

Quitting the EU wouldn't give Britain more control over refugee and migrant flows

blogs.lse.ac.uk/brexit/2016/02/23/quitting-the-eu-wouldnt-give-britain-more-control-over-refugee-and-migrant-flows/

23/02/2016

Those campaigning for a Brexit frequently argue that Britain would have more control over its borders if it left the EU, protecting it from the large numbers of people hoping to settle in Europe. **Marco Scipioni** and **Paula Hoffmeyer-Zlotnik** explain the opt-outs Britain has already secured from EU migration and border policies and conclude that there would be no clear benefit from leaving the EU.



With the European Union seemingly torn apart by the dispute over the current refugee and migration crisis, and with increasing difficulties in dealing with the flow of people coming into the continent, a Brexit might be regarded as an attractive option to secure control over Britain's borders. While the images of thousands of people arriving daily in Europe might play in the hands of Out campaigners, the UK is probably in the most comfortable situation possible at the moment. With opt-outs on Schengen as well as migration and asylum legislation secured in the late 1990s, the UK still seems to be in the position of get the 'best of both worlds', as Tony Blair put it, by [picking and choosing](#) where it wants to cooperate with the EU.



Outside Schengen, inside the Schengen Information System

The UK is not a part of the Schengen area, which *inter alia* removes internal border controls between the participating EU Member States and some non-EU members (Iceland, Norway, Liechtenstein and Switzerland). This also means that the current pressure under which the Schengen area finds itself, with several Member States having re-imposed border controls, does not directly affect the UK. However, to the extent that the re-imposition of border controls persists in the medium to long term (with speculation that reinstatements may last up to two years), the [effects might trickle down](#) to other policy areas of great concern for the UK, such as the smooth functioning of the single market.

On a broader point, again in the border control area, the UK has exercised its opt-in selectively. The UK has managed to get into information-sharing mechanisms of the EU, such as the [Schengen Information System](#). Conversely, it was not able to join Frontex, achieving only an observer status in the Management Board. That legal impasse did not prevent the UK from [participating](#) in several [Frontex operations](#), though. As a consequence of mounting pressure at the external borders, the Union is currently considering the creation of a 'European Border Guard' with, [reportedly](#), the support of the majority of the member states. That measure envisages radical changes in the management of border controls in Europe with, *inter alia*, further [empowerment](#) of EU bodies. While these developments are not in tune with the traditional UK preference for less centralisation of powers within EU institutions, it is not clear what consequences they might have in terms of practical cooperation.



A Frontex member on the first joint patrol with Greek police on the Greek-Turkish border in 2010. Photo: [Rock Cohen](#) via a [Creative Commons 2.0 licence](#)

When it comes to the migration policies of the EU, Britain has a general opt-out, which means it is not obliged to take part in common policies such as the contentious [relocation scheme](#) set-up last year to distribute asylum seekers arriving in Italy and Greece to the rest of the EU. Indeed, whereas European leaders such as German chancellor Angela Merkel have [sought common solutions](#) at the European level, Britain has every (legal) right to lean back and let the others deal with a problem which is perceived to be one of the continent.

Goodbye, Dublin Regulation

The ongoing crisis in Europe seems to have determined the end of the Dublin Regulation, which deals with allocation of responsibility for asylum processing. Contrary to all remaining asylum legislation adopted after the Lisbon Treaty, the UK does take part in the Dublin Regulation. If the UK were to leave the EU, it would be responsible for all asylum applications which are placed in Britain without the possibility of using the Dublin arrangements to claim that other countries are responsible for processing those applications. When looking at the numbers, the UK has actually more incoming requests (requests by another member state for the UK to take responsibility for an asylum seeker) than outgoing requests. However, whereas about two thirds of the incoming requests were refused by the UK in 2012, around 75% of the outgoing requests towards other member states were [approved](#) (see figures 16 and 17). Furthermore, whereas actual transfers averaged at about 30 percent of outgoing requests in the EU as a whole, the UK fared relatively well in absolute numbers, being one of the best performers.

The Dublin Regulation thus allows the UK to send back more asylum seekers to other member states that it has to take back. If the UK were to leave the Dublin scheme, it would a priori have to deal with all asylum applications placed in the country. That being said, and to put figures into perspective, actual transfers represented a [fraction](#) of the overall asylum applications in the UK in the period 2009-2014, ranging from 3 to 0.8 percent. The European Commission wants to present its proposal for replacing the Dublin Regulation with a new mechanism in March. It has been [reported](#) that the first country of entry-rule would be deleted from the framework but linked to the EU's relocation scheme. If that were the case, it is highly unlikely that the UK will opt in.

No obligation to accept refugees

Britain's commitments to take in refugees, such as the resettlement plans for 20,000 people over the next five years, are taken outside the EU framework. From the government perspective, the choice to expand the existing resettlement scheme killed at least three birds with one stone. First, it represented a line of continuity with the argument made in the past by the Conservative government that allowing migrants already in Europe would [only encourage](#) other people to undertake a perilous journey (mentioned already at the times of Mare Nostrum operation in the Mediterranean). Second, it preserved sovereignty concerns paramount to the Conservative government in

terms of being able to decide how many, who, from where, and when refugees will be accepted in the UK. Thirdly, by intervening directly in the regions of origin, it avoids any formal concession to the EU-led policy, while at the same time indirectly meeting requests to do more on the 'migrant crisis' coming from [allies in the renegotiation](#) of UK membership.

Nevertheless, it seems that [many politicians believe](#) that the ongoing refugee crisis does make people vote to leave. As Geoffrey Evans and Jonathan Mellon have pointed out, immigration represents the most important topic in public opinion polls at the moment, and people who think Britain has let in too many migrants over the last years are much [more likely](#) to vote to leave.

Timing might be crucial. If numbers remain as high as they are at the moment and possibly rise in the spring and summer, and if migration continues to make the headlines across Europe, this might affect the outcome of the referendum. In addition, the electorate might react negatively to further legally binding EU initiatives that might be pictured in the media as another instance of Brussels imposing itself, even if the UK would be unaffected thanks to its opt-out.

The UK is already enjoying a privileged status in this area of EU cooperation, and the recent proposals for policy changes connected to the migration and asylum crisis in Europe are either of no concern or with unclear but manageable consequences. Therefore, there seems to be no clear benefit for the UK executive from a Brexit scenario in this policy area. However, migration politics is very often more about symbols than about rational calculation.

This post represents the views of the authors and not those of the BrexitVote blog, nor the LSE.

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