strain on Greece’s economy to the point that it needed greater funding from the EU. This is unlike the EU Member States such as Germany, whom have the capital to afford to pay for the refugees, and therefore may not require nearly as much funding. However, because numerous Member States do not want to provide as many resources on their own, they are all seeking assistance from the EU as a whole.

The European Commission has dedicated spending € 9.2 billion in total on the refugee crisis for 2015 and 2016, which would only be 0.07% of the EU GDP.<sup>74</sup> This increase in funding is going to support “migration and border management under the Asylum, Migration and Integration Fund, transfers related to the relocation and resettlement schemes, and support to countries outside the EU.”<sup>75</sup> From 2012 until mid-spring of 2016, aid organizations and donor governments have provided \$15 billion to the countries taking on refugees.<sup>76</sup> In countries such as Germany and Austria, reports indicate that it will cost them approximately ten times more per refugee than neighboring countries. In Jordan, a budget of \$3,000 per refugee “would provide not just basic food and water[,] but also education and opportunity”, while in Germany or Austria, “the same expenditures would cost over \$30,000 per refugee.”<sup>77</sup>

On February 4, 2016, the United Kingdom, Germany, Norway, Kuwait, and United Nations co-hosted a conference in London dealing with the crisis in Syria, aimed at bringing together world

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74. INT’L MONETARY FUND, *supra* note 65, at 13.

75. INT’L MONETARY FUND, *supra* note 65, at 13.

76. Rob Williams, *Syrian Refugees will Cost Ten Times More to Care for in Europe than in Neighboring Countries*, THE INDEPENDENT (Mar. 14, 2016), <http://www.independent.co.uk/voices/syrian-refugees-will-cost-ten-times-more-to-care-for-in-europe-than-in-neighboring-countries-a6928676.html>.

77. *Id.*

leaders to raise 9 billion dollars (US) or 6 billion (Pound Sterling) in international aid for refugees and migrants caught in the conflict.<sup>78</sup> The UNCHR funding appeal for refugees around Syria was listed at over \$4.3 billion. However, donor countries fell short of this requirement, only reaching 61% of the requested amount (\$2.6 billion) by the end of January 2016. The United Kingdom was one of the most generous donors, providing more than £1.1 billion to the humanitarian fund.<sup>79</sup>

Therefore, because of these major financial issues, the EU has attempted to come up with alternative methods of how they are going to care for the refugees. In recent discussions, the EU and Turkey have cut a deal to alleviate this financial burden on EU Member States.

#### i. EU Unable to Control Refugees - Cutting a Deal with Turkey

Although Turkey is currently not a member of the EU, it still receives funding from the EU to assist with the flow of refugees across its borders. According to the IMF, Turkey has the largest number of Syrian refugees in the world.<sup>80</sup> Since the start of the crisis in 2011, Turkey has received about 2 million (47%) Syrian refugees, and has spent about \$8 billion, including about \$400 million in foreign contributions.<sup>81</sup>

In November 2015, leaders of the EU met with Turkish Premier, Ahmet Davutoglu, to finalize an agreement to “help stem the flow of migrants to Europe in return for cash, visas [to allow Turkish citizens free travel between the states] and renewed talks on joining the EU.”<sup>82</sup> The “essential element” of the discussion was that the EU would give an agreed upon amount of \$3.2 billion (3 billion euros) in

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78. Pamela Duncan, *Syria Refugee Crisis: Six Charts that Show how Europe is Struggling to Respond*, THE GUARDIAN (Feb. 3, 2016), <http://www.theguardian.com/world/datablog/2016/feb/03/syria-refugee-crisis-and-international-aid-in-numbers>.

79. *Id.*

80. INT’L MONETARY FUND, *supra* note 65, at 8.

81. INT’L MONETARY FUND, *supra* note 65 at 8.

82. Francesco Guarascio & Robin Emmott, *Declaring ‘New Beginning,’ EU and Turkey Seal Migrant Deal*, REUTERS, (Nov. 29, 2015, 4:39 PM), <http://www.reuters.com/article/us-europe-migrants-turkey-idUSKBN0T100520151129>.

aid.<sup>83</sup> As indicated in the agreement, the money is to be used towards “rais[ing] their living standards and persuade more of them to stay put rather than . . . crossing to the EU.”<sup>84</sup>

Turkey has been attempting to join the EU since 1987 and has been negotiating their application since October 2005.<sup>85</sup> However, due to their concerns over many of Turkey’s humanitarian policies, the EU has long been against Turkey joining the Union.<sup>86</sup> Some of the primary concerns stem from Turkey’s stance on “freedom of speech and democracy, treatment of religious minorities, women’s and children’s rights, civilian control of the military and the Cyprus tensions.”<sup>87</sup> Consequently, the agreement between the EU and Turkey will assist in Turkey’s efforts to rebuild their relationship with the Union and restart their negotiations for membership.

## ii. First Project following agreements with Turkey

In February 2016, the European Commission agreed to allocate some of the EU’s budget to assist in Turkey’s efforts in supplying basic needs for the two million Syrian refugees in its country.<sup>88</sup> One of the first major projects decided upon was the creation of the Facility for Refugees which “provide[ed] humanitarian aid and support access to education of refugee children in Turkey.”<sup>89</sup> During a press release on March 4, 2016, the EU pledged to send a total of €95 million to Turkey- €55 million going to the “immediate needs of Syrian school-children . . . for access to formal education,” and the re-

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83. *Id.*

84. *Id.*

85. *EU Enlargement: The Next Seven*, BBC, (Sept. 2, 2014), <http://www.bbc.com/news/world-europe-11283616>.

86. *Id.* (Some senior politicians in the EU - including Chancellor Merkel - want Turkey to have a partnership deal with the EU, rather than full membership. Some politicians worry that such a large, mainly Muslim country would change the whole character of the EU, while others point to the young labour force that Turkey could provide for an ageing Europe. The European Commission has urged Turkey to strengthen democracy and human rights, underlining the need for deeper judicial reform.”).

87. *Id.*

88. European Commission, *EU-Turkey Cooperation: First Meeting of the Steering Committee of the Facility for Refugees in Turkey*, EUROPEAN COMMISSION (Feb. 18, 2016), [http://europa.eu/rapid/press-release\\_IP-16-340\\_en.htm](http://europa.eu/rapid/press-release_IP-16-340_en.htm).

89. *Id.*

maining €40 million to humanitarian aid through the World Food Programme.<sup>90</sup>

The Facility for Refugees is the European Commission's first attempt at ensuring the stay of Syrian refugees in Turkey. This facility was designed with the hopes that the Syrian refugees will have all the resources needed to survive and begin a new life in Turkey, and therefore resist coming to Europe.

### iii. One in – One Out Deal – Second Proposed Agreement with Turkey

Since agreements with Turkey in November, the leaders of the EU met with Turkey yet again to discuss the “one in, one out” deal, which proposed to “resettle one Syrian refugee in Europe for every Syrian returned to Turkey from the Greek islands.”<sup>91</sup> The “one in, one out” proposal is to be voted on during a summit scheduled on March 17th-18th. If this proposed deal is agreed upon during the summit, Turkey intends to ask for an additional \$3 billion from EU Member States' leaders, for a total of \$6 billion, to assist with the efforts to keep the refugees within their borders, provide necessities (shelter, food, housing), and to relocate the refugees that have entered Greece.<sup>92</sup>

On top of the additional \$3 billion, Turkish leaders have requested the EU to implement visa “liberalisation” to seventy-five million Turks by June 1, 2016, in exchange for alleviating the EU of

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90. European Commission, *EU Announces First Projects Under the Facility for Refugees in Turkey: €95 Million to be Provided for Immediate Educational and Humanitarian Assistance*, EUROPEAN COMMISSION (Mar. 4, 2016), [http://europa.eu/rapid/press-release\\_IP-16-584\\_en.htm](http://europa.eu/rapid/press-release_IP-16-584_en.htm) (“The Facility for Refugees in Turkey is the answer to the European Council’s call for significant additional funding to support refugees in Turkey. The Facility provides a joint coordination mechanism for actions financed by the EU budget and national contributions made by the Member States, designed to ensure that the needs of refugees and host communities are addressed in a comprehensive and coordinated manner. The resources of the Facility will come from the EU budget and from EU Member States over 2016 and 2017, reaching a total of up to €3 billion over two years.”).

91. Jennifer Rankin, *Turkey and EU Agree Outline of ‘One in, One out’ Deal Over Syria Refugee Crisis*, THE GUARDIAN (Mar. 8, 2016, 5:27 AM), <http://www.theguardian.com/world/2016/mar/08/european-leaders-agree-outlines-of-refugee-deal-with-turkey>.

92. *Id.*

their refugee “problem.”<sup>93</sup> Many human rights advocates draw issues with this new proposed agreement and do not believe that it is legally nor morally sound.<sup>94</sup> However, several leaders of the member states believe that there may be no other option and that they must quickly take action to stop refugees from entering into Greece’s borders.<sup>95</sup>

Although the EU is likely to vote on this deal, there is still another discussion as to whether or not the EU will restart negotiations regarding the entrance of Turkey into the Union. Many changes must be made prior to Turkey being let into the EU as a member state; and until those are completed, it is highly unlikely EU leaders will consider granting its requests.

#### IV. Conclusion

Although the impact on the EU will seem to be great initially, it appears that this impact will be short-lived. If the integration of the Syrian refugees into society is rather quick, there is a potential for considerable economic growth for the EU member states’. With this new, and large, population of individuals, they become a new working class which will assist in succeeding the population of Europeans who are not working and receiving government benefits.

As indicated in a report conducted by EPRS, the European population is quickly aging, and there is a substantial reduction in the amount of individuals who are going to soon be in the working class.<sup>96</sup> Therefore, in the near future, European countries will face an enormous issue in dealing with social security and other benefits for the senior population because there are not enough able-bodied

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93. *Id.* (“an advance of the October deadline proposed last year, as well as restarting Turkey’s long-stalled EU accession talks.”).

94. *Id.*

95. *Id.* (statement of Nato Secretary General Jens Stoltenberg) (“The whole idea is to enable Turkey and Greece to get more control along the border and to discourage illegal dangerous border crossings and to cut the lines of the human smugglers. And, to encourage more legal and organised migration.”).

96. European Parliament *supra* note 61 at 5. (“The ageing of Europe is among the EU’s most serious challenges. The continent’s long- term social and economic potential is limited by its looming demographic crisis. In 2013, the total fertility rate in the EU is slightly above 1.5 children per woman. This presents a serious challenge for the social security system, including pensions, and health and long-term care. In order to mitigate the demographic challenge, experts urge efforts to support families and increase the fertility rate, as well as developing controlled migration and a sustainable integration policy.”)

workers to provide the capital needed. As such, the governments of the participating EU member states should highly consider providing some sort of incentives for employers within their country to hire refugees, thereby assisting the refugees in becoming more independent in a shorter amount of time and releasing this enormous financial burden on the government to provide assistance.

As it has been shown in many countries, immigration typically assists in boosting the economy. This new influx of immigrants in the EU may be able to take more of the lower end, labor intensive jobs while possibly increasing the average wages of other types of employment. Information released by The World Bank estimated that the literacy rate among Syrian refugees, ages 14-24, at 96%.<sup>97</sup> With a population as educated as the citizens of the EU Member States, this new population of individuals working has the possibility to boost the economy by creating more consumers as well.

Throughout history, immigrants have played a significant role in shaping the economic powerhouses of today. Many studies have shown that immigrants were entering into “[vigorously] growing occupations” representing 15% of the population in Europe.<sup>98</sup> These occupations include employment in the field of healthcare, science, technology, engineering, and mathematics.<sup>99</sup> Conversely, they have also been noted to go into many declining occupations, representing almost 25% of the workforce in the trade and crafting industries.<sup>100</sup>

In closing, it seems that it would be in the best interest of members of the European Union to invest in refugees and to discontinue the push to keeping them solely in Turkey. European Union leaders, unfortunately, are not looking to the future benefits that these

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97. *Id.* (“In this context, the education status of the refugees comes into play. Generally speaking, young immigrants (like their native counterparts) are more educated than immigrants at retirement age. There are nevertheless regional differences. Many migrants from eastern Europe are, on average better qualified than refugees from the Middle East.”).

98. *Id.*

99. *Id.*

100. *Id.* (“In all these areas, immigrants are filling labour needs by taking up jobs regarded by domestic workers as unattractive or lacking career prospects. Relative to the native-born population, low-educated migrants are better integrated in the labour market than highly educated ones. On the one hand, Member States are complaining about supposedly (too) low-skilled migrants/refugees but evidence shows that those who are eventually granted access to the labour market have to do so often below their skill level”).

individuals could have on their economy in the next fifteen years, but seem to solely focus on what is occurring right now.

It would behoove the European Union to discontinue its attempts to keep out all refugees, and allow for more diversity within its borders. With diversity, comes economic development.