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Moving on

How easing mobility restrictions within Europe can help forced migrants rebuild their lives

Caitlin Katsiaficas, Martin Wagner, Ferruccio Pastore, Panos Hatziprokopiou, Benjamin Etzold, Albert Kraler

Free movement within the Schengen area is a cornerstone of European integration—and indeed an essential part of the European way of life. However, this freedom of movement is limited for forcibly displaced people residing within the European Union (EU). European asylum systems are designed to suppress mobility, which actually prevents many asylum seekers from finding a ‘durable solution’. In contrast, enabling legal mobility within and across EU countries, when paired with access to labour markets and ensuring the right to family life, can open new opportunities for forced migrants to settle into receiving communities and truly rebuild their lives. Based on TRAFIG research in Greece and Italy, this policy brief illustrates why mobility is important for displaced people and how it is being hampered by policies and practices. It then suggests strategic ways that policymakers can tap into the potential of mobility to provide additional solutions to protracted displacement in Europe.

Key findings & policy recommendations

- 1 Migration policies of the European Union and its member states largely restrict the mobility of forced migrants. For practical and political reasons, states deliberately move asylum seekers across national reception facilities and, to a lesser extent, to other EU countries. In both instances, the consideration of asylum seekers’ preferences is limited.
- 2 Displaced people in Europe use multiple opportunities to move, including irregular ones, to respond to constraints and to seek a solution—whether this means navigating (around) the asylum system, seeking livelihood opportunities and/or joining family and friends. However, this outward mobility does not always lead to upward mobility.
- 3 Enabling intra-national mobility can equip more displaced people with opportunities to rebuild their lives. Easing reception-related movement limitations, promoting family-related and work-driven internal mobility and strengthening transportation infrastructure between camps and cities can improve livelihood and integration—i.e. long-term—prospects.
- 4 Opening up channels for regional (intra-EU) mobility would also benefit displaced people, especially those unable to find employment in the country that granted them asylum—in addition to benefitting receiving labour markets and EU countries of first asylum. Expanding skills-, family- and education-based relocation opportunities can help more forced migrants make use of their skills and networks to find a solution in another European country.
- 5 Displaced people may find themselves in a protracted state of legal, social and economic precarity for several reasons, including a long asylum procedure, an elapsed or revoked legal status or the inability to legalise their residence. Offering regularisation can provide a path out of precarity, while combining such a programme with up- or re-skilling initiatives can support labour market integration and a way out of marginalisation.

1. Introduction

In February 2017, Greece granted international protection to a Palestinian refugee who had been living in Syria before he fled the war. Nearly 20 years old, the man, let's call him 'Aalifsha', was in his prime years to study or begin his career. Instead, he spent one-and-a-half years in Greece without access to work, school, proper shelter or regular food. Eight months later, he moved to Germany and asked for asylum there. The German asylum authority and appeals court rejected Aalifsha's claim because he had already been granted protection in an EU country, and this country (Greece) was considered responsible according to the Dublin Regulation. However, in January 2021, [the Higher Administrative Court for North Rhine-Westphalia](#) ruled that the asylum authority could not reject his asylum claim because the "senate [was] convinced that the applicant [was] very likely, regardless of his will and his personal decisions, to find himself in a situation of extreme material need in Greece and to be unable to satisfy his most elementary needs ("bed, bread, soap") for a long period of time." Similar arguments were also put forward in a recent judgement by the [Higher Administrative Court in Bremen](#) but also in earlier judgements by the European Court of Human Rights ([M.S.S. v. Belgium and Greece](#)) with respect to Dublin transfers of asylum applicants to Greece.

These decisions are remarkable in many aspects and closely reflect the research carried out as part of the TRAFIG project in Greece and Italy. The decisions coincide in particular with three key findings from TRAFIG's research:

1. International protection in Europe guarantees 'formal' protection—but does not necessarily provide 'material' protection that satisfies basic needs or access to livelihood opportunities. The lack of material protection also applies to holders of national protection statuses and indeed to persons without any status;
2. displaced people in Europe are using mobility as a coping strategy to respond to the absence of material protection—particularly a secure livelihood and other longer-term opportunities; and
3. mobility restrictions at the local, national and European level deprive displaced people of opportunities to rebuild their lives.

TRAFIG research, conducted at multiple sites in Greece and Italy, shows that mobility restrictions have clear repercussions for displaced people, who frequently end up in situations of prolonged limbo and marginalisation without access to solutions—even if their legal status is meant to provide access to solutions. This *policy brief* makes the case for strategically easing mobility restrictions and allowing greater regular mobility so that more displaced people can successfully rebuild their lives in Europe.

2. Background: Roadblocks to rebuilding

Research and policy discussions on 'protracted displacement' have traditionally focussed on non-Western countries, mainly those in Africa, Asia and the Middle East, which along with other developing countries host 86 per cent of the world's refugees (UNHCR, 2021). While only a small proportion of displaced people journey to Europe, they are also exposed to prolonged uncertainty, vulnerability and dependency. TRAFIG research in Greece and Italy finds that refugees and other migrants experience precarity, legal insecurity and long-term waiting (and thus protracted displacement) in these countries, and that these experiences are linked to how migration, asylum and reception are 'managed'. In fact, of the six countries in which TRAFIG conducted surveys, migrants in Greece were found to be the most marginalised and excluded group, which reflects a protracted displacement situation.¹

Concerns about the uncontrolled 'secondary movements' of asylum seekers led to the adoption of the [Dublin Regulation](#), which strictly dictates which country is responsible for an asylum claim. Even after recognition in one EU country, international protection beneficiaries are not entitled to freedom of movement within the Schengen area as EU citizens are. Only after five years of legal residence and the proof of stable and regular resources to maintain themselves, along with health insurance, can they be granted an EU long-term residence status permitting them to settle in another EU member state subject to various conditions (EU Long-Term Residents Directive 2011/51/EU amending Council Directive 2003/109/EC). People who do not meet the minimum residence requirement or who were granted a national (non-EU) protection status are excluded from the [EU Long-Term Residents Directive](#). These individuals can only legally move to another member state if they can obtain a regular residence permit from that state.

Restrictions on mobility also exist at the national level. During the asylum procedure, national laws justify restricting mobility based on the need to prevent people from absconding during the asylum procedure and/or enable a more equal distribution of applicants across the country. Even those who receive a positive decision face mobility restrictions in some countries, for instance, when social assistance is connected to residence in a certain region ([CJEU Joint Cases C-443/14 and C-444/14](#)).

¹ 1,897 displaced persons participated in the TRAFIG survey in six countries (Greece, Italy, Democratic Republic of the Congo, Ethiopia, Jordan and Pakistan). Eight indicators were used to measure the relative degree of marginalisation. Respondents in Greece had the highest overall score (43 out of a potential 80 points), indicating a high degree of exclusion. Greece led the ranking in four fields: lack of access to education (9 out of 10 points), insecure legal status (7 out of 10 points), precarious housing situation (6 out of 10 points) and lack of physical safety in the field (2 out of 10 points) [see the [Marginalisation Index on TRAFIG's data dashboard](#)].

It should be noted that, in some instances, states actually move asylum seekers. Member states move people within the country for practical reasons (e.g. due to differing reception facility capacities) or political reasons (e.g. keys to ensure a ‘fair’ distribution of asylum seekers). In the case of relocation, asylum seekers are moved to another EU country. Such movements often take place with little consideration of the preferences of displaced people themselves.

The result is that displaced people who come to Europe in the hope of leaving protracted displacement behind often still find themselves in conditions of economic precarity, legal insecurity and ongoing waiting.

3. Moving on

Once they arrive in the EU, often in Greece or Italy, many displaced people (wish to) move on to improve their situation—whether this is to seek livelihood opportunities or join family and friends elsewhere.

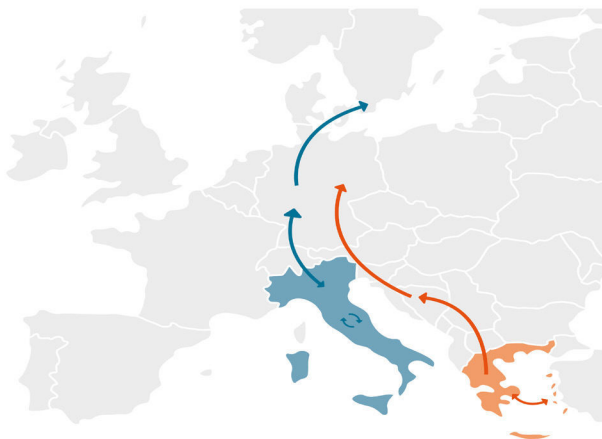


Figure 1: Multiple mobilities of Greece and Italy arrivals
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TRAFIG research has found that **mobility inside Greece and Italy** is critical to livelihood strategies. Forced migrants in Italy, whether their application for protection is pending, approved or rejected, may move within the country to earn a living, for instance, finding (informal) work in the agriculture or construction industries. Many of these movements are circular, with migrants travelling back and forth between the north and south of the country following the different harvest seasons (Hatziprokopiou et al., 2021). For asylum applicants waiting in Greece, occasional or seasonal informal agricultural work may provide a means of subsistence and leads people to move to other parts of the country.

National mobility is often used to earn a livelihood, but asylum applicants also move from their reception places for other reasons. In addition to better livelihood prospects, for those in the Aegean Island Reception and Identification Centres (or ‘Hotspots’), heading to the mainland despite mobility restrictions is a strategy of staying closer to their networks, finding a way to (irregularly) move on to another EU country and/or seeking better living conditions. However, some people have also chosen to return to the islands to be close to their networks and live in a familiar environment before taking their next steps. Shorter-range mobilities are also essential for displaced people: ‘Micro mobilities’, from reception sites to cities (and sometimes vice versa for those living in their own accommodation), are key to obtaining medical, legal or other assistance as well as purchasing basic necessities (Roman et al., 2021).

While national mobility is a strategy for some, various reasons lead others to **move to another EU country**. Among TRAFIG interviewees, economic conditions were the most common factor, followed by the wish to unite with family members in other EU countries and expected better chances of accessing education. Over one-third of respondents in Greece also mentioned the expected better prospects for receiving a positive asylum decision in another EU country as a reason for moving on. These onward movements are conducted irregularly, semi-regularly (e.g. regular short-term movements followed by irregular over-stays) or regularly (e.g. family reunification under the Dublin Regulation).

Upon arriving in Italy, six out of ten displaced persons aim to stay in the country, but some also attempt to move on to Germany, Switzerland or Sweden in the hope of undergoing the asylum procedure there instead. Those who receive a protection status in Italy may still journey to another member state, Sweden and Germany being the preferred EU destinations. Because these beneficiaries may not yet be eligible to apply for an EC residence permit or are not aware of such a permit, they move regularly, as is permitted for up to 90 days. However, their status becomes irregular when they stay in another EU country past this limit (Roman et al., 2021).

According to our survey, eight out of ten displaced persons in Greece intend to move to other EU member states (Hatziprokopiou et al., 2021). Many attempt to skip Greek asylum procedures altogether. In other cases, asylum applicants who have been waiting for their decision in Greece for a long time decide to abandon the Greek asylum system and move irregularly towards other EU countries, Germany being the preferred destination. And as illustrated by the story of Aalifsha, some who are granted protection by Greece also engage in secondary movements and attempt to stay in this other member state.

Why do forced migrants in Greece and Italy wish to move on?

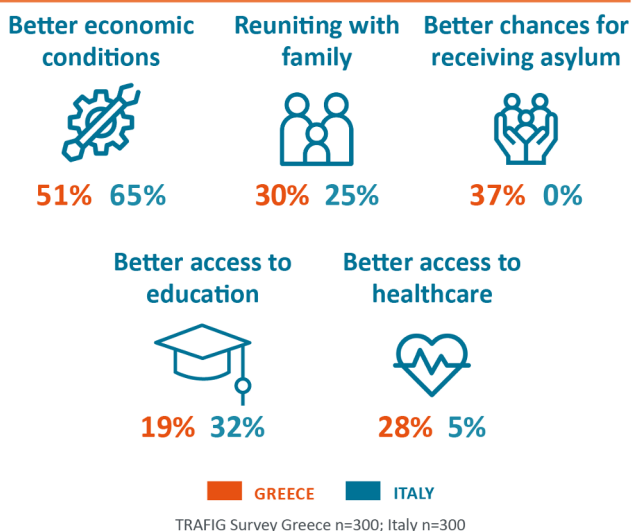


Figure 2: Reasons why forced migrants in Italy and Greece wish to move on ©ICMPD, Nikolina Sladojevic

Many forced migrants have family members in other EU countries, with whom reuniting is their main priority. Here, reunification under the Dublin Regulation remains a legal option, but this is restricted to spouses/partners and minor children. Even those who satisfy this strict definition of ‘nuclear’ family face long waiting periods with no guarantee of reuniting with their family if they cannot provide circumstantial evidence (often required in English) or DNA certificates (AIDA, 2021). Those trying to join family under the Family Reunification Directive 2003/86/EC face similar obstacles.

Displaced people’s mobility is a proactive attempt to improve their current and future circumstances. But does onward mobility actually lead to upward mobility?

4. Moving upward?

Despite mobility restrictions at the national and EU level, many forced migrants in Italy and Greece decide to move irregularly or semi-regularly to leave destitution and marginalisation behind them.

Reception systems are a central part of national and EU responses to asylum seeker arrivals. **People living in reception facilities face constraints on their mobility**, for instance, if they wish to work in another part of the country or move to another reception site. Unauthorised absences from reception facilities can jeopardise their entitlement to stay there and ability to keep informed about their asylum procedure. Meanwhile, declaring (even informal) work can decrease their cash assistance (Hatziprokopiou et al., 2021). Other asylum seekers move to avoid living in reception facilities, which are frequently dire

and overcrowded, particularly on the Greek islands (GCR, 2021; ASGI, 2021). Well-off asylum applicants in Greece do not use the reception system and instead find their own housing, while others have avoided reception facilities by living with co-ethnics in the city or settling temporarily in squats (many before a crackdown in late 2019). These arrangements may bring some civil society support but also leave residents at risk of eviction and poor (and sometimes exploitative) living conditions. Additionally, **geographical restrictions** put in place following the 2016 [EU–Turkey statement](#) confine most asylum seekers arriving in Greece to the eastern Aegean islands while their applications are examined. Those moving to the mainland on their own risk negative consequences for their asylum procedure and material reception conditions (Roman et al., 2021). In Italy, those who move to another part of the country to take up work, often in the agriculture or tourism sectors, may find themselves in temporary, seasonal and often informal (particularly in agriculture) positions. These workers face high risks of **harsh labour exploitation** that Directive 2009/52/EC “on sanctions and measures against employers of illegally staying third-country nationals” has done little to limit in practice (Hatziprokopiou et al., 2021).

Displaced people move from one EU country to another if they cannot build a better life in the country where they arrived or to join their networks. **The EU generally prohibits such movements** (for irregular migrants and asylum applicants), **at least temporarily** (short-term mobility only for at least five years for recognised refugees). To avoid being transferred back to Greece or Italy based on the Dublin responsibility system, some aim to remain undetected and therefore maintain their irregular status. Those who move on irregularly and apply for asylum again or are apprehended in the second country will quickly find themselves in a jurisdiction carousel in which nothing other than state responsibility is determined. This results in a prolonged period of waiting for a formal decision as to whether protection will be granted, with limited access to services. Additionally, people who move after they were granted an Italian national humanitarian protection status cannot legally move if they wish to join family or access opportunities in other EU member states. Those who move anyway are required to return to Italy periodically to renew their residence permit. This has spurred a market for fake documents for these renewals and has thus generated further marginalisation and illegality (Hatziprokopiou et al., 2021).

While people may move with the aim of bettering their circumstances, TRAFIG findings illustrate that moving onward in itself does not necessarily translate into moving upward. This begs the policy question: Could national and regional mobility offer policy alternatives to address unwanted secondary movements, which at the same time would also allow for social mobility? What might such mobility regimes look like?

5. Moving forward: Policy recommendations

Restricting mobility is a common means of migration control. However, irregularity frequently cements marginalisation and ultimately leads to perceptions of a loss of control. On the contrary, **allowing certain mobility within and across national borders can enable forced migrants to make use of their skills and networks, rebuild their lives and contribute to their new communities.**

Opening up channels for national mobility

Relaxing reception-related restrictions on mobility and taking people's preferences, opportunities and networks into account would be a more effective way of placing people across Greece or Italy (it should be noted that restrictions to internal mobility within Italy are much less stringent than in Greece, due to the 2016 EU-Turkey statement). Currently, the housing of asylum seekers in reception sites usually happens without considering these factors, leading many to move from place to place on their own—and thus risk losing reception- and integration-related support.

1. Policymakers would do well to put in place mobility restrictions only in exceptional cases and for strictly limited time periods. Relatedly, they should monitor the implementation of the [Reception Conditions Directive](#) with respect to the right of freedom of movement for international protection applicants (Art 7/1) and assure that member states do not misuse the exceptions to freedom of movement (particularly Art 7/2) for political purposes and de-facto detention of asylum applicants.
2. Introducing more flexibility into the reception system would enable more people to earn an income, be near those they know or obtain needed services—and in doing so, get a head start on integrating. Explicitly taking into account asylum seekers' preferences and networks would alleviate some of the shortcomings of the current system and is a measure that can complement or even precede the introduction of flexibility into the reception system. Inspiration can be taken from [matching systems](#) and [algorithms](#) created to enhance the placement and integration of refugees resettled in Europe and North America.

Policymakers can facilitate existing, regular internal mobility channels to enable forced migrants to leverage mobility to improve their prospects. Local labour market demands, access to services and the profiles of international protection applicants should all be considered when planning the location of accommodation facilities to prevent potential marginalisation and promote inclusion.

1. Enabling internal mobility for work purposes, in coordination with the reception system, would allow for improved matching of supply and demand for jobs while also maintaining support and protections for applicants. Work-driven mobility opportunities in agriculture or tourism, industries in which many forced migrants are employed, could be supported with housing and health services (Hatziprokopiou et al., 2021). Such an approach should go hand in hand with ensuring basic workers' rights to avoid widespread, extreme labour exploitation in certain sectors.
2. Creating and strengthening transportation infrastructure would enable the micro-mobilities essential to the everyday lives of displaced people living segregated in isolated camps, making it easier for them to buy groceries and access services—and enabling them to interact with the local community in the process. In practice, micro-mobilities are often impossible due to the lack of adequate public transportation connecting the camps with nearby towns.

Opening up channels for intra-EU mobility

Enabling intra-EU mobility based on skills is a potential triple win: It can benefit receiving labour markets and employers that cannot fill vacancies with local labour; it can benefit refugees who may be unable to find employment in the country that granted asylum; and it can benefit EU countries of first asylum in relieving some pressure on their integration systems and labour markets.

1. Policymakers should allow the mobility of international protection beneficiaries who have a concrete job offer in another EU member state, in acknowledgement of the potential benefits for all parties involved, drawing upon the lessons learned from the German Western Balkan Regulation and pilot initiatives (see Box).
2. Member States should harmonise and ease the conditions and decrease the waiting period for EU long-term resident status, currently five years, to enable intra-EU mobility for international protection beneficiaries more easily and quickly. This should come alongside efforts to make this instrument more widely known as a tool for international protection beneficiaries.

Paving the way: Inspiration for new mobility pathways within Europe

The [moveurope!](#) initiative is making use of volunteering, apprenticeship and job shadowing opportunities to facilitate the mobility of refugees from Greece and Italy to Germany and supports participants in obtaining visas if needed.

The [REF-VET pilot project](#) (implemented by ICMPD and FIERI on behalf of Cedefop, the EU agency for vocational training and education) focussed on the skills-based relocation of refugees from Greece to Portugal, matching refugees' skills with employers' needs and facilitating mobility under a bilateral agreement between the two countries.

In Germany, the [Western Balkans Regulation](#), while not focussed on protection beneficiaries, can also provide inspiration. This regulation enables mobility for Western Balkan citizens of all skill levels, providing that they have a concrete job offer for which no eligible candidate in Germany can be found. An Institute for Employment Research (IAB) evaluation found that this initiative has been quite popular with employers and workers; over half of migrants arriving via this channel were working in skilled occupations; and these workers had low levels of unemployment and benefits use (Brücker et al., 2020).

Increasing options for mobility via family networks and speeding up such processes would help open up legal pathways, guaranteeing the right to family life and supporting positive integration outcomes—and leveraging both mobility and family networks as tools for solutions.

1. Policymakers should reduce waiting times and administrative obstacles so that family reunification under the Dublin Regulation functions more quickly and effectively based on commonly accepted evidence across Dublin states.
2. Broadening the definition of family members eligible for family reunification—currently limited to spouses and children under 18—is one significant way to let more displaced people tap into their networks to find a solution. Policymakers should adopt or even expand the definition of family members and relatives in line with the proposed [Asylum and Migration Management Regulation](#) (i.e. siblings and family relations formed en route, before arrival in the particular member state) to better reflect the social networks of asylum applicants. This might be further expanded by leaving more discretion for minors turning 18 or also including family reunification beyond the nuclear family if these relatives can facilitate the socio-economic integration of those joining them.

3. In addition to expanding the family definition, policymakers could introduce community sponsorship programmes for intra-EU relocation that allow sponsors to name whom they wish to bring. This would allow family members in one EU member state to sponsor the arrival of family from another, beyond the strict family definition, given that they can support their socio-economic inclusion in the relocation country.

Facilitating mobility for educational purposes can help forced migrants to gain valuable experience that can help them land a job, while also supporting their integration by providing them with information about local employment prospects and work cultures. Voluntary service, apprenticeships and job shadowing are all types of training that offer the chance for protection beneficiaries—without the need for a visa in some cases—to move and develop their skills and labour market prospects.

1. Enabling intra-EU mobility for research, studies, training or voluntary service by extending the eligibility of Directive (EU) 2016/801 to international protection applicants and beneficiaries would enable more displaced people to use these opportunities.
2. Expanding scholarships for education and vocational training should go hand in hand with such mobility opportunities to help more displaced people access this channel.

Addressing the situation of long-term legal precarity

Displaced people often find themselves in a protracted state of legal, social and economic precarity if their asylum process lasts for several years; if their protection or other legal status has elapsed or been revoked; or because they arrived irregularly and did not or could not legalise their residence. Pathways out of such situations are necessary to avoid costs for the migrants in question and receiving societies, and even bring [fiscal benefits](#). After all, long-term limbo situations also undermine the credibility of migration policies (European Commission, 2013). Addressing such risks, Ireland announced its “[once-in-a-generation scheme](#)” that, as of 1 January 2022, opens the door for six months for the regularisation of undocumented migrants who have been in Ireland for at least four years and for asylum applicants who have been waiting for a decision for two years or more.

1. Offering regularisation would avoid the unwanted situation of irregularity. Such regularisations should not only take place in countries of first reception, such as Italy and Greece, but also in other member states to which international protection applicants and beneficiaries have moved, and where they may have subsequently lost their legal status.
2. Evidence suggests that regularisation programmes that enable access to services and include up- and re-skilling can foster labour market integration and create a pathway out of irregularity and marginalisation (Mirbach & Schobert, 2011).

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