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MEMO Publishers
419-421 Crown House
North Circular Road
London, NW10 7PN
t: +44 (0)20 8838 0231
f: +44 (0)20 8838 0705
e: info@memopublishers.com
w: www.memopublishers.com

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Thousands of Syrian refugees are risking their lives to enter Europe as asylum seekers, but what awaits them are a range of informal and inadequate procedures, some of which only have a veneer of humanitarianism. In some cases, refugees are literally “pushed back” over international borders and territorial waters, before the European countries concerned fluff their pillows, roll over and close their eyes to their humanitarian responsibilities. This is especially so with regards to the now three million displaced Syrians still awaiting registration. Amnesty and several European human rights organisations flagged this issue months ago, but policies remain unchanged, despite increasing regional unrest and the recent closing of borders in the region, for Palestinians, the so-called “double refugees”, in particular.

As the main host countries of Lebanon, Jordan, Turkey and Egypt simultaneously increase fees, tighten restrictions and strengthen their implementation, refugees are abandoned as victims of the sloppy and vague international regulations. Their human rights are twisted to fit national disinterest in providing humanitarian refuge.

As European countries have had their eyes forced open slowly but surely by humanitarian organisations in order for them to acknowledge the elephant in the room, some vaguely-extended hands of assistance have appeared; however they are both ambiguous and insufficient.

Three per cent (around 123,000) of the Syrian refugees have been re-settled in Sweden and Germany. Now, three and a half years into the largest humanitarian catastrophe of our time, refugees are still beating their own tracks within complex and ever-changing entry/exit policies and fees; amazingly, they still have to push for international recognition of their basic human rights. The bureaucracy is menacing.

Narrowing channels to access Europe and “pushbacks”

According to the UN High Commission for Refugees (UNHCR), only 4 per cent of Syrian refugees have sought asylum in Europe. Senior advocacy officer Aspasia Papadopoulou from the NGO-alliance for protecting and advancing the rights of refugees/asylum seekers, the European Council on Refugees and Exiles (ECRE), explained the low number: “First, most people fleeing the Syria conflict seek refuge in the neighbouring countries. Second, for those who would like to seek asylum in Europe, accessing Europe is very difficult.”

In fact, she said, “Accessing effective asylum procedures is slow and difficult, and reception conditions are inadequate in many European States.” Furthermore, she could tell of many reports of pushbacks on land and at sea in countries such as Bulgaria, Cyprus, Greece, Spain, Albania, Montenegro, Russia, Serbia and Ukraine.

In addition to these significant hindrances, family reunification is very difficult, “even more so for extended family members.” This, said Papadopoulou, is due to the EU Family Reunification Directive that limits family reunification to spouses and minor children. UNHCR and NGOs have asked for a more flexible use of family reunification for persons fleeing Syria.

“More importantly,” she stressed, “there are very few legal ways to access Europe in order to seek asylum, which means that people will use smugglers and illegal means to enter.” Resettlement is one of those few legal channels; European countries have to-date offered over 30,000 places for resettlement and humanitarian admission. “This is a very good gesture but it is still not enough,” she insisted, “and these channels should be for both Syrian and Palestinian refugees, who are the most vulnerable group among them.”

Very few other channels have been used, such as scholarships for students or the possibility to obtain a humanitarian visa through embassies in the region. “European states should open up to offer

more opportunities for persons fleeing Syria to access Europe,” Papadopoulou concluded.

According to [a recent report from Amnesty](#), the EU systematically hinders refugees seeking asylum in Europe, pushes back refugees who have crossed into territorial waters and, simultaneously, co-operates with a list of nations that do not adhere to human rights standards to prevent refugees forcefully from even embarking on the road to Europe.

Amnesty revealed that the EU spends three times as much money to *prevent* refugees from entering registration at their borders than it does to support the displaced persons already registered as refugees within the region. The European Court of Human Rights (ECHR) cracked down on the policy of pushing back refugees over the border post-arrival in Europe, tempting Italy and Greece to transfer this “dirty task” by deploying external sovereign powers to prevent the “influx” in the first place, regardless of their adherence to (or lack thereof) human rights.

In many cases, refugees’ asylum cases are not considered, and some are not even registered, when they reach Greece or Italy. Most refugees are either pushed back to sea or let out one-by-one from registration offices, with no inked-stained fingers, to go onwards to their final destination, which is usually Sweden or Germany. Niels Kvale, a Brussels-based European asylum policy researcher, explained in a recent interview with *Deadline* that Syrians and Eritreans are either pushed back from Greece or Italy into Turkey, or let through with no registration whatsoever. “Whenever Italy and Greece calls for a European discussion of its asylum policies, Northern European countries complain that they have insufficient registration at the borders and that countries like Sweden have to take a disproportionate number compared to other nations,” he pointed out.

“As soon as they come to the border and border patrols start engaging with refugees, they are our responsibility,” Thomas Gammeltoft-Hansen, senior researcher at the Danish Institute for Human Rights said in another recent *Deadline* interview. “You could maybe shift the border responsibility but you can’t shift the

responsibility of humanity and respect for human rights.” What is being discussed in the EU at the moment on this subject is how far the responsibility of the convention stretches. However, juristically these changes in policy are typically reactive, instigated after we see tragedies such as that of Lampedusa. This approach is evidence that the EU more or less tries to avoid, or work its way around, to the best of its ability, having humanitarian responsibility for this practice. “If the EU is constantly dealing with this in this overdue manner, we consequently will get legal cases against us,” Gammeltoft-Hansen stressed.

The issue of non-registration violates EU standards of the Dublin Regulation 2003, according to which Europe has the responsibility to “determine rapidly the Member State responsible [for an asylum claim]”¹ and accommodate the transfer of an asylum seeker to that Member State. Frequently, this would be the responsibility of the state through which the asylum seeker first entered the EU. Recently, this has received criticism for putting pressure on Southern European states, so much so that the main bases of its introduction in the first place, that is, to *avoid* refugees registering in more than one country and *securing* their human rights, are compromised.

An additional barrier are the growing racist attitudes reflected in asylum policies in each European member state. European furore over ISIS and linkage of the Middle East North Africa (MENA) region to terrorist activities have cultivated the existing fear of resettling, or giving temporary protection to, refugees.

As unfortunate and uninformed as it may be, Europe still fears “the Other”; this is manifested in growing immigration and resettlement restrictions for both permanent or temporary protection. Across northern Europe in particular, a wave of racist politicians are building momentum vis-à-vis international terror threats combined with domestic perceptions of the “incompatibility” of Arab and/or Muslim values. This stance is gaining political leverage in England with the horrifying English Defence League (EDL), Denmark DF (Dansk Folkeparti), France’s National Front, the Dutch MP Geert Wilders and many other political forms.

Frontex and human rights

“Thousands have tried to get to European shores by taking unsafe and overcrowded boats from Egypt or Turkey to Italy, Cyprus, Greece and Bulgaria,” said Susan Akram, acclaimed Clinical Professor of Law and author of several reports on the matter in an interview with MEMO. “Of the close to 2,000 people who have lost their lives in the Mediterranean and the thousands arrested at sea by the Greek and Italian coastguards,” she noted, “the *majority* have been Syrians trying to reach Europe by boat.”

However, rather than allocating resources towards sharing the Syrian refugee flow, the EU’s response has been to direct more and more funds towards preventing the refugees from reaching Europe, Akram asserted. As just one example, Europe’s border control agency, Frontex, gave €2.2 million to Greece to control its sea borders more robustly, while Greece is asking for a far greater contribution towards maritime patrol costs.

“Even if they do reach European shores, refugees from Syria are far more likely to face arrest, detention and expulsion than the protection required under EU law towards legitimate refugees,” explained Akram. “Greece, for example, has detained 8,000 Syrian refugees so far this year, and even Macedonia has detained over one hundred refugees from Syria.” If they can escape detention and enter EU territory, Syrians have a small chance of being granted asylum under current policies. From 2011-2013, however, only 340 Syrians were resettled in Europe, and by 2012, only about 12,000 had sought asylum. So far, EU member states have granted protection (under various categories) to only around 136,000 refugees from Syria. “This,” stressed Akram, “is a miniscule number compared to those hosted by the ME region states.”

Reem² is a Palestinian-Syrian refugee who settled in a camp in Lebanon about a year ago and asked, “Why doesn’t Europe enable a ‘regular’ way for us to come, when they accept us once we are there?” Having heard positive stories of Swedish and German hospitality, many families are considering embarking on

the risky and expensive route past checkpoints of various militias and by precarious means of transport. Evidencing refugees’ desperation as they remain “trapped” in poor conditions in the region, the precarious path to Europe was described vividly by residents of a refugee camp visited recently by MEMO.

Palestinian-Syrian refugee Maha told me of her nephew, Samir, who had started his trip alone at the age of 15 with the support of both his parents and grandparents. He had just arrived in Sweden and called his family to tell them about his journey. Samir had gone to Turkey through Syria, leaving his father behind (and he remains trapped between the revolutionary army and the Assad regime; each claims that he is associated with the other). “The route is way too dangerous,” Maha explained. “He had to pass checkpoints of the regime, revolutionary army, ISIS and other militias costing around \$200 before he reached Turkey.”

Once in Turkey, the border authorities turned a blind eye, evidence of the one-to-one policies that Europe and Turkey are currently negotiating; the EU may ease restrictions for Turkish immigration to Europe in exchange for Turkish absorption of refugees pushed back from Europe.

Samir explained how busses would queue up in a specific park, wherefrom refugees would gather and wait days or months before being called and taken to Italy in smaller groups. “Refugees board a tourist boat to cross to Italy,” Maha reported. “A short while before reaching the shore, they get into smaller boats, where they have to help themselves to get to the shore.” The total cost was around \$6,000, she said. “The family had to send him everything; *everything*.”

In this way, Italian tourist companies do not get into trouble by trafficking refugees across the border. A group of Syrian refugees told MEMO that young children were on board and fighting would often break out. Some people were even thrown overboard as a consequence of having opposing sympathies with the warring parties. People had to paddle and wait for the Italian coastguards to come to their rescue.

“Samir was lucky,” said Maha, “because the Italian border patrols came to rescue them. They put them in hotels and gave them clothes, a meal, rest and told them that now they could leave; but, ‘one-by-one’.” Unregistered, like many thousands of other refugees, Samir continued on his way to Sweden for \$1,000 and reached his destination a month later.

This deterrence and expulsion attitude is beginning to change, but very slowly, led by only a few European states. Germany and the Scandinavians are expanding their resettlement programmes, with the former now committed to admitting 20,000 refugees from Syria this year, in addition to its private sponsorship programme, which has accepted 5,500 Syrians. Sweden and Norway are each offering resettlement this year to approximately 1,000 people from Syria. However, most of the EU states still have no more than 500 resettlement spaces on offer to these refugees. See also MEMO’s report: [International communities’ response to the world’s largest refugee crisis](#).

So far, the EU’s 2014 contribution of €100 million has been invested in humanitarian aid for the victims of the Syrian crisis in the region; it brings the total to €615 million since the beginning of the conflict. All the while, European countries, excluding Germany, made an agreement to accept a mere 6,000 Syrians across their borders temporarily; the irresponsibility and ignorance of the grave situation is clear. The hypocrisy of insisting on refugees going back, the illegal pushing back and drawing-up of border restrictions, even for people seeking protection from a war-torn country, whilst assisting the ones who “made it”, make Europeans look rather ambiguous and faint-hearted.

Regional rejection and the vulnerability of Palestinians

Lebanon, Jordan and Syria, as a consequence of being the main host states for Palestinian refugees for over sixty years, have along with Turkey refused steadfastly to become parties to the Refugee Convention or Protocol, and the Convention on Stateless Persons. As such, they have not codified international norms of refugee law.

According to a new report by the Boston University research group, led by Susan Akram, all of the MENA host states must respect and fully implement their obligations of *non-refoulement* to persons fleeing Syria, Palestinian refugees and Syrian citizens alike. The problem is, however, that its definition remains vague and flexible.

Another issue are the varying entry/exit policies in the regional countries. Temporary Protection is completely consistent, as a matter of international law, with the demand for Palestinian refugees’ right of return and property restitution vis-à-vis places and homes of origin.

Adam Coogee is a Middle East researcher at Human Rights Watch (HRW) and the co-author of its recent report “Not Welcome: Jordan’s Treatment of Palestinians Escaping Syria”. He spoke about Jordan’s closed borders, arbitrary detention, stripping of residency and illegal deportation of Palestinians. “Regional countries talk a good game when it comes to the Palestine issue,” he explained, “but when it comes to caring for and protecting actual Palestinians on the ground, their record has often been dismal.” Remembering the impressive political and media support, Palestinians received from Europe during Israel’s recent Gaza attacks, the region seems to be paralysed when it comes to realising these objectives. “The regional response to Palestinians refugees from Syria is the latest example of this,” said Coogee.

Throughout the 1980s, several Arab states were providing many of the rights noted in the Casablanca Protocol to Palestinian refugees in their territories. In 1970, the Arab League adopted UN Resolution 2600 (dated March 11, 1970), which allowed Palestinians to acquire dual citizenship. In 1982, the League of Arab States Council Ministers of the Interior passed Resolution 8, placing the obligation of equal treatment with their citizens on the host states of Palestinian bearers of travel documents with regard to residency rights, employment and mobility. Although the Arab states have increasingly pulled back from these obligations, these resolutions and agreements set the foundation for generous policies similar to a temporary protection regime for the region that can, according to Akram’s recent report, “quite readily be re-instituted today”.

The Casablanca Protocol has never been repealed or formally abrogated by any Arab state, but its LASC Resolution 5093, recommending that the “rules in force in each state” govern the application of the Casablanca Protocol, has had the effect of undermining the Protocol’s protections.

The report says that the Arab states “can implement a region-wide temporary protection regime for all Palestinian refugees residing in their territories, including those from Syria, based exclusively on the Casablanca Protocol standards of treatment.”

The loopholes of Syrian-Palestinian protection

What would make a family risk their livelihood and entire local network and wealth in order to migrate? All of the interviewees I spoke to were unanimous: “There is no life for us here.” Furthermore, obtaining visas and their renewal has become next to impossible. Being refused entry, stripped of residency rights and deportation is now a reality that Palestinians face in Lebanon, Egypt and Jordan. Fleeing to Turkey is equally difficult for Palestinian-Syrians in Lebanon as it involves going back into Syria and crossing several checkpoints where their lives are in constant danger due to arbitrary arrest, torture and killing by the army and militias.

“There is a major protection and humanitarian aid gap when it comes to dealing with Palestinians escaping the war in Syria,” confirmed HRW’s Adam Coogle. According to the UNHCR, the 1951 refugee convention excludes from its mandate any refugees that are receiving services from another UN agency, as is the case in Jordan, Lebanon, Syria and the occupied Palestinian territories, which are the UN Relief and Works Agency’s fields of operation. “The problem,” Coogle explained, “is that UNRWA does not transfer registrations between countries.” In other words, an UNRWA-registered Palestinian refugee in Syria remains attached to the agency’s Syria office and services network, regardless of whether he or she has fled to another country.

UNRWA-Jordan and UNRWA-Lebanon have done a lot to try to offer some protection and humanitarian services to Palestinians

from Syria, which has caused friction with the host governments, particularly in Jordan.

It is important to note that many Palestinians fleeing to Jordan are not UNRWA-registered 1948 Palestine refugees, but actually Jordanian citizens or descendants of Jordanian citizens who were living in Syria. UNRWA-Jordan has offered these individuals services on the same basis as other Palestinians from Syria even though they are technically outside of UNRWA’s mandate, but it has been difficult, claimed Coogle.

The major point is that Palestinians from Syria have been almost entirely excluded from the regional Syria refugee response infrastructure, both in Jordan and Lebanon, and can only depend on some UNRWA-related services when the agency has the funding and capacity to offer them. In Egypt, the government prevents UNHCR from serving Palestinians in any way, and Egypt is not within UNRWA’s field of operations, so these individuals are excluded completely from international refugee humanitarian and protection services.

“There’s no doubt,” Coogle asserted, “that this humanitarian and protection gap, combined with admittance restrictions in neighbouring countries, contributes to create a situation where many Palestinians feel that their only way out of the war zone is to try to smuggle themselves to Europe by land or sea.”

Deportation back to Syria

Those Palestinians deported from Jordan or Lebanon back to Syria are forced to try to survive the violence and provide for themselves. Palestinians in Syria have suffered greatly as a result of generalised violence and unlawful attacks by government forces and non-state armed groups. Their refugee camps, in Aleppo, Daraa and the Yarmouk camp in south Damascus, have come under military attack, resulting in extensive civilian casualties and displacement.

Adam Coogle confirmed that the Yarmouk camp, home to the largest Palestinian community in Syria before the start of the

conflict, was besieged by government forces in December 2012, resulting in widespread malnutrition and in some cases death from starvation. While some minimal and irregular aid has entered Yarmouk since then, residents are often unable to gain access to life-saving medical assistance and adequate food supplies.

According to the UN's 2014 Syrian Arab Republic Humanitarian Assistance Response Plan (SHARP), half of the 540,000 Palestinians currently residing in Syria have reportedly been displaced within Syria or outside its borders, and almost the *entire* Palestinian population of Syria is in need of humanitarian assistance. Palestinians in Syria have also been subject to arbitrary detention and torture by government forces and non-state armed groups.

Recommendations

According to Susan Akram, European nations could adopt the best elements from the temporary protection programme that Turkey has established to deal with the more than 800,000 refugees from Syria. European countries could also consider the 2001 EU Temporary Protection Directive, to make an outline for how temporary protection could be implemented across the EU.

Akram and the Boston legal working group also insist that Europe should expand resettlement programmes for permanent settlement. Only two European countries, Sweden and Norway, are offering resettlement to 1,000 or more Syrian refugees in 2014; most European countries are offering resettlement to 500 or fewer.

End Notes

1. European Union Law: <http://bit.ly/ZgVdy1>
2. All refugee names used in this article are pseudonyms to protect the identity of our interviewees.



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