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# **THE EFFECT OF COMMON EUROPEAN ASYLUM SYSTEM (CEAS) ON NIGERIAN IRREGULAR MIGRANTS**

## **ABSTRACT**

The Common European Asylum System (CEAS) focused on the harmonisation and procedure for granting asylum to eligible migrants and safeguarding the rights of those in need of protection across European Union (EU) member states. This study appraised the performance of CEAS on Nigerian irregular migrants and examined the challenges of CEAS for Nigerian irregular migrants. The study relied on qualitative data through Individual In-depth Interviews (IDIs) conducted on representatives from European External Action Service, European Union's delegation to Nigeria and ECOWAS, Frontex, International Organisation for Migration, Nigeria Immigration Service, Idia Renaissance, and the National Agency for the Prohibition of Trafficking in Persons. Preliminary findings showed that majority of Nigerian irregular migrants seeking asylum are not necessarily refugees but economic migrants who seek better life in Europe and, due to this, they change their nationality and give false impression in order to be granted asylum. The difficulty for the EU immigration officials to establish evidence regarding their true identity makes it possible for Nigerian irregular migrants to remain in reception centres for a longer period; some of them do not wait to complete their biometric registration, while others deliberately withdraw asylum applications in order to abscond and reapply in different EU countries. Some of the challenges of CEAS for Nigerian irregular migrants, according to the findings, include slow handling of asylum requests, which consequently led to overcrowded reception centres, conflicting interests of EU member states regarding commitment and procedure of CEAS, as well as strict asylum procedure, which violate the rule of law and rights of migrants who seek genuine protec-

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tion in EU member states. This study concluded that the handling of CEAS has resulted in the increase of Nigerian irregular migrants that applied for asylum, consequently increasing the number of pending asylum applications across Europe.

**Keywords:** Common European Asylum System (CEAS), migration, European Union (EU), Nigerian irregular migrants

## 1. INTRODUCTION

Common European Asylum System (CEAS) regulates the substantive and procedural facets of international protection of migrants from the time they enter an EU member state until they are granted protection status. CEAS was established to ensure fair allocation of asylum applications and common set of rules in asylum procedure among member states in order to discourage secondary migration and the prospect of integration and resettlement (European Commission, 2016a; European Asylum Support Office, 2016). Increased irregular migration by traffickers and smugglers, poor asylum management by member states, and migrant absconding to other member states are only a few of the issues that contributed to the creation of CEAS. As much as it can be argued that people migrate for diverse reasons, including fear of political persecution, war, conflict, insecurity, and environmental disasters such as flooding, earthquakes, evidence from the literature suggest that the primary cause of irregular migration from Nigeria to Europe is driven by economic factors such as poverty, unemployment, and poor standard of living, as well as lack of trust in the political system (Koser & McAuliffe, 2013; European Asylum Support Office, 2015).

Other factors that propel irregular migration from Nigeria to Europe include economic growth and labour demand in the EU. Van Mol and de Valk (2016) and Eurostat (2017) maintained that availability of labour demand in Europe is based on the assumption that recruitment of foreign labour is inevitable in EU countries where low fertility and reduction in mortality rates are leading to the rapid ageing of population. Moreover, with the perception that wages are higher in Europe, the youths view Europe as a place to find greener pastures and escape poverty (Helbling & Leblang, 2019). People who decide to migrate seeking a better life and economic status rather than the danger of persecution or severe injury may not be granted international protection or recognised as refugees. Under the European law, in order to be granted protection or refugee status, the fact that someone is being persecuted in their home country due to race, religion, nationality, social group, or political beliefs must be proven (European Asylum Support Office, 2014).

The route connecting the Strait of Gibraltar and Morocco to Spain, as well as the route connecting Libya and the Mediterranean Sea to Malta or Italy, appear to be among the popular routes for illegal entries into Europe. Studies showed that the Libya route is dominated by Nigerian irregular migrants who start their journey from either Kano, Sokoto, Kastina, or Jigawa States, to reach Agadez in Niger Republic and traverse through the Sahara desert to come to Libya, where they cross the Mediterranean

Sea to reach Europe (International Organisation for Migration, 2017; Oberti, 2021). The International Organisation for Migration (2018) reported that Nigerian migrants who travel by road to Europe take mainly Niger and Libya routes, making Italy the most important destination for human trafficking from Nigeria. In 2016 and 2017, Nigerian nationals with about 181,000 and 18,158, respectively, constituted the highest number of irregular migrants that were disembarked from Italy (European Commission, 2017b).

The increase in irregular migration and migrants seeking asylum consequently resulted in pending asylum cases, and this required effort to build more capacity in EU external border with the aim of harmonising asylum standards among EU member states and protect those migrants who require international protection. In view of this, CEAS was reviewed to guarantee fair allocation of asylum applications and common set of rules in asylum procedure among EU member states to discourage secondary migration and the prospect of integration and resettlement (European Asylum Support Office, 2016). Moreover, conflicting interests of EU member states on asylum have continued to generate controversies regarding commitment and procedure on CEAS. Beirens (2018), Tardis (2018), and Bacon and Robin (2018) claimed that some EU member states diverge from the procedure of CEAS by rejecting automatic quota of admitting migrants, resulting in a slim chance of asylum being granted to qualified migrants by few member states.

While existing literature focuses largely on the weaknesses of CEAS, with findings that are holistic and not country specific (Collett, 2015; Beirens, 2018), not much work has been done on the relationship between CEAS and Nigerian irregular migrants, who are thought to be among the most common migrants to reach Europe by road, primarily via routes through Niger and Libya, making Italy the primary location for Nigerian human trafficking. Therefore, the objectives of this study are to appraise the performance of CEAS on Nigerian irregular migrants and examine the challenges of CEAS for Nigerian irregular migrants. The significance of this study is that it provides information for the EU and Nigeria bureaucrats on the need to critically determine those migrants who are in need of international protection and those who migrate for economic purpose. This study is divided into eight sections. Following the introduction, subsequent sections include conceptualisation of migration and CEAS and empirical review on European asylum policy and migration. Next sections include the theory of historical institutionalism and methodology, followed by appraisal of the performance of CEAS on Nigerian irregular migrants and the challenges of CEAS for Nigerian irregular migrants, before finally reaching the conclusion.

## **2. LITERATURE REVIEW**

### **2.1. MIGRATION**

Similar to most concepts in the field of social sciences that deal with human, social, and economic life, migration has been given various meanings in the literature, since dif-

ferent countries experience divergent historical processes of mobility. Though different definitions of migration exist, there is the agreement that it is based on the movement of persons across political boundaries in order to set up permanent or temporary residence. (Adeola & Oluyemi, 2012; Wickramasinghe & Wimalarantana, 2016). Migration, according to the International Organisation for Migration (2013) is the process by which people relocate with the goal of establishing a new place of habitation. Eisenstad (1954) claimed that migration is the act of physically moving from one state to another, which involves leaving one's existing social environment and entering a new one.

The movement largely depends on distance and duration. When migration involves the movement of people within the same geographical territory, it is referred to as internal migration, and when it involves crossing borders or international boundaries, it is referred to as international migration (Castles, 2012; Okeoghene, 2017). Long-term or permanent migration occurs when migrants change country of residence for a period of 12 months or more than 6 months, whereas short-term or transitory migration occurs when migrants change country of residence for a period of three months or less than six months (Ikwuyatum, 2016).

Some of the reasons people migrate from one state to another are the yearning for a good life and status, socioeconomic instability, conflict and insecurity, environmental disasters such as flooding, earthquakes, lack of trust in the political system, persecution, and fear of war (Kirwin & Anderson, 2018). Chandna (2008) viewed migration as a form of residential change that necessitates complete reorganisation of an individual's community. In the process of migrating, migrants change neighbours, jobs, friends, and a variety of other social and economic ties. Okeoghene (2017) highlights four various routes in international migration which are:

- i. the south-south routes – migration of people from one developing country to another developing country;
- ii. the south-north routes – migration of people from a developing state to a developed country;
- iii. the north-south routes – migration of individuals from a developed state to a developing country; and
- iv. the north-north routes – migration of people from a developed country to another country of the same developed status.

While the number of persons migrating across borders has remained relatively stable, the trend of migration has shifted. Following World War II, decolonisation, and the EU's strong economic expansion, there has been a reversal of international migration, with a decrease in north-south migration and an increase in south-north migration.

## **2.2. COMMON EUROPEAN ASYLUM SYSTEM (CEAS)**

CEAS was introduced in 1995 as an approach to guaranteed regular protection for refugees and migrants fleeing persecution or serious harm in third world countries. CEAS is a legislative framework established for the harmonisation of asylum standards across EU member states. It is a legal framework that establishes common minimum criteria for

member states' treatment of asylum applications and processes (European Asylum Support Office, 2016). The agency responsible for this role is the European Asylum Support Office (EASO). The EASO was created for the purpose of unifying asylum policy among member states and making the process fairer, as well as provide technical and operational support for member states receiving significant numbers of asylum applicants (Namara, 2018). It facilitates information exchange among member countries by allowing the identification and exchange of data, high-quality instruments and processes, and particular initiatives pertaining to EU asylum proceedings.

The role of EASO, as stated by the European Union (2010), includes improving CEAS implementation, coordinating the supply of operational help to member states experiencing specific pressure on asylum and reception systems, and enhancing practical collaboration among member states on asylum. According to the European Asylum Support Office (2016), timeline reforms of CEAS span from the creation of the first law from 1999–2005, the first amendment from 2008–2013, and the 2015 amendment onward. It was argued that the Lisbon Treaty of 2010 changed migration and asylum decision-making and elucidated some primary concepts for the growth of shared asylum and migration in terms of human rights and solidarity (European Parliament, 2018).

The legal basis for CEAS is contained in Articles 67(2) and 78 of the EU Treaty and Article 18 of the EU Charter of fundamental right. For example, integrated asylum, immigration, and external border control policies founded on member-state solidarity and equity for citizens of third countries were highlighted in Article 67(2) (European Council, 2010). Article 78 provides for the development of a mutual procedure on asylum, adherence to the principle of non-refoulement, or lesser and provisional protection for undocumented migrants who require international protection (European Parliament, 2018). In essence, CEAS was created to improve collaboration on asylum-related issues, including certain minimum standards in terms of asylum seeker reception and refugee status. In conformity with the revised Convention on the Status of Refugees in the United Nations 1967 Protocol, CEAS regulates and sets common criteria for international protection through the development of common concepts for harmonising member states' interpretation and application of asylum legislation (European Asylum Support Office, 2016). In essence, CEAS is related to refugee's rights and other beneficiaries of subsidiary and temporary protection and family reunification policies.

In contrast to other regional asylum systems, such as those in Central and Latin America or the African Union, CEAS regulates procedural and substantive aspects of international protection of migrants from the time they enter an EU member state, until they are granted protection status. According to European Parliament (2018), five legal administrative instruments of CEAS include:

- i. Asylum procedure directive – outlining the requirements for a just asylum decision;
- ii. Reception conditions directive – emphasising common standards of reception conditions for migrants seeking asylum;
- iii. Qualification directive – clarifying common standards for granting and rescinding international protection;

- iv. Dublin regulation – defining the standards and procedures for identifying the member state in charge of reviewing asylum applications; and
- v. European Dactyloscopy (EURODAC) regulation – creating a database for storing and comparing migrants' fingerprints.

Based on the backdrop, Toscano (2013) maintained that CEAS ensures that all applications for international protection receive similar treatment in terms of procedural arrangements and status determination, regardless of the member state in which they are filed. Guild and Minderhoud (2011) further support this position that the establishment of CEAS aims to improve practical cooperation on asylum issues while also assisting member states in meeting international obligations by protecting migrants' and refugees' fundamental rights.

### 2.3. EMPIRICAL REVIEW ON EUROPEAN ASYLUM POLICY AND MIGRATION

It would be appropriate to empirically review the EU asylum policy and migration. Czaika and Hobolth (2014) examined the extent to which a shift into irregularity counteracts the deterrent effect of asylum policy. Data used for the study was drawn from dyadic dataset that shows the document of asylum and visa policies, and irregular migration in 29 European states in the period from 2001 to 2011. The study found out that while restrictive asylum policy reduces the quantity of migrants that seeks asylum, there is also a deflection dynamic where a 10% rise in asylum denials corresponds to an increase in the amount of arrested undocumented migrants, with an average of about 3%. Accordingly, a 10% rise in short-stay visa refusals corresponds to a 5% rise in irregular migration.

The degree to which restrictive asylum and visa policies caused an unanticipated behavioural response from prospective and denied asylum applicants was examined by Czaika and Hobolth (2016). Drawing from an examination of bilateral asylum and visa regulations pertaining to migration to 29 European countries between 2008 and 2011, the study found out a considerable swerve into irregularity, with estimates indicating that a 10% rise in short-stay visa rejections results in a 4% to 7% surge in irregular border entry, and a 10% increase in asylum denial increases the number of irregular emigration by 2% to 4%. The study recognised important gradation in the effect of limiting asylum and visa rules on the amount of apprehensions at the border against the territory.

Ghio and Blangiardo (2019) investigated the connection between irregular migration and asylum with a focus on Italy through the adoption of a residual method. In addition to official statistics on asylum and administrative data on applicants and immigrants who were ordered to leave and subsequently returned, the study drew upon operational data on immigrants who arrived in Italy and were gathered by the Ministry of Interior and Department of Public Security during rescue operations. The study offered an empirical examination of the connection between stock of irregular migrants and asylum inflows. According to the study's findings, a rise in unsuccessful asylum applications may offset a decline in illegal entry. In some cases, this could have the paradoxical effect of temporarily increasing the stock of irregular migrants. The study

discovered that the failure of relocation programmes at the European level has exposed the shortcomings in the application of EU frameworks on external migration.

The study of Faure et al. (2015) investigated the challenges of EU migration and asylum policy. The study made use of secondary sources of data and desk review. The findings of the research demonstrated that the EU has been criticised for its inability to offer a comprehensive and effective EU response to the migrant crisis and for its poorly designed asylum policy response mechanisms for three main structural reasons: the system of parallel competences, which permits member states to pursue their own policies in addition to EU policy; the coexistence of numerous actors who want to have a say in policies and who come from very different policy areas with varying, if not conflicting, interests; and fragmented, and in some cases, overlapping funding instruments. The results of the research suggested several measures the EU could take to get past these obstacles, such as hiring a senior political advisor to serve as a liaison between the EU institutions and member states and between the internal and external aspects of migration and asylum policies throughout the EU system.

In the framework of the EU Agenda on Migration, which attempts to address migration upstream and decrease arrivals to Europe from the Horn of Africa (Eritrea, Somalia, Ethiopia, South Sudan, and Sudan), Crawley and Blitz's (2018) study looked at the connection between international protection, human rights, and migration. This project is based on presumptions about the causes of migration from the region, such as the notion that poverty – rather than political repression and violations of human rights – is the primary driver. Utilizing survey and interview data from 128 individuals who arrived in Europe between March 2011 and October 2016 from countries of the Horn of Africa, the study demonstrated that decisions to relocate or continue living in neighbouring countries are frequently influenced by conflict, insecurity, and violations of human rights. The fundamental idea of the EU Agenda is called into question by this evidence. Furthermore, a lack of consistency between Europe's goals to curb irregular migration and its cooperation with nations that violate human rights poses a threat to greater political instability, which could ultimately lead to an increase in external migration from the region rather than a decrease. The study came to the conclusion that rather than focusing on nations' desire to stop irregular migration to Europe, agreements between the EU and countries of the Horn of Africa should be refocused to emphasise adherence to international human rights norms.

## **2.4. THEORETICAL UNDERPINNING: HISTORICAL INSTITUTIONALISM**

The aim of this study is to apply historical institutionalism as a theoretical foundation to the understanding of EU asylum policy and irregular migration. The theory of historical institutionalism arose in order to reintroduce institutions into the study of politics in the 1980's. Scholars of this school of thought claimed that the prevailing theories placed undue emphasis on the coordination and control of activities as the most important factors that sustained an institution (Meyer & Rowan, 1977; Pollack, 2009). Historical institutionalists viewed post-industrial society as a combination of a complex social organisational networks and ideological matter dominated by rational institutional struc-



ture which is a reflection of their environment (Schmidt, 2006; Suddaby et al., 2014). Historical institutionalism evolved by identifying different stages of institutional origin, development and change, as well as their interrelationship. The theory focuses on endogenous processes and makes use of historical records to explain why certain policy choices were made, with the claim that political outcomes can be interpreted as a result of both rules following and interest maximising. Steinmo (2008) identified three ways that make history important in institutionalism:

- i. Institutions are the result of distinct elements of time and space;
- ii. Certain events can be explained better when the historical moment, context, and actors within them are considered; and
- iii. Policy influences future decisions; historical institutionalists study the interdependence of these multiple causal factors.

Thus, the theory is founded on a historical examination of institutional development, taking into account endogenous processes such as conventions and coordination measures, which create a series of distinct moments of choice (Suddaby et al., 2014).

The concept of critical junctures and path-dependence are central factors in historical institutionalism which emphasised the dynamics of institutional legacy and institutional change. Path-dependence is the process whereby history generates a series of specific moments of choice. For path-dependence, policy decisions taken in the past have an impact on policy decisions made later, restricting the policy alternatives available to policymakers in the present (Katznelson, 1997; David, 2007). The notion of increasing returns shows the clear perception of path dependence, in which the adoption of certain institutional alternative brings increasing changes with continued adoption. Switching from one institutional policy to another incurs increasing costs over time, making it difficult to change the adopted policy even when other options are available (Pierson, 2000; Seilonen, 2016). In essence, path-dependence views institutional development as one of many options that came about as a result of a sequence of intentional or implicit actions, with the assumption that past policy decisions and developments had a long-term impact on current institutional arrangements.

Critical juncture is concerned about the politics of institutional change during a brief period when various courses of action that can influence future institutional development are available. Critical junctures emphasised the role of policy makers in stimulating institutional change which typically occurs in distinct ways and is critical because, once set up on a particular course, it is difficult to change institutional arrangements (Pierson, 2004). Change is possible when an existing structure is unable to resist and absorb unexpected difficulties from the outside. As argued by Capoccia and Kelemen (2007) critical junctures represent exogenous events that threaten existing institutional structures and functions which allow or demand for endogenous change. Decisions made in critical juncture may result in path-dependence, as it is difficult to change institutional decisions once made.

Thus, the concept of path dependence and critical junctures are interpreted to mean that since changing the course is expensive, policy makers are unwilling to change the direction of actions that has been chosen (Lowndes & Roberts, 2013). According to Steinmo (2008) and Suddaby et al. (2014), change is difficult because in-



stitutions are interconnected and since changing rules often have an impact on others, some policymakers are resistant to change for their own advantage and also prefer the existing status quo because they are familiar with it and it would be expensive to learn new regulations. In essence, historical institutionalism explains change by stating that when stable organisations are subjected to shocks from without, they are compelled to respond to change (Suddaby & Greenwood, 2011).

Path-dependence is useful for explaining the formation of EU external migration policy and the inability to implement policy changes that would address the issues that previous approaches had encountered, as well as to address new issues, whereas critical junctures can be used to account for the modification of EU external migration policy and the development of new ones that are not sustainable. For path-dependence, the development of EU external migration policy can be divided into periods that take account for the main changes, such as the signing of the Treaty of Rome in 1957 and the signing of the Schengen Convention in 1985. The objectives of these policies include promotion of free and unrestricted movement of people and protection and control of EU external borders. Even so, this period largely consisted of bilateral agreements which reflected labour demands in Europe, as well as the adoption of *laissez-faire* policy which facilitated free movement of labour migrants through a tourist visa across Europe. Garson and Loizillon (2003) claimed that these policies granted more than 30 million of foreign workers, including temporary workers, entries to European Economic Community (EEC) between the early 1960's and early 1970's.

The critical juncture is the period when new EU external migration policy was initiated as a result of unexpected difficulties from the outside that threatens the existing policy. In this regard, the increase in migration to Europe offers help to identify key dates and possible changes in critical junctures that occur in EU external migration policy. Martiniello (2006) identified two events that shaped critical junctures in the EU external migration policy: migration of workers from South Europe, North Africa, and Turkey to North Europe, and migration of educated elites from former colonial countries to Europe after independence due to civil war and economic instability. For example, from 1989 to 1992, there was an increase in asylum requests from 320,000 to 695,000 (Hansen, 2003) and by the early 1980s, migrant population had risen to 15 million (Seilonen, 2016).

Another event in the EU that shaped critical junctures was the impact of the oil crisis in 1973–1974. The periods of the oil crisis dramatically change the global economy and labour markets and also witness an increase in the number of migrants in Europe (Kuthiala et al., 1975; Bulletin Community, 1985; Martiniello, 2006). This period was regarded as a change in migration policy, as many European governments initiated policies stopping labour migration due to the rise of unemployment and coupled with the fact that temporal workers refused to go back to their countries of origin, as expected despite the recession. As argued by Streeck and Thelen (2005), this change may be regarded as stable, but resulted in fundamental transformation that was often endogenous, produced as a result of the very behaviour that the institution created. Due to the increase in migration created by earlier policies, the reforms regarding CEAS and legal migration have received little or no attention from the irregular

migrants who view migration as a way to escape poverty and improve their standard of living. As a consequence, external migration policy became a priority, and migration management dominated major political issues, which resulted in the implementation of EU non-arrival and non-admission policies for the purpose of restricting migration to Europe (European Council, 2006). Thus, this theory argued that CEAS is restrictive in nature and have not deterred irregular migration, but instead lead to diversification of migration routes which are risky and difficult to detect.

### 3. METHODOLOGY

This study adopted a qualitative research approach. This approach entails gathering written materials, aural recordings, interviews, and documentary evidence, and then analysing them, using qualitative methods. This study was carried out in the Federal Capital Territory (FCT) Abuja, as well as the states of Lagos and Edo States. These regions were chosen because of their proximity to national, international, and non-governmental organisations involved in migration, as well as the prevalence of trafficking networks that facilitate irregular migration to Europe.

**Table 1**

*Distribution of the Selected Respondents*

S/N Total	Category	Designation	Number in Subcategory	Total
1	European Union officials on migration	European Union Delegation to Nigeria and ECOWAS  European External Action Service  Frontex	3	3
2	Nigerian experts on migration	Nigeria Immigration Service  National Agency for the Prohibition of Trafficking in Persons  Idia Renaissance	3	3
3	International organisation on migration	International Organisation for Migration	1	1
<b>Total</b>		7	7	7

*Source:* compilation by the author from the field work, 2021.

In-depth interviews (IDIs), conducted in 2021, served as the major source of data for this study. Seven respondents were purposefully chosen for the study. They include the European Union representative to Nigeria and ECOWAS, Frontex, the European External Action Service, and Idia Renaissance, which is a local non-governmental organisation that focuses on migration. Other respondents include the Nigeria Immigration Service (NIS), the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), and the International Organisation for Migration (IOM). Table 1 above presents the distribution of the respondents. The selection of these respondents was predicated on having sufficient expertise and understanding of the migration-related issues in the EU and Nigeria. Semi-structured interviews served as the study's data collecting tool. Descriptive approach and content analysis were used to analyse the acquired data. The research instrument was divided into two objective sections. The first objective is to appraise the performance of CEAS on Nigerian irregular migrants, while the second objective is to examine the challenges of CEAS for Nigerian migrants.

## **4. RESULTS AND DISCUSSION**

### **4.1. APPRAISAL OF THE PERFORMANCE OF COMMON EUROPEAN ASYLUM SYSTEM ON NIGERIAN IRREGULAR MIGRANTS**

What necessitated the adoption of CEAS was the promotion of harmonisation procedure in the provision of asylum for non-European nationals. CEAS ensures that asylum applicants are welcome in a dignified manner and treated fairly in a uniform standard so that no matter where the applicant applies in the EU, the outcome would be similar, effective, and impervious to abuse (R1, 2021). The opinions concerning the experience of Nigerian irregular migrants regarding CEAS were quite similar. Immediately after irregular migrants disembark from the rescue mission ship, they are taken to migrant registration centres, commonly referred to as hotspots for administrative procedure, where they are interviewed about their name, country of origin, the route they took to Europe, and the reason for seeking asylum, after which migrants' fingerprints and photographs are captured (R4, 2021; R7, 2021). This process qualifies irregular migrants to apply for asylum, enabling the EU to determine whether migrants actually seek asylum or simply arrive for economic reasons and also to determine the EU country responsible for asylum application to avoid multiple applications in other EU countries (R4, 2021). Irregular migrants are also given necessary medical attention, food, legal aid, and shelter while waiting for their case to be reviewed and examined by immigration personnel (R1, 2021).

The emergence of the COVID-19 pandemic has further introduced other preventive measure in administrative procedure to avoid the spread of the pandemic. It was thus opined that:

*Because of the new normal imposed by COVID-19 pandemic, irregular migrants are requested to observe a mandatory 10 days quarantine period which takes place on board special boats or in open moored. For migrants who have come in contact with person infected with the virus, they may stay longer on the boats for fortnight, three weeks or even longer in a dedicated section on the boats or taken to the hospital (R2, 2021).*

At the end of the administrative procedure and mandatory quarantine period, migrants' personal situation and information provided at the migrant registration centres often determine where they are placed. For migrants who actually seek asylum, they are taken to reception centres, where they follow the procedure to apply for asylum. Meanwhile, migrants assessed to be ineligible for asylum or found to have arrived for economic or other reasons are taken to detention centres, where they will be waiting for deportation to their respective countries (R4, 2021). This viewpoint corroborated Table 2, which shows the percentage of asylum applications of non-EU nationals between 2019 and 2020, placing Nigeria at the 10th position, with total percentage population of 35.5.

**Table 2**

*Top 15 Non-European Countries of the First Time Asylum Applicants in 2019 and 2020*

Country	2019	2020	Per cent of Total Population
Syria	74.9	63.5	138.4
Afghanistan	54.3	44.2	98.5
Venezuela	44.8	30.3	75.1
Colombia	31.9	29.1	61
Iraq	26.9	16.2	43.1
Pakistan	24.3	16.0	40.3
Turkey	23.4	13.9	37.3
Bangladesh	13.2	10.5	23.7
Somalia	12.9	10.1	23
Nigeria*	20.5	9.6	35.5
Guinea	12.1	7.4	19.5
Eritrea	9.9	7.0	16.9
Georgia	19.9	6.8	26.7

**Table 2** (continued)

Country	2019	2020	Per cent of Total Population
Morocco	9.0	6.8	15.8
Algeria	9.1	6.5	15.6

*Notes:* adapted from Eurostat (online data code: migr\_eipre).

Asylum applicants must provide sufficient evidence of political, social, and racial persecution or civil war in their countries. However, because of their clandestine entry into the EU, Nigerian irregular migrants often change their nationality in order to be granted asylum. This position was thus postulated:

*Apart from the insecurity in the northern part of Nigeria, Nigerian irregular migrants take advantage of the political crisis in African countries like Sudan, Mali and Guinea by adopting citizenship of these African countries to apply for asylum in EU countries. However, because of their inability to communicate in the language of these countries, Nigerian irregular migrants still find it difficult to convince immigration authorities that they are citizens of those countries. The difficulty for the EU immigration officials to establish evidence regarding their true identity makes it possible for Nigerian migrants to remain in reception centres for longer period until their asylum application is processed and such application can take months or years to conclude. If asylum request is not in favour of migrants, they would be ordered to leave the EU (R2, 2021).*

At the reception centres, irregular migrants are allowed to go out of the centres during the day, and they are expected to return in evening time. However, Nigerian irregular migrants take advantage of this to abscond through the assistance of their families, friends, or smuggling and trafficking agents in Europe (R7, 2021). Corroborating this view, reports from Frontex (2020) showed that smugglers and organised crime groups used vehicles such as mini-vans and trucks to transport irregular migrants across EU member states using various methods, such as hiding migrants in the cargo area of a van or the trunk of a car in more sophisticated custom-built compartments. Knowing that they are putting their asylum status at risk, irregular migrants living in Europe without valid documents are usually invisible to the authorities, as they limit their movement to avoid being arrested and deported. These migrants rely on smuggling and trafficking agents who provide fake documents and subjugate them to engage in some illegal work like drug peddling, prostitution, and other criminal activities (Frontex, 2021; R7, 2021).

Some irregular migrants do not wait to complete their biometric registration, while others deliberately withdraw asylum applications in order to abscond and reapply in different EU countries (R1, 2021). Since the determination of asylum status may take

up to a year, migrants consider life in reception centres in Europe as preferable to the situation in Nigeria (Seefar, 2021; R4, 2021). The consequence of this action is the increase in the number of pending asylum applications in the EU, as shown in Table 3 with Germany (584%), France (312%), Spain (236.4%), Greece (167.8%), and Italy (100.9%) taking the lead, respectively, between 2019 and 2020. Moreover, it was argued that the advent of the COVID-19 pandemic, which resulted in the closure of asylum offices and opening of online application for asylum through email communication, would also increase the backlogs and pending asylum application (R2, 2021).

**Table 3**

*Pending Asylum Applications in European Union Member States in 2019 and 2020*

Country	2019	2020	Total Percentage
Germany	326.8	257.2	584
France	160.8	151.2	312
Spain	133.0	103.4	236.4
Greece	105.5	62.3	167.8
Italy	47.0	53.9	100.9
Belgium	29.1	29.2	58.3
Austria	27.1	21.2	48.3
Cyprus	18.8	19.6	38.4
Sweden	27.5	18.5	46
Netherlands	20.2	17.1	37.3
Ireland	7.3	6.8	14.1
Finland	8.3	6.3	14.6
Malta	4.3	5.1	9.4
Poland	4.8	3.6	8.4
Romania	0.9	2.3	3.2
Bulgaria	11	2.2	3.3
Luxembourg	1.8	1.9	3.7
Denmark	1.4	1.3	2.7
Slovenia	0.5	0.6	1.1
Croatia	0.6	0.6	1.3

**Table 3** (continued)

Country	2019	2020	Total Percentage
Czechia	0.8	0.6	1.4
Lithuania	0.6	0.3	9.0
Slovakia	0.1	0.1	0.2
Latvia	0.1	0.1	0.2
Portugal	0.2	0.1	0.3
Estonia	0.1	0.0	0.1
Hungary	0.2	0.0	0.2

Note: adapted from Eurostat (online data code: migr\_asypencztzm).

Asylum applicants who are granted a subsidiary protection or receive negative decision and are ordered to leave the EU often complicate CEAS with multiple applications in different EU countries. This action put pressure on CEAS, as the number of pending asylum applications continued to increase across Europe. In 2019, a report from Frontex (2020) showed that the biggest percentage of repeated asylum claims in the EU – 9% – came from citizens of Serbia (34%), Russia (22%), Moldova (20%), Sri Lanka, Nigeria, and Senegal (more than 15% each). In 2020, Nigerian irregular migrants who applied for asylum in the EU repeatedly constituted about 27% of the total asylum applicants (Frontex, 2021). According to the European Asylum Support Office (2020), Nigerians were among the largest groups of irregular migrants who applied for asylum in Italy in 2016–2017, as well as the migrants with the most pending asylum cases in 2018 and the most withdrawn asylum applications in 2019.

Other migrants who also put a strain on CEAS are those that enter the EU legally but overstay their permission, which automatically categorises them as irregular migrants. It was professed that:

*These migrants make use of fraudulent documents like counterfeit visa, passport and residence permit and cross to other preferred EU countries and subsequently discard the fake documents so as to apply for asylum. This burden on CEAS is seen in the rise of asylum claims relative to the influx of undocumented migrants. Application for international protection from first and second asylum applicants are much higher than irregular border crossing (R2, 2021).*

For some irregular migrants, applying for asylum may not necessarily be important, as they are aware of the negative decision regarding their asylum application due to their ineligibility to be granted protection. These migrants engage in menial jobs in remote areas which are offered by European industries and companies, aware of the consequences of their wrongful actions against European laws (Obi-Ani et al.,



2020). As undocumented migrants, and because of their irregularity and the cheap labour they provide, they are constrained to accept poor pay under inhuman conditions, while considerable amount of their pay is used to service debt for the smuggling agents that bankrolled their journey to Europe and to assist in the procurement of papers to indulge in criminal activities, such as prostitution or drug peddling, to pay off debt on time and also attend to financial pressure from family members in their home country (R4, 2021). Corroborating this position, European Migration Network (2012) claimed that Austria, Latvia, Belgium, the Czech Republic, and Poland are identified with the highest number of employments of irregular migrants. Moreover, it was buttressed that employment of irregular migrants in secondary sectors, such as hospitality, agriculture, restaurants, and catering services, is difficult to identify, partly because of the attitude of the owners of these businesses who hide and fail to disclose the number of their employees, especially those without residence permits, because of the cheap labour they offered and poor pay they provide for the migrants (R1, 2021; R7, 2021).

#### **4.2. CHALLENGES OF COMMON EUROPEAN ASYLUM SYSTEM FOR NIGERIAN IRREGULAR MIGRANTS**

CEAS has continued to face criticism on the manner of receiving irregular migrants in reception centres, their hospitality, the rate at which EU member states comply with the procedures of granting asylum, and migrant's reaction towards CEAS. The first identified challenge of CEAS is the poor condition that Nigerian irregular migrants face and lack of facilities in reception centres. Specifically, it was professed that:

*A reception centre should only accommodate at least 300 migrants. However, most of the reception centres particularly in Italy and Spain are overcrowded with as much as 5 000 irregular migrants. Migrants sleep outside the centre because of lack of space and mattress, while food and medical care are difficult to access. In short, the pictures of irregular migrants in reception centres are not different from the reasons they left Nigeria to seek greener pasture in Europe. In some cases, migrants have to break out from overcrowded reception centres, a situation that has raised fear that migrants could spread COVID-19. Also, there are inadequate staff to meet the needs of migrants in reception centres. In a situation where you have 150 staff compared with over 5,000 migrants in reception centres, poor treatment of migrants is inevitable (R4, 2021).*

The sluggish processing of asylum claims, which has resulted in pending asylum applications, is another issue that is crucial. It was stated that the bureaucratic bottleneck and delays involved in the processing and determination of asylum applications, where migrants wait for months or years in registration centres before their asylum applications are clarified, is a major challenge to the EU asylum system (R6, 2021; R7, 2021). And as irregular migrants continued an unauthorised journey to Europe, the

number of accumulated asylum applications as a result of bureaucratic delay have been on the increase. Even in registration centres, some EU member states have been unable to register migrants due to the lack of capacity to provide adequate provisions for registration (Oberti, 2021). In addition, it was revealed that the lack of willingness on the part of some EU member states, such as Denmark, Hungary, and the Czech Republic, to support CEAS has continued to increase the number of pending asylum applications. As these countries have poor asylum systems, irregular migrants are forced to seek protection in EU member states that have a better asylum system, consequently contributing to migrants absconding, secondary migration within the EU, and multiple asylum applications in several European countries (R1, 2021).

CEAS has been criticised for the lack of merit in the procedure for determining asylum for migrants. It was noted that multiple negative asylum decisions or the strict EU asylum procedure violates the rule of law and rights of irregular migrants who seek genuine protection in European countries (R5, 2021; R3, 2021). As a result of this, migrants experience abuse, especially during the process of return or in detention centres (R5, 2021). The lack of opportunity for irregular migrants to appeal after an undesirable asylum decision has also been considered a challenge to the rule of law of CEAS. Irregular migrants whose asylum claims are rejected have the opportunity to appeal for the second time, but, in most cases, this is not always the case, as they are not given the opportunity to do so. Instead, EU member states hurriedly arrange flights for these migrants to be deported to Nigeria without prior notification (R3, 2021; R1, 2021). This contradicts the international standard of determining asylum applications and also violates fundamental rights of asylum seekers.

Furthermore, it was noted that the priorities of EU member states on CEAS do not coincide, resulting in an unstable and unfair interpretation and distribution of asylum applications among member states. This hinders some member states' ability to protect migrants in need of asylum and also encourages secondary movement within European countries. This point of view was further expressed as follows:

*With around 130,000 asylum applications, Germany got the most in 2018, followed by France with approximately 116,000. Nearly 30% of all applications were from Greece, Spain, and Italy. However, Hungary and Czech Republic have continued to reject asylum applications and retain sovereignty in deciding the volume of asylum seekers and the kind of nationals that will be granted asylum in their countries. In other words, there are inconsistent interpretations and divergent recognition rates of CEAS among member states (R4, 2021).*

Essentially, the discrepancy in national procedure of determining asylum application is one of the major banes of secondary migration in Europe, where irregular migrants abscond from one EU member state with strict asylum procedure and migrate to another member state with liberalised asylum procedure so that their asylum application can be granted.

## 5. CONCLUSION

CEAS was created to enable EU member states to fulfill their European and international commitments to provide protection to those in need and to improve practical collaboration on asylum concerns. Asylum applicants must provide sufficient evidence of political, social, and racial persecution, or civil war in their countries. However, because of their clandestine entry into the EU, Nigerian irregular migrants often change their nationality in order to be granted asylum. This study appraised the performance of CEAS on Nigerian irregular migrants and examined the challenges of CEAS for Nigerian irregular migrants.

Findings from the study showed that the majority of Nigerian irregular migrants seeking asylum are not necessarily refugees but economic migrants who seek better life and, because of this, they change their nationality and give false impression in order to be granted asylum. And the difficulty for the EU immigration officials' to establish evidence regarding their true identity makes it possible for Nigerian irregular migrants to remain in reception centres for a longer period. Some do not wait to complete their biometric registration, while others deliberately withdraw asylum applications in order to abscond and reapply in different EU countries. However, findings from the study identified the challenges of CEAS for Nigerian irregular migrants, which include: slow handling of asylum requests, consequently leading to overcrowded reception centres; conflicting interests of EU member states regarding commitment and procedure of CEAS; and strict asylum procedure, violating the rule of law and rights of migrants who seek genuine protection in EU member states.

The conclusion of this study is that the handling of CEAS by the EU member states has resulted in the increase of Nigerian nationals, who constituted one of the largest groups of irregular migrants that applied for asylum, consequently increasing the number of pending asylum applications across Europe. Based on the findings, the study recommended that the performance of CEAS can be improved upon when there are limited stakeholders involved in the implementation of asylum. This could remove the bureaucratic bottleneck and delay in the processing and determination of asylum applications. Similarly, there should be a review of CEAS to reflect international standards and collaboration between EU immigration officials and Nigerian immigration officials to ascertain and identify Nigerian migrants who actually need asylum. This would help to reduce pending asylum cases in Europe and encourage swift and proper return of Nigerian irregular migrants in Europe.

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