

A joint call to Europe in the reception crisis: Protect people, not borders

Bread for the World, Diakonie Katastrophenhilfe and Diakonie Deutschland have compiled the following joint standards and guidelines that the EU member states and the EU itself should observe when taking immediate, medium and long-term action.



A short stopover: these refugees have just arrived in Chios, Greece, and are sleeping on the beach

More and more people are fleeing their home countries due to different threats, currently particularly the terrors of armed conflicts in Syria and Iraq. It is hardly possible to provide for refugees in the war-torn areas. No political solutions are in sight and the host countries in the neighbourhood, along with the UNHCR, have run out of resources to keep the refugees nearby. That has plunged Europe into a crisis of reception – despite warning signs for a long time, it has too long ignored the refugees in the region and

organised schemes to ward them off rather than to receive them.

Organising refugee protection at the European level poses a great challenge that must not lead to placing conditions on human rights. All people have a right to live in freedom and security, and the right to asylum. Or, as Germany's Federal Constitutional Court put it in 2012: "Human dignity may not be relativised by migration-policy considerations."

In the long term, European refugee policy must be organized to create a system in which all EU member states take responsibility depending on their capacity. The goal must be that all states comply with the standards of European asylum law. In addition, all EU member states have obligations. Those not yet in a position to implement asylum law standards should receive support.

In the present reception crisis, the states of the European Union should take the following measures to enable a rights-based solution, and also to enable sovereign political action:

1. Strengthening legal ways of entry and resettlement

Europe's border protection policy accepts a situation in which thousands of people die at the EU's external borders each year. Since the year 2000, over 30,000 people have come to Europe by the Mediterranean route, over 3500 from January to October 2015 alone. That makes the EU external border the most fatal in the world. Only the introduction of safe legal routes, e.g. through humanitarian visas to apply for asylum, resettlement or humanitarian reception programmes, can end these deaths. By hermetically sealing off the marine, air and land borders and imposing restrictive visa policies, EU states are driving refugees to take the only other alternative. They place themselves into the hands of smugglers, who make them pay a high price for the dangerous crossing. Every fence in and around Europe will simply drive up the prices for human traffickers. As long as EU governments do not provide any legal ways of seeking protection, the images and reports of the Mediterranean as a mass grave will not cease and the number of deaths will continue to rise. At least for the refugees from acute war areas like Syria and Iraq we call for immediate visa-free entry to the EU, connected to the option of applying for asylum.

Resettlement programmes must be extended far beyond the existing dimension and become a binding element of the Common European Asylum System. Considering the human distress of the refugees, we conclude that the unwillingness

to receive refugees demonstrated by many EU member states is incompatible with the values and legal obligations of EU membership.

2. Strengthening civilian rescue services for those in distress at sea, instead of 'smart borders'

The European Union urgently needs a functioning sea rescue system. All possibilities must be used to save human lives. Frontex, the border protection authority, and Eurosur, a surveillance system costing hundreds of millions of euros, have the mandate to secure the borders, neither to save people nor give asylum-seekers the chance of a procedure. Military missions against smuggler gangs at sea or on land only put refugees more at risk. They do not bring safety and only drive up the prices for escape routes even more. As long as there are no legal pathways for refugees a large-scale civilian sea rescue service will continue to be necessary.

3. Instead of 'hot spots' and waiting areas: registration and advice facilities

There is much discussion about registration and internment camps at the external borders, commonly called 'hot spots'. Here, in fast-track procedures, asylum is to be granted or people are to be deported again. The danger exists – given present planning – that they will again be 'camps' or 'waiting areas' in which those arriving are isolated and de facto detained. Inside the EU these 'hot spots' will hardly work any differently if – as currently planned – only 160,000 people are given the possibility of travelling to other EU countries to carry out their asylum procedure.

This new, laboriously negotiated relocation programme for refugees within the EU is very welcome nonetheless. The programme is already based on a quota system that takes account of the reception capacity of member states, and thereby contains a solidarity mechanism.

As a short-term measure to ease the acute distress, however, the most urgent question is the material assistance and registration of all refu-

gees when they arrive in the EU. On the other hand, they must be registered in the interest of the EU and its member states, not to anticipate the asylum procedure but to guide the reception in Europe and to enable the refugees to make an informed choice.

So instead of the planned ‘hot spots’, advisory and care services must be established at the external borders. These should, if possible, be located where there are already places of material assistance provided by civil society along the refugee routes. There a provisional residence permit should also be issued for the legal onward journey into the EU. ‘Hot spots’ with integrated detention centres would at most mean further incentives for smugglers. The people fleeing for their lives from terror or war will not allow themselves to be prevented from seeking protection in Europe. Cases of human rights violations against women migrants and refugees are documented for some neighbouring states of the European Union. Examples from Ukraine or Morocco confirm a lack of transparency and legal certainty in reception camps. Instead, the conditions there are often disastrous and the police display arbitrary behaviour.

4. Ending the outsourcing of responsibility to protect

The increasing shift of border protection and turning refugees back to states just beyond the EU border is fatal. In the transit countries, such as in North African states, there is a lack of the most minimum standards under the rule of law. Mistreatment and arbitrariness through the police and security authorities towards refugees are already common. The EU must assume its human rights obligations and guarantee fair asylum procedures. It cannot delegate this responsibility to unjust regimes or dubious states. Refugees must be neither intercepted before the borders nor turned away at the borders to be put at risk again. Outsourcing border protection to ward off refugees is particularly cynical when economic support becomes a means of pressure on third countries. European development assistance must not be used as a means of migration control.

5. Supporting states of first reception

Above all states bordering directly on conflict regions, such as Turkey, Lebanon and Jordan continue to urgently need financial and practical support and advice regarding legal protection and integration. Every day people flee there from violence in Syria and Northern Iraq. Housing, work, food and much more is in short supply. In view of the ongoing great burdens that go along with the reception of by far the largest share of refugees, more than just immediate humanitarian emergency relief is required. Longer term support in integrating refugees into economic life and social services is also necessary. This support also has to involve the host societies.

6. Supporting transit states

Most refugees are not able or willing to be received in the southern European and Balkan countries. However, they have to pass through them and need the protection and support they are entitled to according to international standards and international law. Some countries are not willing and others are not economically able to offer this. They must be given solidarity and financial support by the EU countries that are not themselves affected by this challenge. This assistance should (only) be granted those countries that comply with humanitarian standards, and respect the refugees’ dignity and rights. Non-EU states must not be excluded from this assistance, such as Serbia, which has been acting in exemplary fashion.

7. Respecting the interests of refugees when selecting their EU country of destination

The present Dublin system has failed and has practically ceased operating. It provides that the first country in which the refugee arrives in the EU shall be responsible for conducting the asylum procedure. In other words: the EU state that has not hindered the illegal entry of asylum-seekers across the external border must register the refugees and is responsible for them. In practice, however, this is accepted neither by the EU states on the external border, particularly

Greece and Italy, nor by the refugees. Each distribution plan that disregards the refugees' interest to apply for asylum in a certain EU country is doomed to fail in an area with free internal borders. In order to choose the country of asylum, therefore, the refugees should be asked where they want to go, so that e.g. family bonds, cultural proximity and language knowledge can be considered as far as possible. The EU's relocation programme to distribute 160,000 refugees on arrival according to a fair quota is a very good first step towards a just distribution of responsibility within the EU. However, it will likewise lead to irregular secondary migration if the refugees' interests are not considered. It would also make sense to introduce an obligatory resettlement programme directly from the transit states for all member states.

8. Counteracting the causes of displacement and conflicts

Many causes of conflicts leading to displacement are also the consequence of political decisions in Germany and the European Union. Our resources, weapons, climate and trade policies frequently are at the expense of people elsewhere. "Combating the causes of displacement" means also a reorientation of German and European foreign policy and e.g. giving precedence to peace policy and the potential offered by civil conflict management, along with a much more active human rights policy. That is the only way of reducing injustice and violence, and thus also tackling the root causes of refugee movements.

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