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Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

#### Empfohlene Zitierung / Suggested Citation:

La Spina, E. (2022). Reforming the Reception and Inclusion of Refugees in the European Union: Utopian or Dystopian Changes? *Social Inclusion*, 10(3), 15-25. <https://doi.org/10.17645/si.v10i3.5222>

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Article

## Reforming the Reception and Inclusion of Refugees in the European Union: Utopian or Dystopian Changes?

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Submitted: 29 December 2021 | Accepted: 27 April 2022 | Published: 27 July 2022

### Abstract

The provision of high-quality reception conditions and the effective inclusion of refugees are permanent challenges in the implementation of the European asylum agenda. The EU legal framework for the reception of refugees has evolved over time through various legislative reforms, notably including those launched in 2016 and the New Pact on Migration and Asylum proposed in 2020. The European Union has also tried to reinforce its non-binding integration policy with the adoption of the Action Plan on Integration and Inclusion 2021–2027. While this plan is intended to promote an alternative “social resilient” integration model for refugees that emulates community sponsorship in Europe, it also generates great bottom-up expectations to provide better integration. These legislative reform proposals and their programmatic framework are theoretically intended to consolidate the European reception and integration system, but in practice have increased the dichotomous tension between utopia and dystopia. Drawing on a political interpretation of both concepts, this article critically analyses the real nature of the changes proposed in the legislative CEAS reforms and in the action plans. Both visions are useful to evaluate the desirability, viability, and achievability of these transformative changes in the future asylum system.

### Keywords

change; dystopia; European Union; integration; reception; refugees; utopia

### Issue

This article is a part of the issue “A Common European Asylum System: Utopian or Dystopian Expectations?” edited by Birgit Glorius (Chemnitz University of Technology) and Jeroen Doomernik (University of Amsterdam).

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### 1. Introduction

Both the so-called refugee crisis of 2015 and the pandemic emergency in major refugee-receiving states have vastly broadened the scope of the legal and political challenges in implementing the European asylum agenda. As noted by Bauböck (2019), despite the message that the European Union and its member states are still in control of the situation, failure to implement a short-term replacement for the Dublin Regulation and distribute refugee-related responsibilities fairly has cast a shadow over the future of the “desired” asylum system. Since the approval of the legal framework of the Common European Asylum System (CEAS), the European Union has attempted to address the structural problems and dysfunctionality of the asylum system. This entailed intro-

ducing more effective examination criteria in the Dublin III Regulation and further harmonising national legislation, with varying degrees of success (Tsourdi, 2020, p. 375). As of 2016, the EU put forward some intermittent initiatives to address these deficiencies, which have become design guidelines for action in reform proposals. However, not all of them have had the same regulatory scope. The challenges faced by international protection beneficiaries in terms of reception and integration have paradoxically played a minor role, although this is a dynamic process, subject to constant border-security changes in the political and legislative agenda in the 2016–2020 period.

Pending the entry into force of the unfinished reform proposals of Directive 2013/33/EU on minimum reception standards (European Parliament and Council, 2019),

the effects of the pandemic have also accelerated an even more exclusionary and restrictive turn (La Spina, 2021b). The health measures have been placed at the service of migration control and some asylum seekers and refugees have been forced into a condition of extreme vulnerability due to the extension of policies of the “neglect” (Garcés-Mascreñas & López-Sala, 2021, p. 22). However, while prevailing restrictions have been set, some opportunities for improving reception have quietly emerged in new reform proposals. In the meantime, the New European Immigration and Asylum Pact adopted in 2020, in line with the Directive 2011/95/EU on qualification, issued some recommendations “for more inclusive societies,” supporting and promoting integration by states. The member states grant beneficiaries of international protection access to integration programmes taking into account the applicants’ specific needs but are free to organise those programmes as they consider appropriate (García-Juan, 2020). In addition, the implementation of the Action Plan on Integration and Inclusion 2021–2027, which focuses on the main sectoral areas of social inclusion and suggests an alternative model of “resilient” integration or community sponsorship for refugees, offers an illusory panacea of positive transformative changes.

Although these legislative reform proposals and their programmatic framework have theoretically sought to reinforce the European reception system and the integration paradigm, they have actually created a dichotomous tension between utopia and dystopia. Zapata-Barrero (2013, p. 174) considered both concepts useful in the utopian political discourse because they encourage analysis of the forms and deficiencies of social change. Utopia is generally characterised as “something unattainable, ambiguous, speculative, and it belongs to the semantic terrain of unfounded beliefs” (Zapata-Barrero, 2013, p. 173), although it could be also a vehicle for the critique of existing circumstances. Dystopia is a negative utopia, where reality proceeds under a rationale that runs against an ideal society. It generally refers to “an oppressive, totalitarian or undesirable society” (Zapata-Barrero, 2013, p. 183). According to the political literature, utopian and dystopian approaches can be useful despite their limitations (Bauböck, 2019, p. 3), since they may sharpen the critical perception of the real nature of changes and guide us to reject possible unworthy effects that are contrary to human rights.

The field of normative theories of migration and political discourse contains a substantial body of literature on the utopian/dystopian paradigm and harbours one of the main debates on migration politics. The controversial imagining of open borders (Bauder, 2018, p. 3; Best, 2003, p. 3), the ethical and political management of immigration (Betts, 2021; Carens, 1996), and the integration of migrants (Klarenbeek, 2021, p. 903) have been labelled as “utopian.” In contrast, critical theories have tended to produce migration dystopias, such as that used by Agamben (1998) to describe the situation of refugees

and irregular migrants as “a permanent state of exception under which they are reduced to their bare lives.” Whereas the term utopia has invariably been applied pejoratively and not in the “right sense” within international relations and international law (Heir, 2017, p. 5), there have been some indirect references to utopia in the analysis of the asylum legal framework concerning family reunification (Brandl, 2016) and the exploitation of child refugees (Mujahid Chak, 2018, p. 21), and some indirect allusions to dystopia by legal scholars, among others, Maiani (2017) and Dijkstra et al. (2020, p. 153).

Although the binary notions of utopia and dystopia are sometimes controversial, I intend to use them to identify evidence of (utopian) progress in the future European asylum and integration systems (Levitas, 1990; Mannheim, 1991) and illustrate cases of (dystopian) rupture or domination (Martorell Campos, 2020). Different scholars have used them as conceptual tools for the critical analysis of contemporary society and for defining an alternative world (Ongaro, 2020). Wright’s (2007, p. 31) three criteria of desirability, viability, and achievability are useful here to critique existing institutions and social structures by identifying the damage caused by existing arrangements and measuring transformative strategies.

Drawing on these theoretical discussions, I will analyse the real nature of the legal changes and political strategies in two interconnected case studies, based on insights gleaned from existing empirical research. Firstly, I will enquire whether the refugee reception system is moving towards a utopian process that promotes the protection and agency of refugees so that they can live properly where and how they want to live—or whether the European asylum legal system is constructing a dystopia based on a political chimaera that is overstepping its limits and jeopardising the most basic human rights principles and values. Secondly, although some inclusion action plans promote bottom-up changes, the utopian goal of a fully integrated society without (the current forms of) discrimination seems to have been forgotten. Attention will therefore focus on the problems of a two-way integration process (Klarenbeek, 2021, p. 903) that underestimates the resilient effect of community sponsorship and its beneficial assumption of policy transfer to Europe. Additionally, I will reflect on the absence of meaningful soft law coordination principles among levels of social responsibility in the post-reception phase (Semperebon, 2021).

In the following sections, I will first explore how the concepts of utopia and dystopia apply to the legislative reforms proposed from 2016 to 2020 including the pandemic’s effects on the consolidation of a new asylums system. This will involve identifying those elements that corroborate the direction of change, from utopian to dystopian control, specifically regarding reception. I will then analyse the implementation of EU-wide action plans on integration to determine whether soft law coordination principles and community sponsorship

are oriented toward utopia or dystopia. I argue that they fail to capture the difference between integration to ensure equal rights and mere support measures that simply facilitate or assist inclusion. In other words, these plans operate on the simplistic assumption that integration between refugees and local communities will happen without states' involvement in ensuring equal rights and fighting discrimination.

## **2. Reforms to the EU Reception System: From the Utopia of Regulatory Advancement to Dystopian Control (2016–2020)**

The provisions contained in Directive 2013/33/EU on minimum reception standards (still in force today) established a minimum common denominator to guarantee dignified, decent reception conditions for applicants for international protection. Pursuant to Directive 2013/33/EU, each member state sets the outlines of these minimum necessary conditions to “ensure a dignified standard of living and comparable living conditions in all member states” (European Parliament and European Council of 26 June 2013, 2013, para. 11). Therefore, the elastic definition of what constitutes a dignified standard of living and how it should be achieved is left to the discretion of the member states. This accounts for the significant differences found in existing definitions, their legal nature, the level of detail of the rules, the geographic scope, the level of quality and, ultimately, the degree of compliance with refugee rights. These areas served to articulate the legislative reform proposals for the 2016–2020 period, which further specified or expanded the most problematic aspects in the direction of change required by the 2015 crisis. This applied both to the 2016 proposals and to those made from 2020 onwards, resulting from the uncertain post-pandemic scenarios that have led to negotiations being postponed. Particularly, due to health crisis effects on specific phases of the process: access to the territory, access to the procedure, and reception and its conditions (Garcés-Mascareñas & López-Sala, 2021). These legal reforms could be desirable alternatives to change, but their viability and achievability (Wright, 2007) have not escaped the potential dichotomy between utopia and dystopia. Although “utopia does not need to be practically possible, it merely needs to be believed to be” (Levitas, 1990, p. 191), the application of other utopian criteria in these new reception conditions seems rather difficult.

### *2.1. The 2016 Reform: An Exponent of Unfeasible Utopian Advancement*

On 4 May 2016, the European Commission launched a proposal for a utopian transformation of the asylum process to move “towards a sustainable and fair Common European Asylum System” (European Commission, 2016a). Based on the amended text pend-

ing approval, it was anticipated that there would be some grey areas in the new scheme to enhance reception regulations (Slingenberg, 2021; Velutti, 2016). In this regard, according to Mannheim (1991, p. 173):

A state of mind is utopian when it is incongruous with the state of reality within which it occurs, [when it] is oriented towards objects which do not exist in the actual situation, [or when] it tends to shatter, either partially or wholly, the order of things existing at the time.

The achievable application of indicators from the European Asylum Support Office (EASO) and the wide discretionary margin of the member states have made consistent improvements in light of the cases heard by the courts. These have included (a) a clearer, more protective definition of material reception conditions (European Commission, 2016a, art. 2.7), with minimum conditions comprising sanitary articles; (b) the clarification from the outset that reception conditions will be provided to applicants “from the moment when the person expresses his or her wish to apply for international protection to officials of the determining authority as well as any officials of other authorities...competent to receive and register applications” (European Commission, 2016a); and (c) contingency plans drawn up and constantly updated to ensure applicants' quality of life, health and well-being, and access to basic social needs (European Commission, 2016a, art. 28).

In contrast, other proposed measures are unfeasible in practice due to the multiple uncertainties and contingencies within the asylum system. For instance, the introduction of a time limit of six months for access to employment (European Commission, 2016a, art. 15.1) is merely a desirable change. There are significant bureaucratic delays in access to the labour market (six to nine months). This is due to the tardiness in recognising legal status, the high unemployment rate, the low educational level, and refugees' risk of social exclusion (Carrera & Vankova, 2019). The real scope of Article 15 in first arrival countries can be questioned by the exclusion from the reception system of migrants applying for asylum in accelerated border procedures, in contravention of the principle of non-discrimination (European Commission, 2016a). Similarly, the assessment of reception capacity (European Commission, 2016a, art. 28) must be carried out without prejudice to the operation of the Dublin system and the proposed corrective allocation mechanism (see Slingenberg, 2021).

Undoubtedly, some of these points are incongruous with the actual situation at reception and cast doubt on whether current strategies are viable and conducive to real change. The disparities in reception and protection standards and the obsessive prevention of secondary movements have reduced the protection system to little more than “a lottery” (Maiani, 2017). For instance, there is a severe lack of legislative

harmonisation on the definition of what a “vulnerable group” and “vulnerable subject” are. This makes special attention to “particular/specific reception needs” inconsistent (European Commission, 2016a). The new reform proposals do not contain certain vulnerable categories such as post-traumatic stress disorder, violence against women (European Commission, 2016a, art. 24), the LGBTI community, apostates, religious minorities, and non-believers (see also La Spina, 2021a). Assigning a guardian for unaccompanied minors no later than five or 25 days after the application has been suggested to be an improvement. However, in practice, proactive detection at the earliest stage possible is a highly unfeasible and problematic utopian advance, given controversial identification techniques and the disproportionate number of minors under the care of a guardian within Southern EU borders (EASO, 2020; European Union Agency for Human Rights [FRA], 2019). According to Eurostat, unaccompanied migrant children represented 10% of all asylum seekers in the European Union in 2020–2021. Sixty-seven percent were aged between 16–17 years old, 22% were 14–15 years old, and those under 14 years of age accounted for 11% of the total. Whereas the provisions whereby a “guardian” is appointed to represent unaccompanied minors and sending minors to prison is prohibited are necessary, they are also implausible, as unaccompanied minors are the only exception to the new pre-entry screening procedure. According to EU regulation on screening (European Commission, 2020a), this should apply to all third-country nationals who are at the external border without fulfilling the entry conditions or after disembarkation, following a search and rescue operation.

## 2.2. *The New 2020 Reform and the Pandemic Impasse: The Keystones to a Controlling Dystopia*

In 2020, the scope of the 2016 reform was reconsidered in light of the impact of the pandemic on reception processes, both within and outside official programmes. While a desire for reform remained, in the face of the well-known loss of state control in global contexts, there is increasing evidence of a gradual blame-based reshaping of reception processes in the form of a dystopia (Sassen, 1996). In other words, a system has been articulated to control individuals in all life facets and deprive them of their freedoms (Martorell Campos, 2020, in a reference to Kafka’s *The Trial*). The beneficiaries of international protection are therefore under constant surveillance and more perversely, they face non-compliance with asylum procedures and the system’s deficiencies. As Maiani (2017, p. 632) suggested, control, deterrence, and exclusion are forms of a dystopian contrast to human rights.

There are significant (strictly legislative) weaknesses, for example, in the definition of family (European Parliament and Council, 2019, art. 12) and the right to family life. While families formed outside the appli-

cants’ countries of origin before their arrival in the territory of the member states are included for protection purposes, the concept of family members does not encompass other family members such as siblings. However, even more concerning are the conceptual problems involved in the restrictions on applicants’ freedom of movement for reasons of administrative convenience (European Parliament and Council, 2019, art. 7.2), and the inconsistency between the grounds for detention provided for in Articles 8 and 11 (European Parliament and Council, 2019), and the letter of the EU Charter of Fundamental Rights (CFR, 2000). Although Article 11 (European Parliament and Council, 2019) should unequivocally prohibit the detention of people with special reception needs, several of these grounds for detention and deprivation of reception conditions are incompatible with the right to freedom, since they are not related to a specific obligation and are punitive in nature.

In particular, the term “absconding” and the concept of “risk of absconding” in the cases derived from Article 2 (sections 10 and 11; European Parliament and Council, 2019) connote a morally reprehensible conduct based on artificial legal criteria. The wide interpretation of the applicant’s intentions excessively broadens the state’s margin of discretion because deprivation measures are not “accessible, precise and foreseeable,” as required by the CFR (2000, art. 6). The objective criteria are therefore open-ended and undefined, which fails to exhaustively delimit the cases involving abandoning or leaving the country, and those related to attempts to remain in the country. This in effect merges asylum law with criminal law (Duff et al., 2014, p. 13), whereby misconduct and escaping immigration control are prosecuted. Based on the doctrine of estoppel (negative consequences of an individual’s own acts), those who escape from a dysfunctional asylum process, flee from poor living conditions while waiting for a transfer or the resolution of their application, or exercise their fundamental right to leave any country are indirectly prosecuted. Indeed, in two cases of transfers of applicants returned from other EU member states under the Dublin Regulation, *Abubacarr Jawo v. Germany* (2017) and *CK v. Slovenia* (2016), it was ruled that the provision of an adequate standard of living must be assessed not only concerning the systemic flaws of a member state’s reception model but also in relation to the individual situation of the applicant. In addition, those who request asylum cannot be deprived of minimum sufficient standards (see *Saciri and Others v. Belgium*, 2013, paras. 42, 43, and 50), and the protection of these standards must unequivocally be ensured regarding reception conditions of unaccompanied minors, as in *Haqbin v. Belgium* (2019, paras. 34–53). The Court reminded the authorities involved that they cannot decide to remove the provision of material reception conditions, even if only temporarily. This would entail applicants being deprived of their most basic needs, including those related to the principle of proportionality and respect for human dignity. Particularly in

the case of unaccompanied minors, these sanctions must be applied taking into account the best interests of the child, in light of Article 24 of the CFR (2000).

Similarly, to limit secondary movements as a deterrent, despite the deletion of Recitals 8, 15, and Article 17.1 bis of the pending reform proposals, if applicants are in a different member state under the Dublin Regulation, they will not be entitled to the reception conditions established in Articles 14 to 17 (European Parliament and Council, 2019). The only exception to this provision (under Article 18.1) relates to access to health care and a dignified standard of living, in line with the CFR and the United Nations Convention on the Rights of the Child. Specifically, this requires member states to cover applicants' subsistence and basic needs in terms of physical security and dignity and interpersonal relationships, paying due attention to the intrinsic vulnerabilities of these applicants and their families or carers.

Following this control-based rationale, new obligations have been introduced to assign applicants a residence in a certain place when there is a risk that they may abscond, based on the indeterminate concepts of "public interest" and "public order." This is required when applicants are involved in a Dublin procedure or when they failed to comply with the obligation to make an application in the first member state. In addition, coercive measures have been launched related to the possibility of substituting, reducing, or withdrawing the daily allowance under Article 17 bis and replacing material reception conditions with support in kind. Specifically, the exception introduced by Article 17 is contrary to the reasoning of the Court of Justice of the European Union in the *Cimade y Groupe d'information et soutien des immigrés v. France* (2012, paras. 39–40 and 46–48), since it seeks to fragment the legal status of the person (by exclusion) depending on whether or not they arrived in the member state designated as responsible for applicants for international protection. This is a penalty imposed on applicants who fully comply with the Dublin rules and may be waiting to be transferred to the country designated as responsible for family unity reasons. The deprivation of conditions is also a double penalty applied to the category of applicants excluded from the reception system with more restricted conditions under Articles 17(a) and 19 (European Parliament and Council, 2019). This applies to the new situation in which applicants may see their material reception conditions withdrawn or reduced, including if they abscond (new insertion in Article 19.2; European Parliament and Council, 2019); if they have "seriously breached the rules of the accommodation centre or behaved in a seriously violent way"; if they fail to attend compulsory integration measures; if they have not complied with the obligation set out in Article 4(1) of the Dublin Regulation and travelled to another member state without adequate justification and made an application there; or they have been sent back after having absconded to another member state (European Parliament and Council, 2019).

In a different vein, with regard to vulnerable groups, the reference to "adequate educational activities" for children is also problematic, insofar as it disproportionately restricts their right to education. This right must be guaranteed in all cases, including detention under Article 11 (European Parliament and Council, 2019, para. 2), taking into account that children should only be detained for the shortest possible period. However, Article 17(a), establishes a restriction on the right to education during the period "pending the transfer to the member state responsible" (European Parliament and Council, 2019, para. 3). Pursuant to Article 30 of the proposed Dublin IV Regulation, the deadlines for carrying out a Dublin Regulation transfer are no longer binding on member states, as there are no repercussions if an applicant has not been transferred within the set deadlines.

While this legislative reform process was in progress, the disruptions caused by Covid-19 have severely affected refugees, highlighting dysfunctional and structural deficiencies in specific phases of the asylum process. This was particularly true for the deterioration in reception conditions and was especially alarming at the border in places of first arrival and temporary reception infrastructures. The hot spots in Greece and Italy, and detention centres/internment in transit centres in Hungary and Serbia, were examples of this (International Commission of Jurists, 2020). The precarious hygienic-sanitary conditions, the overuse of provisional collective facilities, and sine die mass lockdown without observing social distancing produced adverse effects on mental health, stigmatisation, and sexual and gender-based violence (Babicka, 2020). In the meantime, for those asylum seekers who had been accepted into state reception systems, some support services were restricted in duly justified cases and for a reasonable period of time (Garcés-Mascareñas & López-Sala, 2021, p. 18). According to a European Commission Communication on Covid-19 guidelines, "as far as possible," reception options were provided that were "different" from those that would be required in normal conditions (European Commission, 2020b). Beyond the general mitigation actions and precautionary health measures, the temporary suspension of registration and extended deadlines did not avoid the precarious access to housing that existed in the private market and the increase in homelessness. They did not improve access to health care services and working conditions either, except for some job market sectors. On the contrary, the measures enacted during the pandemic have failed to encourage a smooth transition towards the autonomy and integration of asylum seekers and refugees due to structural discrimination (International Commission of Jurists, 2020).

### **3. Integration for Refugees (2016–2020): A Difficult Balance Between Utopian and Dystopian Expectations**

The regulations governing the integration of refugees and applicable public policies are exponents of the

dilemma between what is said and what is actually done (Acosta, 2012, p. 158). “Integration” has been somewhat lacking; in fact, there is a doctrinal plea for abolishing the concept as such (Schinkel, 2018). It suffices to recall the historical omission of the integration of refugees in the European Asylum legal framework, as well as the scant importance given to integration in the EU asylum law (García-Juan, 2020). The integration of beneficiaries from international protection became a key, transversal issue in the asylum regulations within the CEAS after the 2015 crisis and subsequent reform. In contrast, from a programmatic perspective, “soft law” coordination principles and indicators since 2004 have tried to reinforce integration as a “two-way process” that stimulates the bottom-up European integration paradigm for applicants for international protection, specifically with the launch of the 2016 and 2020 action plans. Drawing on a critical analysis of the absence of policy coordination (Semprebón, 2021), the two-way process (Klarenbeek, 2021) and the resilient approach (Preston et al., 2021) as transformative alternatives, these assumptions for effective integration in forced migration will be reworked from a normative perspective below.

### *3.1. Coordinating the Two-Way Integration Process Within EU Legislative Reforms (2016–2020): A Utopian Expectation*

Within the shared competencies of the European Union to develop an immigration and asylum policy, Article 79(4) of the Treaty on the Functioning of the European Union (TFEU) refers to a series of measures put in place to encourage and support the action of member states for the integration of third-country nationals who legally reside in their territories. The EU can only adopt supportive measures in terms of integration, as the harmonisation of laws and regulations is explicitly excluded under Article 352 of the TFEU. The lack of direct competence of the European Union and the arrangements based on coordination with the member states was already reflected in the Tampere Programme (1999–2004), with its 11 common basic principles for the integration policy of immigrants, which defined integration as “a dynamic, long-term, and continuous two-way process of mutual accommodation.” As critiqued by Klarenbeek (2021, p. 907), while many authors have embraced the notion of a two-way process, they have not managed to avoid the unfeasibility and undesirability problems in the one-way approach that they are supposed to overcome.

Although member states define their own national integration model, the indicators, promotion, evaluation and monitoring of quality parameters continue to be an emerging European paradigm. Based on a commitment to a utopian form of coordination, issues related to integration gradually appeared in the Stockholm Programme (2010–2014), the 2010 Zaragoza Declaration, and the 2014–2020 multiannual financial framework. In partic-

ular, the 2015 European Migration and Asylum Agenda expanded the treatment of refugees’ integration (Wolf & Ossewaarde, 2018), while also showing little concern for the existing convergences and synergies at the local level (Glorius et al., 2019) and the disproportionate distribution of social protection responsibility in multi-level governance (Semprebón, 2021).

At the regulatory level, member states were called upon to promote two-way integration at the initial stages of the process, in which both the local and the refugee population participate (albeit with different roles). Member states still established the scale and scope of rights and obligations associated with integration. This involved offering incentives for the active integration of refugees, while also granting some form of social support conditional on beneficiaries effectively engaging in integration measures. This change was introduced in the 2016 legislative reforms analysed above, which emphasised the need to increase the integration prospects of applicants, not only for those who already have acquired refugee status or subsidiary protection but also for those whose applications may be accepted despite practical restricted access to services. Hence, it was only suggested that asylum seekers should be able to work and earn their own income as soon as possible (3–6 months from submitting their application), even while their application is being processed. Mandatory integration measures were also mentioned for the first time in these reforms. Non-compliance could lead to the replacement of benefits and the reduction or withdrawal of material reception conditions. However, as noted by Semprebón (2021, pp. 902–902), social inclusion includes a “bundle of specific services” (accommodation, food, educational/training activities) for which local actors are made responsible. The proliferation of private and third sector actors, overlapping competencies, and the dynamics of contention negatively impact asylum seekers in terms of equal access to social protection. Therefore, many member states are more focused on disconnecting integration from rights by introducing measures that facilitate a broad process of social protection, and less intent on reducing the conditional role of legal status or eliminating discrimination and bureaucratic obstacles. For example, in Germany and Sweden, compulsory integration programmes were introduced for holders of international protection. Similarly, Austria introduced a year of “labour integration,” France launched an “integration contract,” and Germany established “integration courses,” although restricted to applicants who were likely to obtain refugee status. An “introductory adult programme for newcomers” was also launched in Sweden, with an individualised itinerary design based on attitudes and goals (Wolffhardt & Conte, 2020). All these programmes contained a series of measures that included validation of skills, language acquisition programmes, support for qualifications to be recognised, civic courses, educational measures, and access to the

labour market. Similar initiatives were also introduced in 2018 in other destination countries on the southern border such as Italy, Spain and Greece (FRA, 2019).

To achieve this utopian expectation, the implementation of the 2016 Action Plan on the integration of third-country nationals has been key to providing a global framework. This was intended to support the efforts of member states in the developing, structuring and strengthening of measures in the pre-departure and arrival phase related to education, employment and professional training, access to basic services, active participation, and social inclusion. However, when dealing with integration, the plan exclusively referred to immigrants and refugees from third countries who legally reside in the European Union, thus avoiding “the challenge of integration and inclusion,” which was “especially relevant for the migrants, not just newcomers (refugees) but third-country nationals who...are EU citizens” in the post-reception phase (European Commission, 2016b).

### *3.2. The Promotion of “Social Resilient” Integration in the 2021–2027 Action Plan: A Dystopian Expectation*

Consistent with the new Pact on Migration and Asylum published in 2020, a highly qualified, resilient and inter-sectoral integration model was adopted as part of a bottom-up strategy. It is maintained by cooperation between local and regional authorities, in partnership with civil society. The development scheme is a new Action Plan (2021–2027) aimed at ensuring “inclusion in a broad sense,” taking into account “vulnerable or disadvantaged groups” with specific individual characteristics (gender, racial origin, ethnicity, beliefs, sexual orientation, and/or disability). It offers support to member states through cross-funding, guidance on different EU initiatives and strategies, and promotion of stakeholder associations. However, although it covers the most important sectors in which support for integration is essential, it has several weaknesses (Brandl, 2021). It lacks a structured and coordinated approach, with integration measures for some vulnerable categories of refugees based on their characteristics; there is no differentiation of rights to be granted and some additional, merely voluntary measures are provided to support integration. For example, it fails to establish how member states under greater migratory pressure can confront those challenges, or how to address the protection needs of children, especially unaccompanied minors. Likewise, the Action Plan only introduces the vague notions of a “European way of life and inclusive societies in general” but does not mention the possible negative consequences of this neo-colonial conceptualisation of integration measures (Schinkel, 2018, p. 2); nor does it define their alignment with the European constitutional tradition or the rights of the CFR. The Action Plan remains a utopian and ambitious list of actions, reinforcement stimuli, and measures to be applied by the Commission.

Beyond its desirability, the plan calls for the application of a “resilient model” of integration for the refugee population as a real transformative tool for change, focused on increasing the self-sufficiency of asylum seekers (including people of immigrant descent) through early access to work. This notion of resilience is linked to relational autonomy and the general “ability to respond effectively to and cope with adversity, setback, failure, or hardship” (Lotz, 2016, p. 50). In line with Preston et al.’s (2021) criticism and comparison of the social-ecological and social-resilience approaches in Canada, “a resilience approach holds individuals and communities responsible for their own well-being without examining and addressing the inequalities that create vulnerabilities and limit adaptability” (Fainstein, 2018, p. 1270). Access to social rights and needs to guarantee satisfactory integration depends not only on resilience but also on the opportunities for social integration, actors’ coordination, responsibilities, participation in the host society, and the degree to which the latter can reduce the abuse of precarity. Precarity represents an “induced political condition of maximised vulnerability and an exposure suffered by populations that are arbitrarily subjected...that are not state-induced but against which states do not provide adequate protection” (Butler, 2009, p. 3).

Therefore, it seems logical that the host civil society should be involved in integration processes through community sponsorship schemes that go beyond resettlement under the aegis of the social resilience model. The European Union supports member states that are willing to establish community or private sponsorship schemes through funding, capacity building, and knowledge sharing, in cooperation with civil society to deliver better long-term integration outcomes (Fratzke et al., 2019). Although there is still no substantial difference between the two sponsorship types in terms of sharing responsibilities between civil society and state (Tan, 2021), there are still risks and negative connotations associated with the privatisation of public functions or state obligations for the admission and/or integration of refugees. In fact, pursuing a resilient model founded on community sponsorship could be dystopian because it is only justified by the argument that the increased involvement of civil society is beneficial to the “protection of refugees.” There seems to be a confusing link between the quantitative control of refugee arrivals and the release of state responsibility as a qualitative benefit for the “integration” of refugees. According to Tan (2021, p. 7), community sponsorship is often assumed to provide better integration for refugees than traditional institutional programmes, but there is a need to prove that this efficiency in enhancing integration exists in Europe, and to define how it positively influences refugees’ integration (access to employment, language skills, and social capital) as Canadian literature has done (Fratzke et al., 2019; Solano & Savazzi, 2019, p. 6).

Looking at the sponsorship model as a utopian ideal explicitly advocated in the New Pact, in line with



the Canadian literature by Labman (2016), van Selm (2020), Labman and Pearlman (2018), and the conclusions reached by Bond (2020), some doubts and discussions arise about the viability and policy transfer strategy involved in this model in Europe (Tan, 2021).

There is a wealth of Canadian scholarship on the risks and opportunities posed by the private-public nature of community sponsorship, and the challenges of the principle of additionality or complementarity, among other issues (Hyndman et al., 2021; Lenard, 2020). Admittedly, there is a weak assumption that a sponsorship programme ensures greater access of refugees to the host community, solidarity, hospitality, justice, and social cohesion, given the direct contact with sponsors at the time of arrival. In practice, the contradicting results in Canadian empirical research on integration outcomes and sponsorship experiences have failed to not show the positive role that private actors can potentially have in refugees' lives. To date, there is a paucity of findings concerning better health status, employment status and economic advantages in the short term compared to government-assisted refugee programmes (Hynie et al., 2019; Kaida et al., 2020).

Additionally, the few studies that have been conducted seem to support sponsorship programmes due to the proximity of the destination society in the integration process. However, they have somewhat hastily concluded that this model is qualitatively easier, faster, and more beneficial. Furthermore, due to the existing failures or controversies surrounding the practical functioning of current sponsorships (Solano & Savazzi, 2019, p. 8), some hidden controlling dystopias may have been underestimated. These include the bureaucratic delay resulting from the approval of applications for sponsorship, discrimination, and the lack of a common selection approach (Krivenko, 2012, p. 595); the short-term approach of one-to-one support (Solano & Savazzi, 2019, p. 10); and the tension between governmental interests and those of the sponsorship agents, which subdues the individuality of the applicants. Moreover, the lack of the right to appeal against refused applications, poor transparency, and the failure to monitor the complementarity of the different systems can turn sponsorship into a cost-saving strategy (Lenard, 2020). Basically, they enable the state to delegate responsibility or agency capacity to the groups involved (Labman & Pearlman, 2018, p. 445), to the extent that the sponsorship scheme is practically used as a channel for extended family reunification rather than for widespread resettlement of refugees (Hyndman et al., 2021).

Consequently, there is a continuous risk that sponsorship programmes will ultimately collapse due to weak commitment and orbiting conflicts of interest (Labman, 2016; Labman & Pearlman, 2018, pp. 443–447). This is caused by the excessive dependence that they generate and by the fact that the implementation of international obligations is left to fluctuating goodwill, compassion, or paternalism. This mechanism could be conducive

to a reduction of states' accountability for refugee protection based on strategical preferences, decontextualising the causes of displacement, and promoting the self-accountability of entrepreneurial societies. In other words, by disconnecting integration from states' rights and obligations, these alternatives by themselves could be ineffective in counterbalancing the existing structural discrimination in the short and long term.

#### 4. Concluding Remarks

The difficult balance between reception needs and reception capacity, and the practical implementation of minimum reception and integration conditions in each member state have caused shortfalls in the CEAS to date. These regulatory deficiencies can be seen in the challenging configuration of the common European reception system and have (direct and indirect) implications in the application of the European integration paradigm.

The desirable strategy of seeking transformative and positive changes in the European reception and integration agenda cannot exist if the current system remains fundamentally unaltered. Moreover, some of the reform proposals may be seen as utopian in the pejorative sense and even accelerate an uncontrolled dystopia for different reasons.

Despite the articulation of a new roadmap, the change in reception trends marked by the legislative reforms initiated in 2016 and continued by the New European Pact on Immigration and Asylum have indefinitely postponed addressing the challenges of the reception system and the inclusion policies, particularly in terms of their implementation problems at the national level. Moreover, paradoxically, the European Union claims to prevent a high volume of secondary movements by making reception control a priority before and after the pandemic impasse. Basically, the disruptive conditions and sophisticated mechanisms of discrimination prevail in the asylum system both on arrival and beyond first destination. Not surprisingly, interpreting these reforms as a utopian advancement shows how improvements are strongly marked by the questionable viability of decreasing incentives for secondary movements in the future. It also indicates that the impact of certain regulatory criteria leads to a dystopia of punitive control, and to a lesser extent, solves the imperative need to ensure adequate standards of reception and integration across the board.

Similarly, despite the expectations that the measures proposed in both plans will promote effective two-way integration, their practical implementation will remain insufficient unless non-discrimination strategies are prioritised in the asylum process. These should address unemployment, lack of educational opportunities and training, and lack of social interaction, with a view to guaranteeing a smooth and real transition to an independent, autonomous life once international protection has been granted to applicants. Meanwhile, a resilient or

sponsorship model conducive to the direct participation and co-responsibility of society has gained momentum due to its advantages and versatility. The decisive question is whether there is political will to promote refugee integration within this model. Integration is still intuitive and a long way from being empirically confirmed, because this does not only depend on the sponsorship structure and the role of the receiving society. The risk of uncertainties and contingencies in post-reception phases does not preclude the dangers posed by a state control mechanism both for the host society and for refugees upon arrival.

In the midst of the dark shadow of utopia and dystopia, the European Union must surely pursue a “progress-based” change from state interests to human rights, and look for different and better alternatives of refugee integration.

### Acknowledgments

Great thanks go to the anonymous reviewers, editors, and my English proofreader for their helpful comments and suggestions. This study would not have been possible without the financial support of the Ramón y Cajal post-doctoral scholarship programme (Spanish Ministry of Science and Innovation; ref. RYC 2016–19465) and the research project Human Rights and Sociocultural Challenges in a World in Transformation (University of Deusto; ref. IT1224-19).

### Conflict of Interests

The author declares no conflict of interest.

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