
Update on EU asylum policy developments 10 March 2016

This updates a note on key EU decisions for the EPSU Executive Committee of 3-4 November last, and provides initial information regarding the implications of EU/Turkey measures as well as the estimated cost of border controls. It also proposes to discuss further the scale and consequences of rampant privatisation of asylum policy.

As the numbers of people fleeing war, persecution or poverty continue to rise, the politics in Europe take a considerable turn towards nationalism and xenophobia whilst shirking asylum responsibilities to EU border countries or third country not the least Turkey.

As recently put by the ETUC “*Europe is closing its doors. EU leaders have decided that the victims of war must live elsewhere. They are giving money to Turkey and others in order to keep refugees out of Europe and without insisting on decent living conditions*¹”. The UN refugee agency also stated that Europe stood on the verge of a “*largely self-induced humanitarian crisis*”.

EU relocation and resettlement plan and hotspots

Back in April 2015, the EPSU executive Committee adopted a joint EPSU/PSI statement calling for solidarity and a fair sharing of refugees across the EU supported by sufficiently staffed public services to ensure decent reception and longer-term integration in society. The statement did not take a position on the relevance of “quotas” but expressed support for UNHCR calls to relocate up to 200 000 refugee places in Europe. It reiterated long-standing demands for safe and legal access to Europe to avoid the thousands of deaths on the shores of Europe, the immediate suspension and revision of the Dublin Rules that caused inextricable situations in Mediterranean countries and on the Balkan route, and equal treatment of migrant workers and refugees at the workplace.

In September 2016, the EU eventually agreed a relocation plan across the member states (except the UK), over two years, of **160 000 refugees** from Italy and Greece and other Member States most affected by the refugee crisis (other than Hungary). The scheme only applies to nationals of Syria, Iraq and Eritrea. Asylum seekers will not have the right to choose the country where they are relocated to or move to another Member State than the one they have been relocated to. It was agreed to resettle, on a voluntary basis through multilateral and national schemes **22 504 displaced persons** from outside the EU in need of international protection, also over two years.

Whilst initiatives that promote regular pathways of admission for refugees is welcomed, the EU resettlement and relocation plans were rightly criticised by the UNHCR for being far below actual needs. By the end of 2015, more than 1 million people sought protection in Europe (compared to 19 Million refugees in the world), representing 0.2% of the total EU population. In 2015 **1.472 people died** whilst trying to reach the shores of Europe and **2.130** missing.

¹ <https://www.etuc.org/press/eu-closes-doors-refugees#.VuAqNP4UVD9>

As of 10 February, despite the very low numbers agreed, the European Commission reported that only **497 persons had been relocated from Greece and Italy**.² In fact, over more or less the same period of time, many more people have been “returned” (at least 30,000) from Greece and Italy to third countries than relocated to the EU.

The establishment of EU-funded hotspots in Greece and Italy to support the relocation scheme, have yet to be fully operational. Hotspots are charged with registering, fingerprinting, relocating asylum seekers and deporting failed asylum applicants. They are EC-funded with the support of the European Support Asylum Office based in Malta and Frontex based in Poland. The plans to establish a European Border and Coast Guard System are due to be agreed shortly.

The European Council of 7 March calls for substantial acceleration of the implementation of the relocation plan and for implementation of the resettlement plan to “alleviate the heavy burden that presently weighs on Greece”. It does not establish any new commitments although since the start of 2016, according to the UN refugee agency, there have been 123,000 new arrivals in Greece by sea, 34% of whom are children and 20% women.



Greece and the Western Balkan route

In 2015, 880 000 new people arrived in Greece, most of whom wanting to go through the Western Balkans to central and Northern Europe. Earlier this year, the unilateral decisions from one country to another to close their borders and/or set restrictive quotas (e.g. Austria’s quota of 80 people daily) led to a humanitarian crisis at the Greek- FYROM border at Idomeni with tens of thousands refugees stuck without the right to cross further north.

Of the 5 hot spots planned in Greece (Lesvos, Chios, Samos, Leros and Kos), only the Lesvos hotspot is currently fully operational. The progress has been slow, due in part to the need to build them from scratch and with shortcomings in infrastructure, staffing and coordination.

Once fully operational and equipped, the hotspots aim to reach a total fingerprinting capacity of around 11,000 persons per day. Caution on the use of fingerprinting must be underlined.

² http://europa.eu/rapid/press-release_IP-16-269_en.htm

Of the **66,400 target number** only **218 people** have so far been relocated. Since the beginning of 2015, Greece has carried out 16,131 forced returns and 3,460 assisted voluntary returns of economic migrants.

As of March, 24,000 refugees are in need of permanent shelter and 2,000 people arrive on the country's shores each day. The EU Council of 7 March commits to providing emergency support although the details are not in the conclusions; the Guardian reported that the EU will help fund large-scale refugee camps in Greece with an allocation of €700m of aid over three years³. The Council has also declared that "*Irregular flows of migrants along the Western Balkans route have now come to an end*".



Italy

Of the six hotspots planned only the ones in Lampedusa and Pozzallo are fully operational, the ones in Porto Empedocle/Villa Sikania, Trapani, Augusta and Taranto, are not yet completed.

Once fully operational and equipped, the hotspots in Italy are expected to have a fingerprinting capacity of 2,160 migrants per day, which would be above the average arrival numbers for January according to the Commission.

Relocation from Italy is also far behind the target of **39,600** relocations. In total, **279** applicants have been relocated to date, with 200 outstanding relocation requests sent to other Member States. As of the end of February, only 15 Member States had made relocation places available with pledges to receive 966 people, while 20 Member States have appointed Liaison Officers to support the process on the ground. The Commission justifies the low implementation rate to be due to the limited arrivals of eligible asylum seekers on the Italian territory.

Italy has carried out over 14,000 forced returns in 2015, and participated in 11 FRONTEX joint return flights of rejected asylum seekers from other Member States.

³ [Guardian, Mar 2](#)

Turkey

There are **more than 2.7 million** registered Syrian refugees in Turkey.

The 7 March European Council welcomed the implementation of the EU/Turkey action plan approved last November, and Turkey's commitment to implement the bilateral Greek/Turkey readmission agreement "*to accept the rapid return of all migrants not in need of international protection crossing from turkey into Greece and to take back all irregular migrants apprehended on Turkish waters*".

It was also agreed to finalise in time for the next European Council on 17-18 March, the following proposals:

- To resettle for every Syrian readmitted by Turkey from Greece, another Syrian from Turkey to the EU member states. It means that if NATO or another force intercepts a boat with, say, 50 people, among whom 10 are Syrian, all of them will be rescued and sent to Turkey. Then the EU will be obliged to take 10 Syrians (not the same people, though) from Turkey and send them by plane to EU countries. Readmission will be funded by the EU.
- To accelerate visa lifting for Turkish Citizens by the end of June 2016
- To speed up disbursement of the initially allocated €3 bn to fund a first set of projects to Syrian refugees and host communities in Turkey.
- Prepare for the decision on the relaunch of Turkey's EU accession bid as soon as possible

The "one in, one out" proposal was immediately condemned by many civil society organisations, the UNHCR and the ETUC on ethical grounds, as it basically treats people like cattle, and on legal grounds, not the least as pushing back new arrivals, in this case from Turkey, violates the non-refoulement principle of international law and EU charter of fundamental of human rights.

A couple more legal pointers to discuss further:

An individual is entitled to decide for him/herself where *to seek* recognition of his/her refugee status. Therefore, undifferentiated efforts to deter groups known to include refugees — for example, NATO action "against smugglers", which became operational from 7 March, to the extent it will invariably stop refugees from reaching a state party — are in breach of the Refugee Convention. Where it gets more complicated is that the right to decide where *to seek* recognition of refugee status does not entail the right to choose where international refugee protection is *to be enjoyed*. States enjoy substantial latitude to require a refugee to benefit from protection in a state not of the refugee's choosing. One requirement is that the destination state must be a state party to the Refugee Convention and that refugees are in fact recognized and respect those rights.

Turkey is a state party to the refugee convention but it does not yet comply. It has entered a geographical limitation on its accession to the Refugee Convention, whereby it has no obligations to non-European refugees. We can conclude that Turkey would have to withdraw its geographical limitation to implement the above readmission plans.

The EU measures as well as long standing national practices, also conflict with the European Convention of Human Rights that forbids collective expulsions of foreigners when their individual circumstances are not taken into account.

A common list of "safe third countries"

With a view to support the EU/Turkey measures, the EU Commission has published a common list of 7 ‘safe country of origins’ based on existing lists of member states. Applications from nationals of the listed countries will be fast-tracked, allowing for faster returns if the individual assessments of the applications confirm no right of asylum.

The list includes Turkey, Albania, Bosnia and Hercegovina, FYROM, Kosovo, Montenegro, Serbia⁴.

The inclusion of Turkey is perplexing. 23.1% of asylum applications from Turkey were well-founded in 2014, whereas the other listed countries show a much lower percentage of well-founded asylum claims, only one member state includes Turkey on its list of safe countries, whereas for the other 6 safe countries they appear on the list of at least 6 member states.

Such lists have been criticised for going against the spirit of the international individual right to seek asylum.

All in all the ETUC has taken a very critical stance against the EU/Turkey plans “ *there should be no trade-off between keeping refugees out of Europe and accelerated EU membership talks.... The first duty of the international community is to give shelter to asylum-seekers.. Despite the heroic efforts of many citizens, the EU is clearly failing to do so.*”

“With the number of journalists in jail, the lack of trade union rights, the treatment of the Kurds, and its ambiguous role in the Syrian war there is clearly a long way to go for Turkey to become member of the EU.”

“The ETUC has long argued that the international community should invest time and resources to re-establish peace in the Middle East, and EU Member States should work towards the integration of refugees.”

Further discussion is needed to develop a public service trade union position on the above

The cost of Fortress Europe

The establishment of legal, safe passages to the EU via visa policy or humanitarian corridors, is the best way to save lives, uphold the international right to seek asylum and combat exploitation of undocumented migrants once they are in the EU.

There is also an economic argument as the tightening of border controls proves ineffective and costly. Whilst, there is no compiled official data on the financial cost of border controls, a consortium of journalists, the Migrants Files⁵, from 15 European countries, has tried to provide estimates, as follows:

- R&D in Arms and technology: on the basis of 39 R&D projects financed by the EU and the the European Space Agency, from 2002 to 2013, € 225 million were spent on protecting Europe’ s borders (including olfactory sensors, border patrol robots), the bulk of which went to 3 companies (Thales, Airbus and Finmeccanica)
- Since 2004, Frontex has gobbled up close to € 1 billion. In 2017, the agency’s budget will increase to €320 million (compared to €142 million in 2014)

⁴ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_safe_countries_of_origin_en.pdf

⁵ www.themigrantsfiles.com

- Software Eurosur program that aims at sharing border management information and updates in real time cost close to € 200 million
- Hardware: Spain and Greece have spent over €70 million on boats, drones, off-road vehicles. The maintenance of the barbed wire walls in the Spanish enclaves of Ceuta and Manilla cost almost €10 million a year. Italian taxpayers paid over €17 million to supply Libyan authorities with boats, training, night vision goggles to track refugees.
- Deportation spending, largest single cost stemming from Europe's restrictive immigration policies, would be close to € 1 billion a year

Yet high-tech surveillance, militarization of many EU borders and the deportation of millions of migrants do not stop migration. The estimated amount of money paid by migrants or refugees to smugglers over 2000 and 2015 is estimated at around €16 bn, so more than €1bn every year.

Privatisation of asylum policy

The failure of governments to finance decent reception centres means that asylum seekers are becoming a source of profits for many companies, turning the most vulnerable into a valuable commodity. In some countries, large numbers of refugees are already taken care of by for profit companies (e.g. 90% of refugees in Norway)⁶. Whilst government-managed reception or detention centres are replete with problems at least there is a degree of public accountability. As EPSU has shown on many occasions with regard to other public services, the involvement of commercial companies brings secrecy, mismanagement as well as overpriced services.

Examples of large companies involved in asylum-related services are ORS service, a Swiss company running migrant reception centres in Germany and Austria that recorded \$99 million in revenue in 2014. The UNHCR said that the ORS-run Traiskirchen camp in Austria was “beneath human dignity”; European homecare providing housing facilities in Germany. In Norway and Sweden, the firm Hero.

It is proposed to conduct a research on the extent of privatization of asylum policy which goes against EPSU policy.

⁶ According to a press article by Journalist Antony Loewenstein