

## European Migration Crisis: Failing Policies, Fatal Journeys

### Background

Over the past 15 years around 22,000 men, women and children have drowned in the Mediterranean Sea. The vast majority of these people were fleeing conflict and poverty, many from countries where Trócaire works – Syria, Iraq, Somalia, South Sudan.

In 2014, more than 250,000 migrants tried to cross the Mediterranean Sea, of whom 3,702 are known to have died. The deaths of all migrants and refugees attempting to reach Europe by sea in 2015 now total 2,373<sup>1</sup>. The International Office for Migration (IOM) report that last year, from late August through the end of December, over 1,200 migrants died at sea. It is possible that by winter, additional deaths at sea could well surpass 2,000.

The number of people reaching Greece by sea had reached 158,000 by mid-August, according to the UN, overtaking the 90,000 who arrived in Italy by sea. In the past two weeks alone, over 23,000 people have entered Serbia, taking the total so far this year to some 90,000. These statistics cannot fail to shock us – as behind each one is a real human being facing unprecedented risks and suffering.

In October 2013, after 366 migrants drowned when a boat sank yards off Lampedusa, the EU paid Italy to step up its rescue patrols, in an effort called Operation Mare Nostrum (after the Roman

name for the Mediterranean Sea). These patrols prevented thousands of deaths, until the EU decided that the patrols, with their promise of rescue, were encouraging more migrants to set out, and withdrew the money. After the death of 800 refugees in April 2015, the EU reversed its decision again, promising to restore funds to their previous level. Simultaneously, however it proposed military action to destroy traffickers' boats and kill or capture the people smugglers themselves. The military plan was then quickly denounced by the EU's own internal evaluation. A European Agenda on Migration was published in May 2015 bringing together the different steps the European Union must take to build a coherent and comprehensive approach to migration.

The European Council meeting on 20 July 2015 adopted a resolution on relocating 40,000 people from Greece and Italy in clear need of international protection as well as a resolution on resettling 22,504 displaced people from outside the EU. The Council will formally adopt the decision in September. However, the Member States failed to agree on how to distribute the asylum seekers and postponed the decision until the end of the year.

**3,573**

The number of people who have died attempting to reach Italy, Greece and Spain by sea in the past year. An average of 10 deaths per day.

<sup>1</sup> <http://www.iom.int/news/iom-continues-monitor-mediterranean-migrant-arrivals-and-deaths>

## In the meantime, the situation continues to worsen:

- Refugees and asylum seekers, increasingly desperate, are facing ill-prepared and sometimes disproportionate heavy-handed responses in France, Greece, Macedonia, and Serbia.
- The rescue missions on the Mediterranean continue. The number of migrants reaching Greece by sea had reached 158,000 by mid-August, according to the UN, overtaking the 90,000 who arrived in Italy by sea.
- In the past two weeks, over 23,000 people have entered Serbia, taking the total so far this year to some 90,000.
- Hungary is preparing to build a 13-foot wall along its 109-mile border with Serbia to keep refugees out. Attempts to cut the fence will result in 4 years in prison.

## What forces someone to make one of the hardest decisions – to leave family and loved ones?

Increasingly in the last 6-12 months, Trócaire has encountered young well educated men and women from Syria arriving in Lebanon. They left only when it became evident that despite all the rhetoric and diplomatic initiatives, a peaceful resolution to this vicious conflict remains very far away. Many of these young people spent the first 1-2 years of the crisis volunteering in Syria to support those affected by the crisis when the conflict was not so fragmented and widespread and before the social and economic impact of over 4 years of war obliterated their options. The pressure on young men in particular to join armed forces is immense, and young men continue to leave to avoid forced recruitment. In most cases they leave behind parents and grand-parents who have never lived in another country. They physically or psychologically do not have the strength to start a new life but they want their children to find safety and opportunity elsewhere.

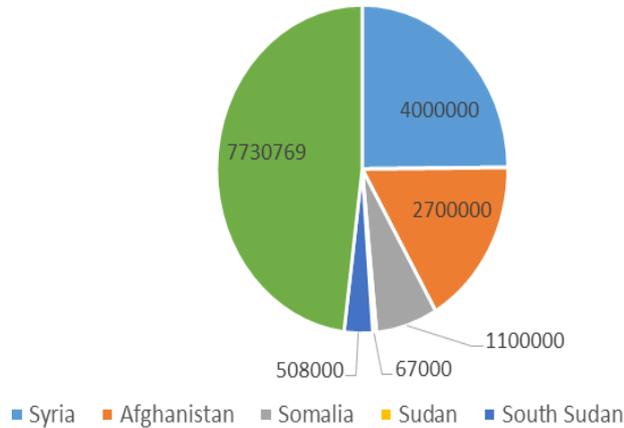
# 1,200,000



This is the number of Syrian refugees being accommodated by Lebanon, a country half the size of Munster. This is more than all of Europe and over 50 times as many refugees as EU ministers have agreed to resettle in the future. Increased border restrictions introduced by Lebanon in January mean it is particularly difficult for Syrian refugees to access Lebanon. Currently, all but the most acute cases of need are denied entry unless they can prove they have the financial means to stay. It is simply not possible to provide the educational and work opportunities that all of them seek. Where Syrians do find work, it is usually at a much reduced rate of pay, particularly so for women. They need to renew their residence permits every few months and this involves a further financial outlay.

As we are increasingly bombarded by statistics and figures and ever exposed to dehumanizing terminology, we need to remind ourselves that behind each figure, there are real people who have already been through war, loss and devastation.

Total Global Refugees in 2014



Source: UNHCR, 2015

Under the Universal Declaration of Human Rights, every human being has the right to dignity and protection. Article 14 of the Declaration states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution."

With many thousands of extremely vulnerable people surviving without adequate food, water, healthcare or shelter across multiple countries, EU Member States and institutions must provide adequate assistance and immediate support. Even though a percentage of people will be moving for economic reasons, escaping poverty, and ultimately may not be entitled to the status of a refugee or an asylum seeker, every individual is entitled to dignity, protection and basic assistance while applications are being processed. This is not an excuse for inaction.

## EU has a duty to respond

**Article 14 of the Universal Declaration of Human Rights states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution."**

The United Nations 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees guides national legislation concerning political asylum.

Under these agreements, **a refugee is a person who is outside their own country's territory (or place of habitual residence if stateless) owing to fear of persecution on protected grounds.** Protected grounds include race, caste, nationality, religion, political opinions and membership and/or participation in any particular social group or social activities.

Member states and EU institutions have a duty to respond to this situation under international law.

## Fadi's Story\*

Fadi, an engineer from Damascus, came to Lebanon to avoid conscription 2 years ago. He left behind his father and mother, two sisters and younger brother. He is poorly paid and badly treated in his job but he needs it as his family depend on the small remittances he can send. Though only 2 hours separate them by road, he cannot go back to visit them. He sees no hope and feels he must follow those who have managed to reach Europe by crossing the Mediterranean. It is the only option as he needs a visa before he can book a flight to any European country, and he has not been successful with any visa application. He is a young man with ambition. He says he is dying a little every day in Lebanon. He feels if there is even a 50% chance he would make it to Europe alive by boat, it is a risk worth taking.

## Lara's Story\*

Lara is a Palestinian from Syria and 40 year old mother of four. She has been living in Lebanon for the past 2 years where she fled with her twin girls now aged 7 yrs. Lara was married at the age of 15 and has a son and daughter in their 20's. Since the beginning of the conflict in Syria more than 4 years ago, Yarmouk refugee camp, has been besieged for long periods by Syrian armed forces, so that many people had little or no access to food. Some of the worst affected resorted to eating domesticated animals and grass. Lara and her second husband both activists in Syria had been involved in trying to bring food supplies into Yarmouk refugee camp, Damascus. One day while driving with Lara and their two daughters her husband was shot by sniper fire. Her husband died, but Lara and her young children survived the car crash. Lara decided to leave Syria for the sake of her young daughters and managed to get safe passage for them, and her older son and daughter to Lebanon. To leave Yarmouk herself, Lara was forced to rely on the courage of a stranger, who agreed to smuggle her out of the camp in the boot of his car, at great risk to both of them. She then walked toward the border and crossed the anti-Lebanon mountain range to the Lebanese border in the freezing cold, spurred on by the hope of being re united with her daughters. In Lebanon despite having no family or personal connections, she found shelter amongst the large Palestinian community there and set about finding somewhere reasonably safe and affordable to live. She also had to seek help in dealing with the multiple traumas suffered by her young daughters. These young girls had witnessed the brutal murder of their father, narrowly escaped death themselves, and then experienced a violent re location from their own homeland to Lebanon initially forced to leave their mother behind.

Since the beginning of the crisis in Syria 4 years ago, more than 55,000 Palestinians fled into Lebanon seeking shelter and support amongst host communities there. These communities in Lebanon were already amongst the most marginalised, and the additional burden has added immensely to the poverty, stress and tension. The situation and status of the Palestinian community in Syria was relatively speaking much better than in Lebanon, with better access to social services, jobs and property rights. This means the dislocation of that community into Lebanon and the dramatically reduced living conditions has been experienced by many as a double trauma. Lara is currently working with a local Syrian organisation seeking to provide support to the most vulnerable Syrians, and Palestinian communities now living in Lebanon.

*\*Names have been changed in both stories to protect individuals*

## Failing EU Policy Response

European policy makers have failed dramatically to address the growing crisis. The scale and speed of the response on the part of the European institutions and states has been wholly inadequate and beset by division.

**The European Commission Migration Agenda, agreed in May 2015 highlights the “immediate imperative is a duty to protect those in need”, but continues to assess the migration crisis**

**primarily through the lens of EU security.** Despite the issuing of this agenda, the European authorities continue to be overwhelmed by the scale and speed of the flows of people arriving across the Mediterranean Sea throughout the summer.

Following recent efforts by the European Commission to share out asylum seekers, refugees will be shared out automatically whenever a country faces a sudden influx of migrants. However, Member States have been

slow to commit to the plan and final numbers will not be agreed until December.

## Urgent, coordinated EU action needed

The European Union should establish a human rights-based, coherent and comprehensive migration policy which makes mobility its central asset to allow Europe to reclaim its border, effectively combat smuggling and empower migrants. The same standards applied to humanitarian crises outside Europe must now also apply in this response. Ireland must be both a responsible actor and a strong advocate for comprehensive responses from EU Member States, which must include a commitment to continuing to save lives at sea; responding to high volumes of arrivals within the EU; targeting criminal smuggling networks and underground illegal labour markets; granting protection of displaced persons through resettlement and long-term political action to tackle upstream crises driving irregular migration and forced displacement.

EU Member States must commit to collective legal action to protect the rights of those who require protection, either as a refugee or as an asylum seeker. Building fences, using tear gas and other forms of violence against migrants and asylum seekers, detention, withholding access to basics such as shelter, food or water and using threatening language or hateful speech will not stop migrants from coming or trying to come to Europe.

EU Member States must lean on the humanity of Europeans, where large majorities support relocation and increasing the numbers of refugees per country. This leadership must be based on empathy for people forced to make tragic decisions. A lack of compassion will encourage hostility, distrust, racism, criminalisation and xenophobia.

## Ireland and EU must do more

In May, Ireland deployed the LE Eithne, a naval vessel that rescued 3,400 people in six weeks of

duty. The replacement LE Niamh has so far rescued 1,772 people since taking up station in the Mediterranean.<sup>2</sup> Ireland has recently agreed to take up to 600 people<sup>3</sup>. The refugees will be brought over the next two years as part of the plan to redistribute 32,500 (original figure was 40,000) 'genuine' refugees across the European Union out of a possible 400,000 people seeking refuge in 2015.

A number of Irish NGOs have been advocating for a review and ultimately an end to the system of direct provision in Ireland. The Government has been heavily criticised for providing inadequate services for refugees and asylum seekers. A recent review of the direct provision system found that the government of Ireland is aware of the inadequacy of response and has proposed to make a number of changes that will improve the standard of living for those who chose to apply for inclusion in Ireland. However, Ireland has opted out of participating in several EU programs on immigration and refugee policy, choosing instead to establish its own policies of caring for the disenfranchised who seek refugee status.

In May 2015, a report published by the Oireachtas Joint Committee for Public Service Oversight and Petitions found that the direct provision system is not fit for purpose and should be replaced with a reception system that respects the dignity of all persons in line with best international practice.<sup>4</sup> **Trócaire calls on the government to implement this report without delay.**

<sup>2</sup> <http://www.military.ie/naval-service/news-and-events/single-view/article/23-aug-2015-le-niamh-rescue-225-people/?cHash=6fd0c3ea1ed23a77baf7fb953270d17>

<sup>3</sup> <https://www.kildarestreet.com/wrans/?id=2015-07-14a.1026>

<sup>4</sup> <http://www.oireachtas.ie/parliament/media/DirectProvisionReport07052015.pdf>

**Trócaire believes that Ireland must be both a responsible actor and a strong advocate for comprehensive responses from European Union Member States which should include the following:**

### **Saving lives at sea**

- Ireland's commitment to saving lives is commendable and should be continued beyond the mission of the LE Niamh
- Other EU Member States should release naval resources to save lives first and foremost, it is expected that many more people will risk Mediterranean crossings ahead of Winter
- This lifesaving response must be accompanied by mechanisms to prevent people from experiencing further exploitation and human rights violations

### **Responding to high volumes of arrivals within the EU – relocation**

- Ireland should advocate for the respectful and fair treatment of all migrants affected by European policy, and defend their access to procedures that guarantee basic rights enshrined in international law
- Refugees should be provided with assistance and protection to which they are entitled including shelter, food, sanitation, protection from further conflict and violence and clear information on entitlements and procedures.
- Tighter security and militarisation will not result in greater inclusion and integration towards more prosperous societies – diversity must be promoted and respect for fundamental human rights above all
- Safe and regular channels of migration must be established as a matter of urgency
- Mechanisms to determine the status of those seeking asylum must be fair and thorough and policies must not advocate forced return or removal of migrants

### **Targeting criminal smuggling networks and underground illegal labour markets**

- Policies must focus on the criminality of smuggling, and underground illegal labour markets, rather than criminalizing those who have the right to seek asylum from persecution. Networks exist at the point of exit and across most routes used by refugees in Europe, abusing and exploiting people.
- Opening up the regular labour markets through smart visas allowing people to come to look for work and incentivize them to return if they don't find the job in question would allow for a much better regulated and controlled official labour market.
- Strong sanctions must be put in place against employers who exploit irregular migrants in underground labour markets. Criminalizing people who are being exploited and trapped in low paying exploitative work settings will not address the problem.

### **Granting protection of displaced persons through resettlement**

- Resettlement processes must be accelerated<sup>5</sup> and places increased by each EU Member State
- Those who receive refugee status are entitled to resettle quickly and rebuild their lives
- With no political or diplomatic solution to the situation in Syria or in Eritrea, a Europe-wide resettlement programme for refugees from these countries that could offer protection in a dignified, safe way should be developed

### **Long-term action to tackle upstream crises driving irregular migration and forced displacement**

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<sup>5</sup> Germany waives EU asylum rules:

<http://www.theguardian.com/world/2015/aug/24/angela-merkel-francois-hollande-eu-wide-response-escalating-migration-crisis>

- The European Union must collectively examine the impact of political and military decision making in countries like Syria, Afghanistan and Somalia.
- Protracted conflicts force people to find refuge elsewhere. The role of the UN Security Council and the influence of the European Union in promoting peace and stability must be considered in a rapidly changing world where conflicts go unresolved for decades, depriving populations of stability, prosperity and hope.
- Crises in Syria, Iraq, Afghanistan, Somalia and elsewhere need sustained humanitarian funding to provide basic assistance and protection to people whose lives literally depend on it.