



OXFAM MEDIA BRIEFING

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Causing suffering and problems

Europe's approach to migration

Background

Safety, dignity and a better life. These are the main reasons people are leaving their homes as their countries are affected by conflicts, climate change and extreme poverty. A small number of these migrants, including refugees, come to Europe with hopes of a new beginning. But what could have been a manageable increase of people arriving at Europe's borders has turned into a humanitarian shame: the European Union's response is constantly creating new problems and causing unnecessary suffering. As the European Council meets this week, Oxfam is calling for the EU and its member states to fundamentally change their approach to managing migration.

Introduction

In response to what it defines as a "migration crisis", Europe has systematically tried to impose a system of deterrence: closing borders and outsourcing border control to neighboring regions. However, it has miscalculated the desperation and determination of people to seek a better, more dignified and safer life. People, who have arrived on European shores, are rapidly losing faith in achingly slow registration and asylum procedures, while living in overcrowded sites lacking basic services, and now see few alternatives to taking up irregular options such as using smugglers to continue their journey. Many of them tell humanitarian workers they see smugglers as the only way to continue their journey.

Europe's approach has also failed to adequately support people who have arrived onto European shores. Every day, through its humanitarian response programs in Italy, Greece, Serbia and the former Yugoslav Republic of Macedonia (FYROM), Oxfam witnesses the detrimental impacts Europe's approach to migration is having on those who arrive to Europe.

Children are being kept in detention in violation of their fundamental rights¹. Many fear for their safety in the camps. Mothers, fathers and children have been torn apart and are scattered across countries. Even if they are in the same country, they might be barred from reuniting at the same place. Women and children are particularly exposed to abuse and danger as they move northward with smugglers.

¹ See e.g. article 37 of the Convention on the Rights of the Child:
<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

At the same time, the EU is refocusing its foreign and development policies around the primary aim of curbing migration, of stopping people on their way to Europe and sending them back to where they came from.

As the European Council meets in Brussels, Oxfam is calling on European leaders to move from a “Fortress Europe” that is doing more harm than good to a “Humane Europe” that stands by its fundamental values.

A fundamental change is needed in the EU’s approach to migration – one that respects international law and human rights, expands safe and regular routes for people to travel to Europe, implements fair, transparent and efficient asylum procedures, and ensures development aid is used for reducing poverty and inequality, not for reducing mobility.

Unsafe conditions without basic services for people arriving

Having made a perilous journey across the Mediterranean, people arrive into Italy and Greece believing they have found sanctuary. Instead, they find themselves living in often overcrowded sites that lack basic services.

Medical needs of refugees and other migrants are not being adequately addressed. Oxfam’s local partners in Italy are clear that everyone who arrives off boats from Libya has experienced trauma during their journey. But they are struggling to get the Italian medical system to take up even the most serious of cases.

In Greece, the quality and availability of essential services vary greatly between different sites. There is an urgent need for more healthcare, education, mental health and psychosocial services, and support for survivors of gender-based violence. In many cases, the most vulnerable – including children, the elderly and pregnant women – are also not receiving food that meets their specific nutritional needs. Access to these services for migrants, including refugees, in cities is very limited.

Day to day struggles

An Afghan woman, Katsikas camp

“We put our lives at risk to get here. We gave everything up - we do not have anything. The Greek Government has been very kind but we have so many needs. The tents are mouldy and ripped, we have no translators and can’t communicate with the doctor when he comes.”

Unaccompanied minors in Italy: living in “hell”, and arrested for holding a compass

Europe’s failed response to migration often hurts the most vulnerable. According to the UNHCR, the number of unaccompanied refugee and migrant children arriving in Italy has risen significantly in 2016 to 15% of all arrivals. By 7 October, more unaccompanied children had landed in 2016 than in the whole of 2015 (19,429 unaccompanied children² compared to 12,360³ children in 2015).

However, the Italian reception system has proven to be inadequate for protecting lone children and upholding their rights. During the first six months of 2016, 5,222

²http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/cruscotto_statistico_giornaliero_12_ottobre.pdf

³ Figures provided by the Ministry of the Interior of Italy

unaccompanied children – an average of more than 28 per day - were reported missing: “lost” from a broken system, having run away from poorly run reception centers.

Due to the lack of places available, there are cases of children staying in “hotspot” centers⁴ for up to 5 weeks, instead of the maximum stay of 48-72 hours⁵. Oxfam has spoken to children who spent weeks in these centers, who report of not being able to inform their parents that they survived the Mediterranean crossing, and sleeping in big rooms of 150 people all mixed together – men, women and children, when unaccompanied children need to be in separate accommodation for appropriate protection and support. Some of the reception centers have become de-facto detention centers as they do not allow children to leave. Oxfam has also received reports of violence going unaddressed, leaving children in unsafe situations.

For me that center was hell

Nour, 18 years old, from Egypt*

“I was in an initial reception center for 8 months. For 8 months I was never given any clothes, except for when I arrived. When they did give me a change of clothes they were too small, I could not wear them. Me and the other Egyptian boys used to go out at night and look through the garbage for clothes that we could wear... we looked for them in the garbage bins. I never thought I'd have to do anything like that.

For two months all we did was eat and sleep. We did not do anything at all during the day. Nobody said anything to me about papers, residents' permits. When I started asking, because I could see that my friends were asking, they told me that my guardian had resigned and that I had to wait. I never even knew that I had a guardian - I never met him.”

* Upon his arrival in Italy, Nour was still a minor.

Minors, along with young adults, are also being identified and arrested as smugglers while disembarking, just for having a compass or a satellite phone during the sea crossing. Over the past year, hundreds of migrants have been arrested with this accusation: in 2016, 139 people were arrested in Pozzallo, Sicily alone – 24 of them were minors. Usually their lawyers try to settle the case, aiming at getting a soft conviction. After some weeks in prison they are released, given an expulsion decree and left with no means, ending up sleeping on the street.

Forced at gunpoint to steer the boat

A.T., 19 years old, from Gambia

“They never told me I was the one about to drive the boat, because I paid my money. After one hour [at sea] the man grabbed my hand and he said: ‘Take here, you drive this boat’. I said ‘Me? I don’t know the boat, I cannot drive.’ He said: ‘You have to drive, if you don’t drive I’ll shoot you here’. What could I do? We drove, I think, for 2 or 3 hours and then we saw the rescue boat. Thank God. At Pozzallo [port] the authorities asked us where the captain was and asked for a compass. We didn’t know but they asked the other people on the boat who identified me as the driver of the boat. So they took me directly to prison.”

⁴ Hotspot centers are a system created by the EU together with the Italian and Greek authorities to fast-track the processing of asylum claims and returns of those rejected, but which has no legal foundation in national Italian law

⁵ Referring to the only law currently available on the subject, the Presidential Decree 394/99, which regulates detention in the closed Centers for Identification and Expulsion (CIE).

Unfair, inefficient and far too slow: Asylum and family reunification in Greece

One of the most common things that Oxfam hears from people currently in Greece is that they are frustrated and confused by the slow asylum and family reunification processes.

The pre-registration process in Greece, which covers people living in formally organized sites, has registered 27,592 people, out of an estimated 60,000 people in the country. These people will be issued with an appointment by text message containing details of an appointment that will be scheduled by 31 March 2017, so they can register and put in their claim to seek asylum. However, the UNHCR has estimated 30% of these messages are undeliverable for various reasons, including lost or robbed mobile phones. Nevertheless, Greek authorities do not seem to be open to additional ways of communicating, such as boards at migrant sites, use of ethnic community radio stations and community mobilisers.

Many people have to travel hundreds of kilometers for their registration appointments, without necessarily having access to accommodation for overnight stays, which leaves people vulnerable. There are three asylum offices on the Greek mainland to register those who are eligible for relocation⁶, but just one office at the port in Athens for those ineligible.

On the islands, people have to go through another step: an “admissibility” screening to see whether they are eligible to stay in Greece or whether they should be returned immediately to Turkey. One of the biggest concerns is that the processing of people on the islands has been done based on nationality rather than by their waiting time and vulnerability. In practice, this creates tensions when people who have waited for six months and still have not been processed are witnessing newly arrived migrants of different nationalities being processed within a week or two of arrival. This creates a sense of discrimination, which has led to demonstrations and people fearing for their safety.

Common across the islands and mainland is the failure of European countries to provide sufficient legal support for people – there is a critical lack of legal information, counseling and assistance. The large resources and staff gaps in this service means people are being left to navigate a complicated and changing process in a language that is often unfamiliar to them. This hardly provides people with a fair chance.

People who are looking to be reunited with their families are confronted with a very strict definition of “family”⁷ that does not cater for the realities of families on the move today. For example, adult siblings or parents with adult children cannot necessarily be reunited leaving many in Greece with family in other parts of the EU that they may not be able to reach.

Others are waiting a very long time for progress on their reunification cases: many separated families are waiting up to 8 months with a lack of information. Some people are losing hope with the process of family reunification. They instead are either trying their chances through the relocation process, which is clearly not in their best interests given that they may end up in a different country far away from their family, or they are turning to smugglers to help them move through the Balkans and into other parts of Europe.

⁶ Asylum Offices for those eligible for relocation are in Athens, Thessaloniki and Alexandroupolis.

⁷ Dublin Regulation (Article 2) ‘family members’ means the spouse of the applicant or his or her unmarried partner in a stable relationship, the minor children and when the applicant is a minor and unmarried, the father, mother or another adult responsible for the applicant. Also, there is a provision for dependent persons (Article 16) where, on account of pregnancy, a new-born child, serious illness, severe disability or old age, an applicant is dependent on the assistance of his or her child, sibling or parent legally resident in one of the Member States.

Bureaucracy keeping families apart

Levin, a Syrian woman living in Skaramangas camp, Greece

“We registered for the family reunification program in Chios, but the authorities misspelled the surname of two of my children. I am scared and I don’t know what to do. All this time that we have been here in Skaramagas, I have never heard of a successful case of family reunification.”

Waiting indefinitely to claim asylum in Italy

In Italy, having a fair access to the asylum procedure is becoming increasingly more difficult. For instance, as ASGI – an Oxfam advocacy partner – reports, since 21 September 2016, the police station (*Questura*) in Rome has not been accepting any new asylum claims. Police officers at the entrance of the police station are verbally informing those who arrive intending to claim asylum of the impossibility of doing so, and advising them to come back from 21 October onwards. There is no official communication from the Italian authorities regarding this development, adding to the opacity and arbitrariness of the situation. Worryingly, those who are not registered or hosted in a reception center, are left with no other option but to sleep rough on the streets or in provisional shelters set up by volunteers⁸.

Oxfam and its partners are registering the same practices in police offices in other territories, such as in Tuscany and Sicily, where people wait endlessly for an appointment to claim international protection.

Relocation mechanism: fundamentally flawed and failing in practice

To support the countries at the external borders of the European Union, EU member states have set up an emergency relocation mechanism with the stated purpose of sharing the responsibility of receiving people in need. But the relocation scheme is fundamentally flawed. One of the major issues is that relocation applies only to applicants of nationalities for which the average recognition rate of international protection at the EU level is above 75%. Afghans, who currently have an average 53% recognition rate, and Iraqis, who currently have an average 61% recognition rate⁹, are therefore not eligible despite making up 40% (27% Afghans and 13% Iraqi) of the population in and arriving in Greece¹⁰. This has an extremely negative ripple effect on people of nationalities that are not eligible for relocation.

Having different procedures and options for asylum seekers based on their nationality creates a real and perceived hierarchy among people on the move that is exacerbated by the fact that some services, such as accommodation outside camps, are largely available to those that are eligible for relocation. All accommodation outside the camps should be made available on a priority system first and foremost based on need and for the most vulnerable people, including households headed by single women, pregnant women, the disabled, and survivors of trauma, specifically survivors of sexual and gender-based violence, but not based on nationality.

⁸ See this press release in Italian: <http://www.asgi.it/asilo-e-protezione-internazionale/asilo-roma-associazioni-denunciano-blocco-questura/>. English summary: <http://us1.campaign-archive1.com/?u=8e3ebd297b1510becc6d6d690&id=7b2f301659#Rome>.

⁹ Eurostat quarterly report, 2nd quarter 2016 http://ec.europa.eu/eurostat/statistics-explained/index.php/File:First_instance_decisions_in_the_EU-28_by_outcome_selected_citizenships_2nd_quarter_2016.png

¹⁰ Pre-registration data, Greece

In Tuscany, asylum seekers hosted in Oxfam facilities and eligible for relocation have been waiting up to 3 months to put in their application because the local police office, officially in charge of the relocation procedure, did not have proper information to start the process.

At the same time, half way through the scheme, in September 2016, only a minimal part of the relocations promised had actually taken place: out of a total number of 66,400 planned relocations, only 4,455 refugees and migrants from Greece and 1,196 from Italy had been relocated¹¹.

As a result of the limited relocation spaces being made available by EU member states and by the nature of the scheme, the pressure and responsibility of receiving, registering, and ultimately accommodating and providing services to tens of thousands of people continues to unfairly fall on Greece and Italy.

The high cost for women and children

Faced with the situation in Greece, it is inevitable that people see few options but to make their own arrangements to reach other parts of Europe, often to reunite with family. Oxfam partners in Serbia and FYROM are reporting arrivals of 100-300 people per day as people try to cross from Greece through the Balkans either by themselves or with smugglers. Oxfam and its partners have documented the risks women and girls are facing as they take this dangerous journey.

With borders closed, the vast majority of people have had to resort to using smugglers to continue their journey, which increases their risk of being exposed to abuse, violence and exploitation. For instance, Oxfam's partner, Macedonia Young Lawyers Association (MYLA), reported a number of cases where people arriving at Tabanovce Transit Center complained of being assaulted and taken advantage of by the smugglers they used to transit through FYROM, with their money, mobiles and personal documents having been taken.

The Belgrade Center for Human Rights (BCHR), another Oxfam partner, reported that its lawyers were engaged in several cases where asylum seekers, including women and children, were victims of smugglers as they tried to reach Serbia via Bulgaria, reporting: "apart from the huge amounts of money they had to pay the smugglers, they were exposed to inhuman and degrading treatment, and the MOI (Ministry of Interior) officers had to intervene in several cases to liberate them from the smugglers' hideouts."¹²

There are also many cases of pushbacks from the Serbian and FYROM borders, and in some cases people are returned even if they try to lodge an asylum application. In April, an estimated 1,579 irregular migrants were apprehended by the Macedonian police and returned to Greece without the possibility to submit an asylum application, while in May it was reported that 3,763 people were returned.¹³ In the following months, fewer people have been apprehended and deported, but there are still hundreds of similar cases each month. In addition, these are approximate figures and there is concern that the total number of pushbacks to Greece may be significantly higher. In conversations with the governments in

¹¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160928/sixth_report_on_relocation_and_resettlement_annex_1_en.pdf & http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160928/sixth_report_on_relocation_and_resettlement_annex_2_en.pdf

¹² Belgrade Centre for Human Rights (BCHR), *The Right to Asylum in Serbia: Periodic Report April – June 2016*, p 11. <http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2016/07/ENG-FINAL.pdf> (hereafter "BCHR Periodic report").

¹³ MYLA, "Field Report: April – May – June 2016", p. 2. Retrieved from <http://myla.org.mk/wp-content/uploads/2016/09/Field-report-040506-za-pecatenje.pdf>

the Balkans, it is clear they feel the European Union has endorsed this behavior and that they have a license to continue.

As the journeys of these people on the move are getting longer and more expensive, there have also been more cases of women being forced to offer sexual services in order to survive. For instance, in Serbia several women reported to BCHR that they were sexually exploited in the countries they crossed on the way to Serbia, in return for shelter, food, or the continuation of their journey.

A 17-year old girl from Syria travelling with her aunt and uncle described to Oxfam partner Atina how the women in her group were threatened, explaining: “In Macedonia, we tried to make contact with the smugglers, but as we did not have enough money, they suggested to take us to Serbia in exchange for sex with the women in our group. We were terrified, because they were armed.”¹⁴

In the hand of smugglers, with no real other options

In a case involving a group of three Afghan women with four small children, the women and children managed to enter Serbia using smugglers while their husbands were detained in Bulgaria. In Serbia, they were held in captivity by smugglers for two weeks, with the smugglers threatening them with the abduction of their children unless they pay a huge amount of money, although they had already paid them for the journey.

When the group was released by the police, the women and children were transferred to an asylum center near Belgrade. Their case was reported to the police and the women actually testified, but were threatened by persons connected with the smugglers that their husbands were going to suffer harm in Bulgaria if they cooperated with the police. At the asylum center, a person was appointed to monitor their situation, but the women did not feel safe as the persons affiliated with the smugglers were allegedly present in the center and near them. A few weeks later, they decided to continue their travel westwards, resorting to smugglers once again.

Negotiating away fundamental values to keep migrants out

Europe is failing people in need not only as they arrive on its shores; it also setting up a framework of policies aiming at stopping migration to Europe, even at the expense of European credibility and the defense of fundamental values and human rights. The EU-Turkey deal, the EU Trust Fund for Africa and the new Partnership Framework with third countries all risk cementing this shift.

Oxfam has grave concerns about this direction the EU and its member states are taking. The EU-Turkey deal, which is touted as a successful example of cooperation, has actually left thousands of people stranded in Greece in inhumane conditions. The EU Trust Fund “Better migration management” programs being implemented in East, West and North Africa are explicit in their objective of stopping migration to Europe. In some cases, these programs run grave risks of inflicting human right abuses, and yet Europe has no real plan to mitigate against these risks and shows no intention of stopping its funding. Responsibility and liability for human rights violations do not end at Europe’s borders.

More recently, a leaked document¹⁵ points out that the EU was willing to use its aid negotiations with Afghanistan as a bargaining tool to secure a new agreement to secure

¹⁴ Letters from women, collected by Oxfam partner Atina in Serbia

¹⁵ The “Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan” says: “The leverage of the [Brussels donor] conference should be used as a positive incentive for the implementation of the Joint Way Forward [agreement on returns]. [...] The EU should stress that to reach the objective of the Brussels Conference to raise financial commitments ‘at or near current levels’ it is critical that substantial progress has been made in the

mass returns of Afghans despite the fact that, according to the UN Assistance Mission to Afghanistan, 5,166 civilians were recorded killed or maimed in the conflict in just the first six months of this year, of whom almost one third were children. This is the highest number of civilian casualties since such counting for Afghanistan began in 2009¹⁶. While the EU has categorically denied that the aid and deportation negotiations were linked, the leaked document and the timing of these two agreements raises big questions.

The wider repercussions of this should not be underestimated. The EU is not only jeopardizing its fundamental values, it is also promoting and implementing an inhumane policy that may well not even have the intended effects. The EU approach ignores all the evidence on the ineffectiveness of deterrence strategies aimed at stopping migration¹⁷. This approach will not only fail to “break the business-model” of smugglers but increase human suffering as people are forced into taking more dangerous routes. Moreover, despite the stated commitment to respect the principle of *non-refoulement*, there are no safeguards envisaged to ensure that human rights, rule of law standards and protection mechanisms are in place. As a result, people risk being deported to countries where their rights are not safeguarded.

It is also hard to see how Europe can ask partner countries, such as Jordan and Lebanon, to keep their doors open and to host large numbers of refugees while at the same time member states refuse to shoulder their fair share of responsibility for protecting people who are forced to flee their homes. The right to asylum is being significantly undermined, and it will become even more challenging for civilians in conflict zones to seek international protection.

An urgent need to change approach

“Fortress Europe” is doing more harm than good. It will not stop people looking for safety, dignity and a better life, and it is not a humane and sustainable way to manage migration. It is forcing people into degrading and hopeless conditions as they arrive into Europe, which is truly heartbreaking given that many people believe Europe to be a place of sanctuary, where they will be safe and where their most basic human rights will be respected. Added to this, a great many of these people are already heartbroken having experienced trauma, conflict, grinding poverty and the devastating impact of climate change. It is also sending a signal across the world that this behavior is acceptable, which creates repercussions far beyond its borders.

Oxfam is strongly urging the European Union to choose a different path and take the following actions:

- Expand safe and regular routes into the region such as through resettlement, humanitarian admission schemes, family reunification, educational visas, labor mobility and visa liberalization.
- Ensure that all people entering the EU can exercise their right to seek asylum, if they choose to do so, that asylum systems and procedures across European countries are fair, transparent and efficient.

negotiations with the Afghan Government on migration [...]”. It also clearly states “[...] Member States are aware of the worsening security situation and threats to which people are exposed. Despite this, more than 80,000 persons could potentially need to be returned in the near future”.

<http://www.statewatch.org/news/2016/sep/eu-council-afghanistan-readmission-6738-16.pdf>

¹⁶ <http://unama.unmissions.org/afghanistan-record-level-civilian-casualties-sustained-first-half-2016-un-report>

¹⁷ See e.g. Crépeau, Francois, and Anna Purkey: Facilitating Mobility and Fostering Diversity: Getting EU Migration Governance to Respect the Human Rights of Migrants, CEPS Paper in Liberty and Security, No. 92 [May 2016]. This report concludes that “[t]he ability of migrants to reach European soil despite a huge investment in securing borders demonstrates beyond a doubt that sealing international borders is impossible. Migration is a long-standing part of the human condition, and in the globalised and conflict-ridden world in which we live it is inevitable.”

- Protect and uphold the basic rights of all people on the move, including for those not seeking asylum or deemed ineligible for asylum.
- Provide adequate accommodation and services such as medical care, water and sanitation and food, for people arriving without nationality-based eligibility criteria.
- End the criminalization of migration and immediately put an end to the detention of children which is always a fundamental violation of their human rights.
- Halt the act of outsourcing its border control and reducing people's mobility and access to protection through policies and agreements such as the EU-Turkey deal, EU Trust Fund and "better migration management" programs and the Partnership Framework Agreement.
- Use development aid for the aim of poverty eradication, as enshrined in the Lisbon Treaty, and not as a tool or "leverage" to stop migration to Europe. EU funding should be transparent and adhere to clearly established principles, such as the Busan principles on effectiveness and the Paris principles of ownership by and alignment to partner countries' strategies.

Oxfam www.oxfam.org

Oxfam is an international confederation of twenty organizations working together in more than 90 countries: Oxfam America (www.oxfamamerica.org), Oxfam Australia (www.oxfam.org.au), Oxfam-in-Belgium (www.oxfamsol.be), Oxfam Canada (www.oxfam.ca), Oxfam France (www.oxfamfrance.org), Oxfam Germany (www.oxfam.de), Oxfam GB (www.oxfam.org.uk), Oxfam Hong Kong (www.oxfam.org.hk), Oxfam IBIS – Denmark (www.oxfamibis.dk), Oxfam India (www.oxfamindia.org), Oxfam Intermón (www.oxfamintermon.org), Oxfam Ireland (www.oxfamireland.org), Oxfam Italy (www.oxfamitalia.org), Oxfam Japan (www.oxfam.jp), Oxfam Mexico (www.oxfamexico.org) Oxfam New Zealand (www.oxfam.org.nz) Oxfam Novib (www.oxfamnovib.nl), Oxfam Quebec (www.oxfam.qc.ca). Observers: Oxfam Brasil (www.oxfam.org.br), Oxfam South Africa.