

**CONTRIBUTION OF THE “ODYSSEUS ACADEMIC NETWORK FOR LEGAL  
STUDIES ON IMMIGRATION AND ASYLUM IN EUROPE”  
TO THE GREEN PAPER OF THE EUROPEAN COMMISSION  
ON THE FUTURE OF THE EUROPEAN MIGRATION NETWORK**

*The Odysseus Network welcomes the Commission Green Paper. We are pleased to have the opportunity to contribute to the debate on the future of the European Migration Network (EMN) because the academic community has an enormous potential which could be exploited in the future by the EMN. As Odysseus is an academic Network of lawyers<sup>1</sup>, this contribution will put the emphasis on academic aspects and put forward some proposals for a better involvement of universities, research institutes and individual academic experts in the functioning of the EMN. The academic community is indeed extremely interested and concerned by immigration and asylum in Europe as is demonstrated by the high number of papers, books, conferences and PhDs devoted to this subject. The potential benefits of involving this academic community in the work and functioning of the EMN are enormous if there is the necessary will and the means for doing so are properly conceived and implemented. This has not been done up to now and needs to be considered for the future. The Odysseus Network expresses its interest and availability to continue to participate in the debate about the Green Paper and to explore ways of collaboration with the future EMN.*

**The comments below are presented following the order of the Commission Green paper in order to facilitate the debate.**

**5.1. General objective and fields of action**

Although we agree with the general mandate of the EMN as envisaged by the Commission in the Green Paper we have some additional remarks.

A clearer distinction should be made between the tasks of *collecting* existing information and data on the one hand and the tasks of *producing* information and data on the other.

Another general task of the EMN which should be more explicitly expressed is to mobilise all the experts interested by immigration or asylum policy and to encourage networking between them. Those persons include not only academics but also officials working in the services of international organisations (in particular UNHCR and IOM), of Member States' administrations or of important NGOs, who are responsible for research, prospective studies, expertise or documentation. Some concrete proposals regarding ways to involve academics are set out below under point 5.2.

What is meant by data about immigration and asylum needs to be clarified. This notion is used in the Green Paper in a general sense, but it seems that what most of people have in mind are statistics. As statistics are an extremely important but also very particular kind of information, the mission of the EMN in that field should be clarified. Eurostat rather than the EMN is of course the most appropriate structure for producing European statistics or making comparisons between national statistics.

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<sup>1</sup> Visit our website for more information: <http://www.ulb.ac.be/assoc/odysseus/>

Data and information collected by the EMN should in principle be made publicly available, in particular through a website. Contrary to the current position, the area of the website restricted to members should be as limited as possible. In particular, public access to the data and information of the EMN is important in order to convince the academic community to contribute to the EMN (see 5.2, below).

## **5.2. Concrete tasks**

There is a need to have more comparable information and data about the European Union and its Member States regarding immigration and asylum policy. In particular, policy reports about what is happening in Member States should be made available by the National Contact Points. Those reports should be done frequently and quickly in order to provide recent information. A European synthesis should also be prepared by the coordination centre of the EMN and made available quickly. These reports could cover immigration and asylum policy in general and follow a predefined structure in order to facilitate synthesis and the making of comparisons. The national reports accompanied by the European synthesis could be published as a yearly report. In order to satisfy the immediate needs of the European institutions in charge of policy making, the National Contact Points and coordination centre of the EMN should be able to respond quickly to precise requests formulated in particular by the European Commission.

Regarding the mobilisation of the academic community interested and involved in one way or another in European immigration and asylum policy, different means can be envisaged like:

- the creation of a European bibliography containing references to published academic literature (books and articles in journals) and unpublished “grey literature” (reports, brochures and contributions to conferences, which can be important but are frequently inaccessible);
- the creation of a virtual library on the Internet containing electronic versions of the documents, subject to the protection of intellectual property rights;
- the creation of a physical library containing copies of the documents above to which authors would be encouraged (see below) to send a copy. This library could possibly become a documentation centre for all the experts interested in European immigration and asylum policy;
- the creation of a European agenda for research on immigration and asylum where organisers of conferences, congresses, seminars, etc. can temporarily advertise their events in order to inform and attract people;
- the creation of a website and databases where PhD students and researchers can post information about the doctoral theses that they are preparing;
- the creation of a website and databases where researchers can post information about themselves and the subjects of research contracts that they undertake (the “national network directory” mentioned on page 6 of the Green Paper should be improved and its existence promoted);
- the organisation of a European conference for research and studies regarding immigration and asylum in Europe where all the concerned experts could meet regularly (every year or two years); this conference could be focused on a precise topic and include several workshops (the Metropolis conference could be considered as a possible model);
- the publication by the EMN of a “call for research” addressed in general to the academic community (this could be a list of subjects on which more research is needed by the European Union with the view of encouraging researchers to present proposals for projects on these subjects).

### **5.3. Relations with other information gathering bodies and institutional stakeholders**

It could be asked whether it would be worthwhile for the EMN to try to collaborate directly and more closely with the services of the Ministries of the Member States in charge of immigration or asylum policy responsible for studies, research, documentation and expertise when they are not (directly) the National Contact Points. If these kinds of services do not exist in some Member States, the second stage of the EMN would provide a good opportunity to encourage these Member States to envisage the creation of such services in their administrations or to entrust such functions to the National Contact Point. This would enable the EMN to be a kind of European think tank relying on national think tanks in every Member State.

It is said on page 6 of the Green Paper that *“The visibility of the EMN to the outside world is currently limited, as very few of its products are (yet) accessible to the public. This prevents the network’s result from being taken fully into account. The lack of visibility is mainly due to the fact that the network started from scratch so that the first years of operation had to be used for its setting up”*. Even if this statement is true to a certain extent, this situation is also the result of fundamental choices made by the EMN. It is obvious that if products of the EMN are not public, it is because a decision to limit access has been taken. More generally, it seems that the EMN has decided that certain things will be done by the coordination team or the National Contact Points instead of trying to involve when possible the wider community of experts interested by immigration and asylum policy. It would clearly have been open to the EMN to have chosen to involve external experts by using their academic skills to enhance the work of the EMN.

It is striking that the academic community is neglected in the Green Paper. The Network of Excellence financed by DG Research of the European Commission through the Sixth Framework Programme deserves more than a vague reference in footnote number 8 of page 9.

After having mentioned the different ways in which the academic community could be practically involved in the EMN, we would like to underline the necessity of incentivising it to contribute to the EMN and to make use of the instruments proposed. The win-win principle should be taken as a starting point. This means that academics will effectively contribute to the EMN and in particular its databases if they can themselves benefit from the EMN. Academics will send information and complete the EMN’s databases if they see that it is a mean for them to promote their own activities (make known their research results, promote their books, attract people to their activities, make contacts with colleagues, find young researchers interested by collaboration, etc.).

All data contained in the EMN should therefore be made publicly and easily accessible. Databases should also be easier to complete than it is currently the case. At present, access is limited and the existing databases can only be completed by the National Contact Points or by persons authorised by the coordination team of the EMN. This requires a password delivered on request. Almost the contrary could be envisaged: databases should be accessible to the public and could be completed by any interested person. In order to ensure quality and reliability of the information as well as to avoid technical problems, a procedure of validation by the coordination team of the EMN or the National Contact Points, depending on the content of the information concerned, could be put in place; it is only after such a check of the relevance and credibility of information that it could become publicly accessible. Even if this

procedure will require some work, it is less time consuming than directly entering information in the databases. Moreover, if problems with data are not encountered, this procedure could be deleted. Finally, in order to facilitate the completion of the databases, less mandatory information should be required (for instance, the legal databases currently require too many details which are not really relevant or useful like a summary of the rule and its precise date of entry into force, even if it has been adopted years ago, which can in certain cases force the person completing the database to do unnecessary time-consuming researches).

#### **5.4. Form and structure**

One of the most important parts of the Green Paper is certainly the paragraph in which the Commission states that *“A core function is to mobilise and be at the centre of a national network of relevant actors in the field, such as researchers and research institutions, and NGOs, that would contribute to the activities. To that end, NCPs should be independent from governments, but at the same time establish good relations to public bodies, in order to have access to public sector information”* (page 11).

The Odysseus Network fully supports the idea that the NCPs should be at the centre of a national network including researchers and research institutes. The same could be said about the coordination point of the EMN. The idea of independence for the NCPs, if it is in principle good because it could ensure the objectivity of their analyses of the national situation, also risks marginalising them in front of national administrations and political leaders. Therefore, independence should be understood as not necessarily implying that the NCPs must be a separate body outside the administration, but as a need to guarantee them, if the choice is done to maintain them inside the administration, a real independence in their work regarding the agenda of research and content of analyses as well as their relations with the coordination point of the EMN (national administrative law can provide appropriate solutions for defining an adequate status assuring such independence to NCPs within national administrations).

Whatever structure is chosen, the academic community should be adequately involved in the functioning of the NCPs and in particular represented in the central coordination structure of the EMN.

The European Commission should be given the power to approve or reject the proposal of the Member States for the appointment of the NCPs in order to verify that they fulfil requirements ensuring their independence and their capacity to deliver. Financial support from the EU budget should in any case not be given to NCPs which have not been previously approved by the European Commission.

Contact: Philippe DE BRUYCKER, co-ordinator of the Odysseus Academic Network, <a href="http://www.ulb.ac.be/assoc/odysseus/">http://www.ulb.ac.be/assoc/odysseus/</a> , Professor at the Institute for European Studies of the Université Libre de Bruxelles, <a href="mailto:debruyck@ulb.ac.be">debruyck@ulb.ac.be</a>
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