In 2017 | Immigration will reveal the crisis of human rights inside our societies

Immigration has become a litmus test of our societies’ capacity to treat people with dignity. The grim reality is that we enter a 2017 imbued with a solidarity and human rights crisis which will make the quest for social and global justice more demanding, but also more pertinent

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Europeans call on their governments to show more solidarity with refugees reaching the continent in 2015: but the mood may have changed in the last year
As we usher in 2017, we are still reeling from the effects of the so-called, and incorrectly named, ‘refugee crisis’. The real crisis for refugees takes place much before they arrive to Europe. The crises are those which impel them to uproot, and move their lives and families, several times over. They are the wars, the persecution, the poverty, the desperate conditions in countries of transit and the sheer lack of opportunities to make a decent life.

A refugee crisis?

But what is understood by the ‘refugee crisis’ in Europe, and what does it say about the current state of play in the EU? The ‘refugee crisis’, originally coined by EU authorities, refers to the increase in the number of people crossing irregularly and seeking asylum in Europe in 2015 and 2016. Figures, which UNHCR reminds us are insignificant when compared to refugee numbers in non-European countries, not to mention the vast numbers of internally displaced persons. The root causes of the 2015-2016 increase in numbers of people crossing into Europe across the Mediterranean Sea and through the South-Eastern land route were primarily the war in Syria, as well as deteriorating conditions in post-conflict Afghanistan, amongst others.

Syrian children at Calais

What the authorities fail to explain is that such irregular crossings have to be understood also as the result of restrictive EU visa regimes, the conditions in transit countries and the enactment of border control in some areas which ultimately serve to channel people into few concentrated flows. It is widely believed that the current ‘refugee crisis’ has passed, and efforts in the European Union are now focused on forecasting which, if at all possible, will allow the authorities to prepare and avoid emergencies.
The real crisis however can be seen in the lack of agreements and conflicting demands from EU Member States. This signals profound divergences on the fundamental and founding values of the EU such as solidarity and equality. Human rights and human dignity, which served as inspirational and revolutionary concepts in the last few hundred years, appear to have lost their significance. A chilling readiness to compromise on fundamental human rights standards is present and whilst this is often not explicit, it is an implicit assumption in many decisions taken in the field of migration and border control.

For example, there are good grounds to believe that the EU’s insistence on returning migrants will likely result in lowering human rights standards – I make this argument in a longer article in the international journal Human Geography. And the same approach disregarding human principles is apparent in Malta: the 2016 case of the flawed THP-n policy resulted in the detention with a view of deporting a group of Malians and where no regard is given to the fact that these people have been in Malta tolerated by government for up to eight years.

Return of migrants

In 2017, we will see an ever-increasing emphasis on the return of migrants, and more problematically, deportation. This is a significant and dangerous shift. In previous years the policy approach was to build sustainable voluntary return structures, policies which were questioned and controversial for many reasons, among them the use of significant coercive measures which put into question the ‘voluntariness’ of return.

This remains preferable however to forced return, or deportation. Even in countries like Sweden, generally well known for their efforts to mainstream human rights, it is difficult to speak of a ‘humane and dignified’ deportation.

EU pressure to increase deportations will necessarily lead Member States to compromise on human rights and lower their standards during the deportation process.

Externalising borders

Another example of large-scale policies compromising human rights is the EU’s externalisation of border management to third countries through agreements with specific states which includes the placement of EU liaison officers in third countries. These are dangerous because they are solely motivated by geopolitical interest, and therefore the EU, or EU Member States, enter into negotiations with third countries without first assessing the human rights standards practiced in the countries or the way in which the authorities in those countries handle immigration issues.
The EU-Turkey deal in 2016 created considerable controversy. The aim of this deal was to keep people from moving into Europe. In practice the irregular migrant flows consisted mainly of Syrians, Afghans and Iraq - three refugee generating countries whose political situation and conflicts are well known in Europe and to Europeans. The EU-Turkey deal was modelled on similar agreements that individual Member States like Spain and Italy had enacted with Morocco and Libya in previous years.

These deals secure the desired outcome of reducing irregular migrant arrivals. What happens to migrants who were in need of asylum is another matter. In practice, such migrants are being denied the right to seek asylum.

Turkey is not a signatory to the international refugee convention and does not offer international protection. It has tolerated immigrants and granted them a status, but there are worrying reports that show that first, vulnerable people are not being afforded due protection, second, the living conditions in many cases is not good, and third, the Turkish state offers migrants few opportunities for building a fruitful life.

The EU Turkey deal can be seen as part of a larger thrust to enact discriminatory borders, under the guise of secure borders. The best example of such paradoxes, which has now become a ‘classic’ in Europe lest
anyone thinks this is just a Maltese affair, is the Maltese IIP Citizenship. This is one of the easiest ways to access Europe and obtain full rights irrespective of which country you come from, or what else you can contribute to the country in terms of skills, labour or otherwise, as long as you have the financial means. EU immigration policies, or as some refer to it, Fortress Europe, are not about keeping everyone out – but only some.

**Business as usual in the Med?**

Contrary to the Eastern Mediterranean Maritime Route where migrant arrivals were quelled with the EU-Turkey agreement, irregular migrant boat arrivals have continued unabated on the Central Mediterranean Maritime Route. Italy in 2016 saw more than 175,000 irregular maritime arrivals.

The number of arrivals is not dissimilar to previous years and therefore many have criticised the culture of ‘emergency’ that characterises the reception process in Italy. Too little is being done to address this culture by the authorities, which unfortunately is serving to justify various measures and inadequacies in management, at times resulting in inhumane treatment, which would otherwise not be acceptable. In 2017 we should not expect a decline of this emergency culture in the reception system in Italy.

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Operation Triton, the border security operation conducted by FRONTEX the EU’s border security agency, has not adequately addressed the loss of lives at sea which in the Mediterranean in 2016 has topped 4,700. Operation Triton, the border security operation conducted by FRONTEX the EU’s border security agency, has not adequately addressed the loss of lives at sea which in the Mediterranean in 2016 has topped 4,700. After a rocky start which saw an EU mission covering much less, and with considerably fewer resources that the preceding Italian-financed Mare Nostrum, and a series of dramatic shipwrecks, the budget of Operation Triton was tripled. Operation Triton is not only a search and rescue mission, it is also a border control and surveillance mission.

This dual role provides for a potential conflict of interest, whilst also deflecting much-needed resources for search and rescue onto security. The militaristic approach of Operation Triton is controversial from a human rights point of view from various aspects. Suffice to mention the massive financing stream needed to maintain its military characteristic but also its obsessive focus on capturing smugglers, which although
legitimate from a legal point of view, clearly does not result in either reducing the numbers of irregular migrants or more importantly making the passage safer for them. This however is part of the dominant EU policy approach, which will continue in the coming year.

**Humanitarian corridors**

There are many small counter movements by civil society prioritising humane treatment. One such project which is worth mentioning for the significance of its political message to EU policy makers is a project called ‘humanitarian corridors’ or in Italian ‘corridoio umanitari’. This initiative was borne out of a recognition that the only way to address the undertaking of risky irregular journeys over land and sea by asylum seekers is not through militarisation of borders, but by providing safe, legal access. In 2015 and 2016, the ‘humanitarian corridors’ pilot project helped organise the transportation of the most vulnerable people wishing to seek asylum in Europe from refugee camps in Lebanon.

\[\text{A Syrian father and his daughter during one of the crossings between Turkey and Greece.}\]

This is a project which is run jointly by the Federation of Evangelical Churches in Italy, the Community of St. Egidio, the Waldensian Church and the Italian government. The initiative is legally possible using Article 25 of Regulation (EC) 810/2009 of 13 July 2009 that establishes the possibility of granting visas with limited territorial validity, notwithstanding the entry provisions pursuant to the Schengen Borders Code, “for humanitarian reasons or national interest or under International obligations”. It guarantees the security of both the concerned Member States (since the fingerprints of refugees are taken before departure in Lebanon) and refugees (who are not likely to search for the services of smugglers or fall into the hands of human traffickers).

This initiative is sustainable since costs have been covered by civil society, namely the churches and communities involved. Through the project around 500 refugees were brought to Italy out of a total of 1000 refugees. It is a small number, but it serves as an example that there is a viable alternative that allows the EU to show solidarity with these people in need. Safe, legal passage ensures rightly access to asylum, avoids problems of lack of identification, reduces the proliferation of illegal activity and allows a state to prepare and manage asylum flows. This pilot project will go on in 2017 and it is hoped that it will be taken on by other EU Member States too.

**Malta’s EU presidency**

On the migration front, it does not appear that Malta’s Presidency of the EU will present anything new or
stray from the contemporary dominant approaches. Confirming the security focus that has been prevalent for the last years, Malta has promised to take leadership in the migration and terrorism field. On the issue of legal migration, Malta will support the current EU’s policy to attract and facilitate highly qualified immigrants.

Carmelo Abela (left) and EU Commissioner Dimitris Avramopoulos
As many have shown this does not make sense from an economic point of view, since it ignores the reality that in most EU Member States there are labour market gaps which require non-highly qualified persons. It also does not make sense from an ethico-political point of view, since there are no discussions on removing the inherent discrimination characteristic of current border management which privileges people coming from select countries or with a high level of wealth, and actively strives to exclude asylum seekers.

"The ‘refugee’ or the ‘migrant’ does not describe any person. The person behind the migrant/refugee label is the worker, the parent, the child, the friend who like citizen workers, parents, children, is navigating life in societies where solidarity, equality, justice and the value of human life itself are under threat."
Malta has declared what its priorities areas are in the field of asylum: strengthening and streamlining the Common European Asylum System in order to distribute the migration load among member states more evenly, revising the Dublin Regulation, transforming the role of the European Asylum Support Office into a fully-fledged European Agency, ensuring better implementation of the relocation agreement, and pushing for a holistic approach to migration. These are laudable priority areas and one hopes that Malta will lead in ensuring that genuine human rights considerations are a priority in policy development.

However, and this brings me back to my previous points, all this asylum-related measures are futile if people needing asylum do not manage to cross into the EU, and if there remain equally strong and much better funded policies that will keep more people out, including those in need of asylum and protection.

**Immigration: our litmus test**

Immigration has steadily become a litmus test of our societies’ capacity to treat people with dignity, or as is listed in the Universal Declaration of Human Rights, ‘to recognise the inherent dignity of all’. And the grim reality is that we and our communities enter a 2017 imbued with a solidarity and human rights crisis which
will make the quest for social and global justice more demanding, but also more pertinent. In this scenario we need to recognise that the ‘refugee’ or the ‘migrant’ does not describe any person. They are but labels best left in the legal ambit where they can be useful. The person behind the migrant/refugee label is the worker, the parent, the child, the friend who like citizen workers, parents, children, is navigating life in societies where solidarity, equality, justice and the value of human life itself are under threat.

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