



THE REFUGEE CRISIS AND THE EU



A GREEN RESPONSE

Foreword by **Jean Lambert**
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FOREWORD

JEAN LAMBERT, GREEN MEP FOR LONDON, UK

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Greens have long argued for an effective Common European Asylum System (CEAS) which would respond to the needs of those seeking sanctuary. This should ensure that wherever they may claim asylum in the EU, their application will be dealt with fairly and should have a similar outcome; that they will be supported during the period of their claim and that this will continue when they receive international protection. We have argued for a clear system of solidarity, so that if a Member State comes under particular pressure and feels they are not able to support or deal fairly with asylum seekers, other EU countries would step in to help.

We have only to look across the EU at the moment to see that we do not yet have such a system

and that some Governments are actively resisting any idea of sharing responsibility, or only on their own, prejudiced, terms. Greens are convinced the EU can and must do more – especially when we look at the support offered to refugees in poorer countries such as Lebanon and Jordan.

This booklet of short essays by some Green MEPs aims to provide ‘snapshots’ of the situation in a number of different countries (Austria, Hungary and France) as well as in neighbouring Balkan states – which, disturbingly, some wish to describe as ‘safe’ countries. In looking at the CEAS itself, we put forward proposals as to how people could reach the EU, without risking death at sea, or having to pay the smuggling gangs. We look at the problems

with the current ‘Dublin’ system, which determines which country usually takes responsibility for dealing with an asylum claim, and the Green proposals for its radical reform. Finally, we consider how we welcome those with humanitarian protection status into our societies, by considering what we can do in terms of meaningful integration.

Syria is not the only crisis. Greens are clear that we must not forget the rights of those from other countries who need to seek asylum in the EU.

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SAFE AND LEGAL ROUTES TO THE EU

JUDITH SARGENTINI, GREEN MEP – NETHERLANDS

Judith is coordinator for the Green Group in the Parliament's Civil Liberties, Justice and Home Affairs Committee and shadow Rapporteur on Parliament's report on a 'holistic approach to migration'.

The number of people fleeing conflict and war is rising. The number of those trying to reach safety in Europe is increasing. The number of deaths at our shores has surged. The lack of safe and legal routes drives refugees to desperate measures, seeking protection for themselves and family in the hands of criminal smugglers, on dinghy boats and in suffocating trucks. Instead of (generously) reaching out to those in need of protection, we make our borders stronger.

Metal fences and concrete walls are not the only obstacles refugees face when trying to come to Europe. It is the paper barriers, the visas, which we have put in place. It is difficult, and sometimes impossible, to have a document which grants the refugee protection and takes away the need to resort to a dangerous journey to come to the EU.

Many alternatives for the perilous undertakings refugees take out of desperation already exist: issue humanitarian visas allowing refugees to take an aeroplane to reach the country where they want to seek asylum; increase the number of refugees to be resettled; and allow the 18-year old daughter to join her parents and younger siblings in Europe by applying family reunification rules more generously.

Instead of further exploring how we can reach out to those seeking protection in Europe, some Member States deflect the debate on refugees to creating safe havens and zones near the areas in conflict, pinpointing

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safe countries and outsourcing the asylum process to countries in the region. These plans are hypothetical as well as raise alarming questions. Which countries would be given the ability to assess asylum applications on behalf of the EU? For how long will those applicants stay in camps created by such a system? What happens to those who remain in the camp, since many EU Member States are already unwilling to resettle from UNHCR camps and relocate asylum seekers within the EU? To what extent are these third countries willing to cooperate? And how is the responsibility (and sovereignty) shared? We do not have jurisdiction over refugee camps and the UNHCR

cannot guarantee the safety of those residing in the camps because this is a responsibility of the host country. We see this in Sudanese refugee camps where abduction, looting and raping of refugees takes place.

These plans will burden the direct region even more, potentially fuelling further human tragedy. Existing possibilities for safe and legal avenues to the EU should be applied and in addition we should permit refugees to seek asylum at embassies and consular offices of the EU Member States in third countries, grant a visa waiver to Syrian refugees, and remove burdensome restraints for

family reunification such as the language and finance thresholds. We should uphold humanity and solidarity - and the individual right to seek asylum – and play our part.



WHAT'S WRONG WITH DUBLIN?

JEAN LAMBERT, GREEN MEP – UK

Jean was Parliament's Rapporteur for the establishment of the European Asylum Support Office and the recast of the 'Qualifications Directive'. She was shadow Rapporteur on the recast of the 'Dublin regulation'.

European Greens have long called for the overhaul of the floundering 'Dublin Regulation', which establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection. The tragic events at our borders make it clear that Dublin just doesn't work, as well as being politically untenable. Greens do not argue for a return to 'pre-Dublin' days when there was no system to allocate clear responsibility for examining an asylum claim to a single Member State, but we need a system based on true solidarity and responsibility-sharing on the part of *all* Member States, which takes into account the preferences of asylum seekers and removes the need for the return of asylum seekers to the first country of entry.

What's wrong with Dublin?

- **It's costly in human terms:** the ECHR and ECJ have found that transfers under Dublin have led to violations of fundamental human rights¹. Dublin transfers to Greece have been suspended for years for this very reason.
- **It's costly financially and transfers are completely illogical.** In 2013 Germany made 281 transfers to Sweden, while Sweden transferred 289 asylum seekers to Germany – that's 570 asylum seekers transferred against their will, away from the country where they were likely to have the family, community or other links that would have enabled them to integrate most rapidly, if their claim was successful.

‘In 2013 97% of Somalis were granted protection in Italy and just 17% in France – any system founded on the assumption that we have a level playing field is doomed to failure.’

- **It assumes harmonised standards of protection and reception across all Member States** – we have a common system on paper, but not in practice.

In 2013 97% of Somalis were granted protection in Italy at first instance and just 17% in France – any system founded on the assumption that we have a level playing field is doomed to failure at present. Trust between Member States about the quality of their systems is at an all time low.

- **Preferences of asylum seekers and their broad family ties have no place in the system** – this is disastrous for future integration prospects and makes secondary movements inevitable.

The list of flaws goes on, but Member States tolerate an

inhumane, costly, and inefficient system in order to signal to the public their control over asylum seekers and the asylum system. Dublin is a political theatre which needs replacing! My colleague Ska Keller will outline our Green proposals.

The European Commission is willing to reconsider Dublin and critical voices from the European Parliament and Member States are growing stronger. The Commission has proposed a permanent ‘crisis relocation mechanism’² to add to the existing Dublin Regulation, alongside the existing ‘early warning, preparedness and crisis management’ system which allows the Commission and Member States to better monitor each other systems³.

In the meantime, all countries party to Dublin should make full use of the discretionary clauses in Article 17 of the existing

Regulation which allows them to take responsibility for an application rather than transfer. This could alleviate some of the human suffering and strain on Member States under pressure whilst we wait for any new Commission proposals to yield positive results.

1 ECtHR MSS v Belgium and Greece and ECJ N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform.

2 2015/0208 (COD)

3 Article 33 of 604/2013



FIXING DUBLIN — NOW, AND LONGER-TERM

SKA KELLER, GREEN MEP — GERMANY

Ska is Parliament's Rapporteur for the Proposal to establish provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary.

One of the fundamental flaws of Dublin is that countries at the border are expected to take the biggest responsibility for refugees. Here is where people will enter Europe, here is where they are expected to stay. In and of itself, this is already a huge problem for internal-EU solidarity and for the refugees themselves. But now, the arrivals of refugees have increased dramatically. In Greece, a country already suffering from a heavy economic crisis, there is no asylum system in place that could cope even with average arrival levels. The government is operating with skeletal staffing and is unable to hire new staff. Dealing with increased asylum applications with scant resources is compounding the crisis.

We are facing an emergency situation and as long as there is no hope for peace in Syria, the situation is unlikely to subside. We need to act now but also prepare lasting solutions.

The emergency relocation scheme is a start. But just adding up emergency relocation schemes for country after country won't do the trick. We need a permanent scheme for relocation in emergency situations. It needs to be binding for all Member States. As Greens, we insist that the interests and needs of refugees are also taken into consideration when being relocated, so that refugees can go where they have family or language

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skills, as two examples. It was a great victory for the Greens to have the interests and needs of refugees included in the emergency scheme – now we need to make it permanent.

Even though the Commission intends to use the emergency relocation as a panacea to prolong the unworkable Dublin system, it is clear that no medicine can cure the underlying condition. We need to profoundly change the Dublin regulation. For us Greens, two considerations are important: a new distribution system needs to be fair to Member States and refugees alike. All Member States must act in solidarity according to what they can

shoulder, based on objective criteria. But this alone is not enough. Refugees are people and not just numbers that you can shift around in Europe without asking them where they want to go. Refugees need to be able to voice their preference of host country, based on family or community relations, qualifications such as language skills or cultural ties. If people end up where they want to be, it will be much easier for them to get along and integrate into the host Member State. But also for the state itself there are advantages: refugees will be able to take care of their own income quicker, and contribute more to society. And they are less likely to move away to another

country. This is good for member states because Dublin returns are costly and burdensome for the administration.

To implement this effectively, we have to enforce asylum standards for reception and procedures in all Member States. And we should debate whether it is time to create an EU asylum service to centralise asylum claims.



CALAIS: A WAY OUT OF A CRISIS

KARIMA DELLI, GREEN MEP – FRANCE

Karima is a Member of the Parliament's Employment and Social Affairs Committee – she has visited migrants and refugees stuck in limbo in Calais and campaigned for their fundamental human rights to be respected.

The numbers in the makeshift camps in Calais are growing as the crisis across Europe intensifies and the conditions in the squalid 'jungle' camp deteriorate. But we are not just talking about numbers, we are talking about people.

The problem isn't new – people desperate to begin a new life have gathered in Calais for years, but their route is now shifting from trucks and ferries to the Eurotunnel shuttles and leads to weekly tragedies which could be avoided. The situation in Calais is a political choice and has been created by the intransigence of the British and French authorities who refuse to offer real solutions to the humanitarian tragedy in both of their back yards.

The situation in Calais is a direct result of the Schengen fortress ending at France's northern coast and the much derided Dublin regulation whose aim is to rid the asylum seeker of any choice about which Member State to claim asylum in. Paralysed by the inexorable rise of populism in their Member States, too many European leaders continue to race to the bottom at the expense of refugees, forgetting their historic tradition of protection and often flouting even minimum respect for human rights and the spirit of the EU Charter of Fundamental Rights.

‘Calais has become a symbol of solidarity, not of European governments but of ordinary EU citizens who are desperate to help and want to see effective solutions to the crisis.’

The solution to the crisis across Europe must be European, but the solution to the crisis in Calais must now rest with the French and the British authorities, particularly given the pressure faced in many other Member States. The French must make available effective access to an asylum procedure for those who want to apply on French territory, and proper follow up of the claim once it has been processed. The French and British must work together to provide adequate, full time reception conditions, in consultation with local authorities, associations, economic actors, inhabitants

and the refugees themselves for those currently living in make shift camps. More and more miles of barbed wire fences and ever harsher treatment of desperate people will not solve the problem, joint British-French action to provide safe routes to the UK for those desperate and determined to get there would!

Calais has become a symbol of solidarity, not of European governments but of ordinary EU citizens who are desperate to help and want to see effective solutions to the crisis. In the absence of an adequate response from their govern-

ments, they are taking matters into their own hands – as we have seen with convoys of vans full of clothes, food, tents and supplies arriving across the channel to Calais. It’s high time that France and the UK followed their lead and made the choice to end the humanitarian crisis in Calais – it’s in their power to do so.



A VIEW FROM THE OTHER SIDE OF THE EU BORDER — SERBIA AND THE ROLE OF TRANSIT COUNTRIES

ULRIKE LUNACEK, GREEN MEP – AUSTRIA

Ulrike is Vice-President of the European Parliament in charge of the Western Balkans, EP-Rapporteur for Kosovo and Member of the LIBE-Committee.

As European and Western Balkan leaders met in Vienna at the EU-Western Balkans Summit in August this year, Serbian Prime Minister Aleksandar Vučić praised Serbia's treatment of refugees in contrast to some EU member states, especially Hungary and Greece.

The refugee crisis dominated most of the official discussions at the Vienna summit and it also highlighted the absurdity of the Western Balkans being outside the EU: tens of thousands of refugees are crossing an EU and Schengen country (Greece) to escape through two non-EU countries (Macedonia and Serbia) to get to another Schengen/EU country (Hungary). The latter one's government – a member of the allegedly pro-European European People's Party – is building a 175 km long fence along the Serbia-Hungary border.

This summit only offered symbolic support to the countries where thousands of refugees are stranded in legal limbo, or as Amnesty International warned: Serbia and Macedonia have become a sink for the overflow of refugees and migrants that nobody in the EU seems willing to receive. There is real concern that refugees are getting trapped in a 'Balkan no-man's land' without protection or support, whilst EU countries turn their backs.

The Western Balkans route has become the busiest irregular passage to Europe, overtaking the Mediterranean route which remains the most deadly. Macedonia and Serbia are unable to cope. On 19 August Macedonia declared a state of emergency, sealing its southern border for two days with paramilitary police and military forces.

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In Serbia, reception conditions remain inadequate, and access to asylum is extremely difficult. In July, Amnesty International reported ill-treatment, push-backs and unlawful detention. Serbia did, however, refrain from using tear gas against refugees as some authorities have done in Greece, and erecting huge fences as the Hungarian government is doing.

The majority of people using this route are from Syria, Afghanistan, Iraq, Eritrea and Somalia. They mostly come via Greece, and the number of people undertaking this journey is expected to grow. Some are registering for asylum in the Balkans while others head onwards, both groups face mounting danger.

The increase in arrivals doesn't absolve countries along the Balkan route of their legal

obligations. The authorities in the Western Balkan countries must still live up to their international obligations, including allowing those seeking asylum to do so promptly and effectively. But individuals who attempt to seek asylum in Serbia or Macedonia face severe obstacles. In 2014, only 10 asylum seekers were granted refugee status in Macedonia and only one in Serbia. Discouraged by the slow progress in processing asylum applications, most continue their journey into Hungary, where they face further – and for an EU country – completely unacceptable severe violations of their rights.

Increased numbers taking the Balkan route is a consequence of a broader failure of EU migration and asylum policy, over which Serbia and Macedonia have no control. Placing primary responsibility for

processing asylum applications on the first EU country of entry (with the Dublin regulation) and limiting safe and legal avenues of entry has put an unsustainable strain on the EU's outer fringes and neighbouring states. Therefore Serbia and Macedonia have to do more to respect migrants and refugees' rights. But it is impossible to separate the human rights violations there from the broader pressures of the flow of migrants and refugees into and through the EU, and a failed EU migration system.



WHAT SHOULD HUNGARY'S RESPONSE BE?

BENEDEK JÁVOR, DIALOGUE FOR HUNGARY PARTY

Benedek is an environmentalist and a founding member of the Dialogue for Hungary Party (Párbeszéd Magyarországért). He campaigns for the humane and dignified treatment of asylum seekers in Hungary.

There is a humanitarian crisis in Europe that is rather acute in Hungary which has become the entry point of the EU through the Balkan route: there are people fleeing war to save their lives and many of them are freezing and starving in Hungary. This cannot continue. We as Greens need to address not only the long-term solutions but we need to understand the scale of the urgency and mobilise to act in solidarity with those seeking asylum.

First of all, I believe that we cannot be thankful enough to all Hungarian and European citizens for all the selfless help they are providing in these difficult times, often side by side with the relevant organisations, and sometimes, as in my country, instead of them. However, we cannot expect volunteers to tackle the challenges on the long term without the help of authorities. Moreover, Greens think that it is high time that the Churches and some NGOs take a bigger role in providing and ensuring the human dignity of refugees entering Hungary especially as the winter weather will slowly but surely set in!

‘Now is the time for Europe to set aside its egoism, its political differences ... before the approaching winter brings on even more dire circumstances for those who flee to save their lives and put their trust in finding comfort in European values.’

Right now, all possible moral and material support should be given to those civilians and organisations who help refugees – without questioning their political or other commitments – but also the authorities need to step in to provide the basics, at least to help the work of volunteers and also their own police. Volunteers have even stepped in to provide food for police on duty at remote border crossings.

At the least, Hungary must respect its international commitments including the Geneva Conventions. Imprisonment, razor-wired fence, the gate on

the railway line or the potential deployment of the army are definitely not part of the solution. The laws recently brought into force criminalising irregular border crossing are not part of the solution and need to be abolished right away.

Furthermore, it is unacceptable that the Hungarian government is reluctant to take part in the common European resolution while it has taken up the mantra that they are defending the borders of Europe. At the same time, we must also stand up against incitement, hate speech and calls for segregation, as it is these very things that have been

the cause of so much suffering throughout the course of history.

Now is the time for Europe to set aside its egoism, its political differences, and step up for refugees instead, before the approaching winter brings on even more dire circumstances for those who flee to save their lives and put their trust in finding comfort in European values.



AUSTRIA'S RESPONSE: ROLE OF THE FAR RIGHT AND RELATIONS WITH EU NEIGHBOURS

MICHEL REIMON, GREEN MEP – AUSTRIA

Michel is a former journalist, activist, and Member of the Delegation for relations with the Mashreq countries, Iraq and the Arab Peninsula.

Dotted with Czech, Slovak, Hungarian, and Polish family names, Vienna's telephone directory is a testimony of immigration's impact on Austria. During the past 20 years of Austria being a member of the EU it has always played an important role as an interface for its eastern neighbouring countries including Slovenia, Hungary, Slovakia, and the Czech Republic.

Since 2015 Austria has found itself at the centre of Europe's severe refugee crisis. It is the first western European country refugees mostly coming from Syria pass through. Asylum requests for Austria – a country with a population of just eight million people – rose nearly 180 per cent in the first five months of 2015. Many are coming overland: they follow a route worked by smugglers that brings people through Turkey, Bulgaria, Macedonia, Serbia, Romania and Hungary. About 80,000 people are expected to seek asylum this year – up from 28,000 people in 2014 and 17,000 the year before.

Austria's recent policy has been characterised, first and foremost, by ambivalence, a mood manifested in measures that welcome but also restrict migration. The country has a distribution system for asylum seekers – a kind of responsibility-sharing – between the federal level and the nine Austrian regions. At the moment 50,000 applications for asylum are pending.

Hence, many asylum seekers must begin their attempt to be granted asylum at the contested Traiskirchen centre just outside the capital, Vienna. Currently, about 4,800 people are housed in the former army barracks which has played host to people seeking protection since the 1960s, but was only

'With upcoming regional elections, the far-right Freedom Party (FPO) leads the polls with 29% support, as Austrian citizens say that 'better security', 'foreigner problems' and 'asylum' are their three greatest concerns.'

built to house 1,000 people so this means that many are sleeping in tents outside. The conditions at the camp are inhumane and shameful. Once through Traiskirchen, asylum seekers face a lengthy process to discover if their application to stay in Austria will be granted. Even if they are, things remain difficult and winter approaches. The Austrian government wants to show that it's an overwhelming problem, a mass influx of people. Yet, Austria is a rich country capable of solving this problem.

What about Austrian citizens? On the one hand many are eager to help, but others demonstrate xenophobic tendencies. With upcoming regional elections, the far-right Freedom Party

(FPO) leads the polls with 29% support, as Austrian citizens say that 'better security', 'foreigner problems' and 'asylum' are their three greatest concerns. The FPO has recently blamed the United States and the NATO Western military alliance for triggering the refugee crisis that has so challenged Europe. FPO called for erecting an army-patrolled fence along neutral Austria's eastern border with Hungary, and for only allowing Christian and Jewish refugees rather than Muslims.

Looking ahead, the issue of migration appears likely to go on capturing the attention of both the public and policy makers. Yet, asylum cooperation among asymmetric countries seems to be wishful thinking. Central

European countries are seeking a common position of defiance towards the pressure from Berlin and Brussels, especially on the question of obligatory quotas. In the absence of a common will amongst the Member States the EU can actually do little. More emphasis should be given to provide possibilities for asylum seekers to legally enter the EU. Therefore Austria has to create safe and legal avenues, such as humanitarian corridors and humanitarian visas. It should agree to provide other tools, for example private sponsorship schemes and flexible visa arrangements, including for study, work and health purposes and make it possible to apply for asylum at their embassies and consular offices abroad.



ONE-SIZE-DOESN'T -FIT-ALL

A VIEW FROM SWEDEN

BODIL VALERO, GREEN MEP (SWEDEN)

Bodil sits on the European Parliament's committees on Justice and Home Affairs, where she specialises in visa issues, and on the committees on Security and Defence, Foreign Affairs and Petitions.

Integration – What does it mean? Who needs to be integrated? The newcomers to some kind of homogeneous Swedish society or the whole population to a new and modern multicultural Sweden? We have discussed it for years, during which time Sweden has prioritised mutual integration policies (not assimilation) and is ranked as one of the countries with the most far-reaching policies, but the multifaceted nature of integration has always complicated their successful implementation.

The history of refugees and migrants settling in Sweden has yielded different results depending on which part of the country they live in. On the one hand, northern Swedish municipalities – typically with decreasing population, as well as challenging weather and employment prospects – have made great efforts in attracting and retaining foreigners who have been granted a residence permit. On the other hand, the more 'job attractive' southern municipalities struggle with housing shortages and segregation.

We Greens have mainly focused on the fight against racism and xenophobia. It's one important part of the integration challenge but not a comprehensive solution to persistent employment gaps or avoiding segregated neighbourhoods.

The integration of refugees and migrants in Sweden is a national commitment. A commitment that requires solidarity and responsibility-sharing among local governments. Given that some richer municipalities have so far refused to receive refugees it will now become obligatory for all. Municipalities with larger refugee numbers should receive increased financial support from the state budget aimed at facilitating earlier possibili-

‘The state’s goal should be clear and the allocated resources sufficient for smaller municipalities to provide meaningful employment opportunities and for larger cities to provide affordable housing and anti-segregation measures.’

ties for employment, education, housing, etc.

The main focus of Swedish integration policy is that language skills (Swedish) opens the door to the labour market. While this may be true for many professions, it is not the case for all. One example is reforestation, which has proved a successful entrance to the labour market for some groups of refugees living in the countryside. Swedish authorities have long imposed excessive demands on having a certain level of proficiency in speaking Swedish which can prolong the time between arrival and employment. I believe it’s crucial to remove those barriers by providing language training at different levels depending

on the individual’s former level of education, ensuring a swift validation of foreign education certificates, and providing opportunities to work from day one (regardless of language skills), even as an asylum seeker. Indeed, the ‘Foreigners Act’¹ does not demand language skills and allows for asylum seekers to work while their asylum application is being processed: should asylum not be granted, the applicant can apply for a work permit under certain conditions. The law was meant to facilitate access to the labour market for asylums seekers at an early stage, not the contrary.

A comprehensive national integration policy has to recognise that there is no

one-size-fits-all solution, and that the local solutions for integration will differ - this is also true for the EU level. The state’s goal should be clear and the allocated resources sufficient for smaller municipalities to provide meaningful employment opportunities and for larger cities to provide affordable housing and anti-segregation measures.

1 http://www.government.se/contentassets/784b3d7be3a54a0185f284bbb2683055/aliens-act-2005_716.pdf

