FACES OF **MIGRATION**

Global Call to Action Against Poverty

SDGs and Migration
in the European Union

FACES OF **MIGRATION**

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FACES OF INEQUALITY

Preface

The report about suicides of children in refugee camps on the Greek islands has shocked me. Humanitarian workers who have supported refugees around the world described these camps as the worst they have experienced. And this in the European Union! This is a European scandal – and it is not only about Greece. The humanitarian disaster at the Polish-Belarus border shows how refugees are being used cynically for political interests and their human rights violated.

In 2015, 193 Governments, including all Member States of the EU, agreed to the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs). "Leave No One Behind" is the core principle of the agenda and includes the promise to reach "the furthest behind first". Anyone who has watched the scenes unfolding on news bulletins around the world can see that refugees are among the furthest behind.

There is much debate about "Leave No One Behind". For the most part, however, refugees do not figure in this debate. For me it's very clear that the Agenda 2030 will not be achieved if the EU does not change its policies and practices on refugees and recognise and respect their human rights. Refugees are among the "furthest behind" in the EU and a positive response to them and their desperate situation must be a first priority item for the EU and Member States and not the last as it is now.

We commissioned this report to analyse in more detail the connection of the SDGs and the situation of refugees in the EU. The basis of the document is the perspective of the refugees themselves, especially in relation to the monitoring reports from six countries, two in Southern Europe (Greece and Italy) and four in Central and Eastern Europe (the Czech Republic, Slovakia, Slovenia and Bulgaria). This is part of the "Faces of Migration" project, which contributes to the "Faces of Inequality" Campaign of GCAP.

I would like to thank the "Faces of Migration" partners for contributing their national reports and inputs into the overall report together with the authors/editors of the reports – Nancy Borisova (Bulgaria), Veronika Nožinová (Czech Republic), Dimitra Spatharidou (Greece), Andrea Stocchiero (Italy), Zuzana Števulová& Daniel Kaba (Slovakia) and Albin Keuc (Slovenia). Their reports take a long, hard look at their countries' migration and asylum policies. The summaries of their reports here do not do justice to their detailed work. Special thanks to Sylvia Beales and George Gelber for writing the report and Rajesh Singh for the lay-out.

I want to dedicate this report to our fellow human beings who have had to leave their countries because of war, violence and human rights violations – and hope that they encounter the very best of humanity in Europe.

In solidarity

Ingo Ritz, Director
Global Call to Action Against Poverty (GCAP)
December, 2021

Summary and political overview

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I am not only a refugee; I am much more than that. It's only one part of me, not my identity.

Silesia, 25 – Afghan, currently in Bulgaria

"

I n an uncertain world, with growing inequalities within and between countries, exacerbated by the impacts of COVID-19 and climate change, migration to and within Europe continues to divide public opinion and generate hostile policy responses, despite the contribution of migrants to the economic growth and well-being of their host countries and, through remittances, to their countries of origin.

EU Member States are failing in their human rights obligations both to those who have visas and those who arrive as "irregular migrants" or asylum seekers. In September 2020, Ursula von der Leyen, EU Commission President, said 'Migration has always been a fact for Europe – and it will always be. Throughout centuries, it has defined our societies, enriched our cultures and shaped many of our lives. And this will always be the case.'

The 2.64 million [1] refugees living in the EU at the end of 2020 are a mere 0.6% of the EU population but the reality is that the policies of the EU and its Member States are leaving thousands of migrants and refugees behind, in abject conditions, in direct contravention to their SDG commitments and their human rights obligations. This is the main finding of comprehensive studies undertaken by Global Call to Action against Poverty (GCAP) members and partners in six EU Member States – Bulgaria, Czech Republic, Greece, Italy, Slovakia and Slovenia, and additional research.

Refugees and asylum seekers from the Middle East, Afghanistan and Africa, fleeing conflict and persecution, are routinely rejected and confronted with racism and prejudice. Hostile attitudes flourish most in countries where there are fewest refugees, as in Poland, Czech Republic, Hungary and Slovakia. Member States and the European Commission have not done enough to counter populist anti-migrant narratives with more positive approaches to migration. On the contrary, populist politicians have taken advantage of these attitudes and used migration as an issue to win votes.

Populist parties, now competing in elections in mainstream politics, legitimise racism and aversion, transforming negative attitudes into extreme rejection of migrants. Between 1998 and 2018 the

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[1] European Commission. Refugees in Europe - https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en#RefugeesinEurope

number of Europeans voting for populist parties in national elections surged from 7% to 25% and populist parties more than tripled their support in Europe, securing enough votes to put their leaders into government posts in 11 countries. Few politicians in Europe have spoken up in favour of Afghan refugees after the fall of Afghanistan to the Taliban.

Some talented migrants are attracted and welcomed, while others experience exploitation, discrimination and rejection. Migrants admitted with permanent or temporary work visas because they are needed to fill gaps in the labour market due to ageing populations and low birth rates are often exploited and denied the right to a decent standard of living. Evidence from GCAP members shows that poverty rates among migrants are unacceptably high and that beneficiaries of international protection experience greater poverty than nationals. In Southern, Central and Eastern European countries citizens emigrate in large numbers in search of higher paid employment elsewhere in the European Union, but they too can encounter hardship and rejection.

Refugees attempting to reach Europe are fleeing persecution and conflict. In 2015 1.25 million first time asylum seekers applied for protection in the EU and there were 821,008 refugee arrivals in Greece and 150,317 in Italy. All refugees should be beneficiaries of the EU's 2013 Lisbon Treaty which promises fair treatment and compliance with the principle of non-refoulement. All have the right to screening to avoid non-refoulement and all should be benefitting from SDG 10.7 (Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies). However actions taken by the European Union and Member States since 2015 to reduce the flow of refugees to Europe are in sharp contradiction with both non-refoulement principles and their SDG pledges and the commitment to Leave No One Behind.

The European Consensus on Development (2017) explicitly states in paragraph 22 that "Eradicating poverty, tackling discriminations and inequalities and leaving no-one behind are at the heart of EU development cooperation policy". The Consensus contains various commitments on migration, which taken together set high and ambitious standards for the EU and Member States, including (paragraph 16), that it will ensure 'that no-one is left behind, wherever people live and regardless of ethnicity, gender, age, disability, religion or beliefs, sexual orientation and gender identity, migration status or other factors.".

Migration is also addressed by the EU's Neighbourhood Development and International Cooperation Instrument (NDICI), which came into force in June 2021: " ... cooperation [with partner countries] should contribute to ensuring access to international protection, addressing the root causes of irregular migration and forced displacement, enhancing border management and pursuing efforts to prevent irregular migration and forced displacement, fighting against trafficking in human beings and migrant smuggling, and working on dignified and sustainable returns, readmission and reintegration ..."

The "refugee crisis" of 2015 hardened attitudes towards refugees, especially those from the Middle East and Africa. The European Union and Member States have sought to limit by all means possible the numbers of so-called "irregular migrants" arriving in Europe, deliberately leaving refugees and migrants behind in violation of their human rights obligations to them. Multi-million Euro agreements have been negotiated which pay Turkey and Libya to prevent refugees leaving their shores and to intercept their boats; fast track and unreliable screening procedures have been put in place to assess asylum claims and to return rejected claimants to countries of origin or transit; Turkey has been designated a "safe third country" for asylum seekers from Syria, Afghanistan, Pakistan,

Bangladesh, and Somalia, potentially permitting any claim for protection from those countries to be turned down. Refugees have been detained for months in insanitary and unsafe camps on islands in the Aegean and on mainland Greece as well as along the Balkan route. The new facilities now being built with EU funds to replace these camps will in effect be prisons with military-grade barbed wire fences and advanced surveillance systems. Shootings, torture, beating and rape have been documented by the UN and human rights agencies in the centres in Libya to which migrants and asylum seekers are returned. The EU Commission has said that they should be closed.

In sum, current European policies and institutions dealing with migration are not fit for purpose. The 2003 Dublin Regulation remains in place, with the result that the EU countries where most migrants first arrive are required both to assess claims for protection and to accommodate and integrate refugees after protection is granted. The main objective of the EU Commission's 2020 Pact on Migration and Asylum is to limit the number of "irregular migrants" reaching Europe and, if they do manage to enter, to facilitate their speedy return to countries of origin or transit, rather than proper screening and support.

Attempts to 'distribute' refugees more fairly among Member States have been abandoned. Currently few refugees, especially those from the Middle East and Africa, are admitted by Central and Eastern European countries. The Pact is a project to build Fortress Europe and to finance third countries to contain migrants in their territories (the so-called externalisation of migration policy).

The greatest failure of EU Member States with regard to their migrant populations is the failure to uphold the human rights of migrants and refugees and to see them as a valuable resource, as people who, with better investment and the right integration measures, would be able to contribute to their host country as well as to their countries of origin. It is time to challenge and change this failure. Political will, independent human rights monitoring and SDG compliance are needed now.

Recommendations For The EU And Member States

1. Full and transparent implementation of the EU Parliament's May 2021 <u>motion</u> on Human rights protection and the EU external migration policy, noting its call for the EU and Member States 'to pursue a migration policy that fully reflects the human rights of migrants and refugees as enshrined in international, regional and national laws'.

2. Prioritise and implement SDG commitments to Leave No one Behind with a special focus on employment (SDG 8) and social protection (SDG 1, 8 and 10) of refugees and asylum seekers, low skilled migrants, minors and women.

3. The European Commission should report on SDG implementation (as for a National Voluntary Review) and should include specific information and data on migrants and refugees and on clear policy actions to ensure they are not being left behind.

4. Ensure Official Development Cooperation (ODA) is not diverted to border operations and illegal pushbacks but used properly to Leave No One Behind and to support the local impact of economic and social remittances.

5. No push backs. EU is becoming a fortress. From Spain to Italy, Greece, the Western Balkan and Poland, refugees are being pushed back and fencesand walls are being set up to keep out people seeking refuge and human dignity. This violates existing law.

6. Design and operate reception centres as open facilities with asylum seekers of all ages, assured appropriate accommodation, medical support and vulnerability assessments.

7. Put in place and ensure resourcing for independent monitoring of reception centres and border arrangements by EU and UN bodies, host country agencies and civil society organisations with experience in human rights and migrant, asylum and refugee issues.

8. Reform the Dublin Regulation by means of a fair distribution of asylum seekers between all Member States in solidarity with countries of first arrival, and allow secondary movements of migrants and refugees to countries where they have social networks and better integration opportunities.

9. Fulfil SDG pledges to invest in the education and training of refugees and migrants to ensure that they are able to reach their full potential within the communities and economies of their host nations.

10. Ensure the participation of migrants and refugees in the formulation of policies on inclusion and integration.

11. Conduct national and EU-wide education and information campaigns on the positive benefits and contributions of migrants, asylum seekers and refugees.

12. Adopt a universal and equitable approach regarding access to social benefits on the part of migrants and refugees and local communities in order to minimise the risk of conflict over resources between migrants and local hosting populations – conflicts which are fomented and instrumentalised by populist parties.

Section 1

1.1 Introduction

Migration is a big topic in the EU. This report looks into the relation of Migration to the Sustainable Development Goals (SDGs) and its principles – human rights, to leave no one behind in the fight against poverty and inequality. The Global Call to Action Against Poverty (GCAP) commissioned this report to present evidence and analysis of the relation of SDGs and migration drawn from the ongoing work of the Faces of Migration campaign. [2] The report analyses the politics of migration that underpin major policy initiatives underway in the European Union, including the New Pact on Migration and Asylum.

There is an outstanding question as to whether some EU member states are in breach of their obligations under international refugee law and are failing to live up to their pledges to the Sustainable Development Goals (SDGs), specifically SDG 10 target 7, the Leave No One Behind principle and the (non-binding) commitments of the Global Compacts on Migrants and on Refugees.

The European Consensus on Development (2017) contains important commitments on migration which taken together set high and ambitious standards for the EU and Member States promising"... to play a key role in ensuring that no-one is left behind, wherever people live and regardless of ethnicity, gender, age, disability, religion or beliefs, sexual orientation and gender identity, migration status or other factors," and "... to address in a comprehensive manner the multiple aspects of migration and forced displacement, including smuggling and trafficking in human beings, border management, remittances, addressing the root causes, international protection and return, readmission and reintegration, on the basis of mutual accountability and full respect of humanitarian and human rights obligations."

The Neighbourhood Development and international Cooperation Instrument (NDICI – June 2021) makes commitments to address and prevent "irregular migration", while "ensuring the protection, the respect and fulfilment of the human rights of all migrants, refugees, forcibly displaced persons and internally displaced persons, including those displaced due to climate change, paying special attention to vulnerable groups."

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[2] https://gcap.global/faces-of-migration/

Box 1

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The European Consensus on Development

The European Consensus on Development 2017 [3] in its paragraph 9 states: The SDGs will be a cross-cutting dimension of all the work to implement the EU Global (development) Strategy). Further promises doe policy coherence with the SDGS are:

❖ "The EU and its Member States will continue to play a key role in ensuring that no-one is left behind, wherever people live and regardless of ethnicity, gender, age, disability, religion or beliefs, sexual orientation and gender identity, migration status or other factors." (Paragraph 16)

❖ "The EU and its Member States will address in a comprehensive manner the multiple aspects of migration and forced displacement, including smuggling and trafficking in human beings, border management, remittances, addressing the root causes, international protection and return, readmission and reintegration, on the basis of mutual accountability and full respect of humanitarian and human rights obligations." (Paragraph 40)

The Consensus also gives prominence to the subject of safe and orderly migration and irregular migration – "Strengthened engagement [with partner countries] will help to facilitate the safe, orderly, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies," (Paragraph 39)– and "The EU and its Member States will step up efforts to address the root causes of irregular migration and forced displacement, and to promote the better management of migration in partner countries in all its aspects." (Paragraph 41)

Information for the report comes from work prepared for the Faces of Migration project from two Southern European countries (Italy and Greece), and four Central and Eastern EU Member States (Slovenia, Slovakia, the Czech Republic and Bulgaria). Their reports, available on the Faces of Migration website, [4] consider whether and how each country is discharging its responsibilities according to SDG commitments, and give recommendations for improvements. The reports describe how migration policy can both be properly integrated into SDG implementation and support the 2030 Agenda's ambition for policy coherence around the overall goal of sustainable development, aiming to advance EU policy on integrating migration issues into national and regional SDG implementation.

GCAP members believe that recognising and tackling the poverty of migrants and refugees across the EU is central to SDG achievement, and much has yet to be done to make that a

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[3] https://ec.europa.eu/international-partnerships/system/files/european-consensus-on-development-final-20170626_en.pdf
[4] ibid

reality. Eradicating poverty for all is the key ambition of the 2030 Agenda, starting with Goal 1. According to Eurostat, [5] 45 % of non-EU citizens living in the EU were at risk of poverty or social exclusion in 2019, as opposed to 20% of national citizens, and 26% of citizens of other EU Member States. Alongside Goal 1 and Goal 10, Target 7, attention should also be given to Goal 4.b on the expansion of transnational scholarship programmes, Goal 8.8 regarding the protection of migrants' labour rights, and Goal 10.c, which seeks to reduce the fees for sending remittances to countries of origin.

Experiences and policies in Member States are described, and there are country profiles of Italy, Greece, Czech Republic, Slovenia, Slovakia and Bulgaria. The material on Italy and Greece provides powerful descriptions of the experiences of large numbers of migrants who arrive in those countries, searching for safety, freedom from persecution and a chance of a future free from fear in Europe. Experiences in the Czech Republic, Slovakia, Slovenia and Bulgaria are different as they are both migrant-exporting and migrant-importing countries, and do not have large numbers of migrants and refugees. Their citizens migrate to work in western and northern European countries and at the same time migrants from near-neighbour countries come to take up semi-skilled jobs. Slovakia is an exception in that it is mainly a transit country for migrants and the great majority of its foreign born residents are citizens of other EU Member States.

These four European Member States are among those most resistant to receiving refugees, and reject requests for solidarity among Member States by refusing to accept even a minimal quota of refugees, while politicians compete to gain political advantage from this attitude. Slovakia and the Czech Republic are members of the Visegrad group which rejects any concept of relocation of refugees within the European Union.

In the background of policy on migration is awareness that the economies of every country in the European Union are dependent on migrants. Statistics on poverty, social benefits and the living standards of all migrants (those who come with work visas and refugees) show that they are among those most left behind in EU Member States. Comprehensive policies that facilitate migration and uphold the human rights of both migrants and refugees are therefore urgently required in all countries in line with refugee law, and must also be integrated into SDGs programmes and reporting mechanisms.

The human rights of migrants and refugees cannot be respected and upheld until they are accepted without fear, prejudice and stigma and treated as productive and valuable assets and are able to fulfil their own potential and to make positive contributions to the sustainable development of the EU and of their countries of origin. GCAP member organisations demonstrate how migrants and refugees can be treated with compassion in the countries of arrival. Civil society organisations have been at the forefront of campaigns and actions to protect and welcome refugees.

However, the EU and its institutions together with Member States must also demonstrate the political will to comply with their human rights obligations towards migrants and refugees.

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[5] https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant_integration_statistics_-_at_risk_of_poverty_and_social_exclusion

Box 2

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Terminology

Different terms are used to describe people trying to enter EU Member States, often to advance a particular political point of view. The most important definition is that of 'refugee', set down in international law by the 1951 Geneva Convention. It is important to note, as UNHCR states, that anyone claiming to be a refugee should be treated as such, until a fair decision has been reached on his/her status – in other words, accepted or rejected.

❖ **Refugee** – refugees are "persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order." [6] UNHCR states that until a definitive decision has been made about their status (as a refugee), it must be assumed that those who have crossed an international border to escape a risk of serious harm in their country of origin are refugees and should be treated as such.

❖ **Third country nationals (TCNs)** – the term used to denote anyone who is not a citizen of an EU Member State

❖ **Migrant** – anyone (excluding tourists and short-term visitors) who travels or attempts to travel to one country or another. They can be intra-EU migrants or TCNs travelling to a Member State of the European Union. Migrants are people who want to study or work in the EU, on a temporary or permanent basis. They can also be asylum seekers or irregular migrants.

❖ **Irregular migrant** – this the term used by the European Commission to describe a third country national present on the territory of a Schengen State who does not fulfil or no longer fulfils the existing conditions for entry, stay or residence in that EU Member State – anyone seeking to enter an EU member state without a visa. Irregular migrants can be asylum seekers or economic migrants.

❖ **Asylum seeker** – an individual who is seeking international protection, but whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognised refugee is initially an asylum seeker.

❖ **Economic migrant** – European Commission: "A person who leaves their country of origin purely for economic reasons that are not in any way related to the refugee definition, in order to seek material improvements in their livelihood." Economic migrants, if apprehended, are almost always subject to deportation.

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[6] 1984 Cartagena Declaration. Conclusion 3. https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf

1.2 SDGs, migration, policy coherence and the human rights responsibilities of Member States

> The effort "to shoulder our responsibilities toward refugees, to find solutions that respect their human rights, to provide them with hope, and to recognize the legal responsibility to protect and to support them, are not only important goals in themselves, but play a critical role in achieving the Sustainable Development Goals by 2030, that seriously leave no one behind."

Amina Mohammed UN Deputy Secretary General 2018
https://news.un.org/en/story/2018/12/1028791

The Sustainable Development Goals provide the overarching framework for migration policy. There is a clear link between migration and the Leave No One Behind (LNOB) principle to a range of goals and targets, including those on sustainable communities and climate. If the key ambition of Leaving No One Behind is to be met, Member States and the Commission must be able to demonstrate that they are not overlooking the human rights of migrants and refugees – that, on the contrary, they are actively and explicitly included in SDG implementation plans. SDG Goal 10, target 10.7 is: 'Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.' Adherence to international human rights standards, cooperation, burden sharing and support for safe and inclusive settlement without discrimination are key principles.

Box 3

> **Migration is an integral part of the 2030 Agenda**
>
> Meeting the targets related to migration can contribute positively to the achievement of the goals and targets of the 2030 Agenda, including those related to poverty, health, education and gender equality.[7] Together with 10.7, other migration-related targets in the 2030 Agenda include providing scholarships for study abroad (Target 4.b), respecting the labour rights of migrant workers (Target 8.8), reducing the costs of transferring remittances (Target 10.c), ending human trafficking (Targets 5.2, 8.7 and 16.2), and disaggregating data by various characteristics, including migratory status (Target 17.18).
>
> Source: Policy brief 1, SDG INDICATOR 10.7.2 Number of countries with migration policies to facilitate orderly, safe, regular and responsible migration and mobility of people

Despite this clear framework there is a long way to go as the following box illustrates.

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[7] https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undesa_pd_2019_policy_brief_sdg10.7.2.pdf

Box 4

> **Migration and the Sustainable Development Goal 10, target 7**
>
> Goal 10 target 7 reads: 'To facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies'
>
> ## Goal 10.7. Its two indicators are:
>
> ❖ **Indicator 10.7.1:** Recruitment cost borne by employee as a proportion of yearly income earned in country of destination
>
> ❖ **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies
>
> ❖ **Target 10.c:** By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent
>
> According to the UN SDG report of 2020, [8] in 2019, out of a sample of 111 countries with available data, 54% of countries and 61% of EU Member States had a comprehensive set of policy measures to facilitate orderly, safe, regular and responsible migration and mobility of people. However, on migrant rights and their socioeconomic well-being, only 55% and 59% of governments respectively report a wide range of policy measures.
>
> The 2021 report states: 'Despite thousands of migrant deaths each year, not all countries have comprehensive policies on migration.' [9]
>
> Source: The Sustainable Development Goals Reports 2020 and 2021

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[8] https://unstats.un.org/sdgs/report/2020/goal-10/

[9] https://unstats.un.org/sdgs/report/2021/goal-10/

In relation to monitoring and accountability, work is underway to measure progress on SDG 10 Target 7 using indicators developed by UNDESA and IOM[10] specifically to measure objective 10.7. These include six policy dimensions divided into three principles:

❖ adherence to international standards and fulfilment of migrants' rights.
❖ evidence-based policy formulation and whole-of-government approach.
❖ involvement and commitment of partners to address migration issue.

With three objectives:

❖ to advance the well-being of migrants in society;
❖ to address effectively the mobility of people in crisis situations;
❖ to ensure that migration takes place in a safe, orderly and dignified manner.

Policy coherence on migration and development is essential for SDG compliance.The two dashboards of indicators and latest analysis within the World Bank and the Global Knowledge Partnership on Migration and Development (KNOMAD)'s latest series[11] present analysis from the perspective of source and destination countries, to measure policy coherence for migration and development (PCMD). These indicators "are a useful tool to better integrate migration into countries' strategies for achieving the SDGs and implementing the Global Compact on Migration and the Global Compact on Refugees."

Box 5

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Policy Coherence for Migration & Development Indicators

Policy coherence for Migration and Development has five indicators:

❖ "Promoting Institutional Coherence," measures the degree to which migration is integrated into development strategies, ratification of migrant-specific conventions, migration data, and data reporting, among others.
❖ "Reducing the Financial Costs of Migration," assesses "the extent to which countries have policies in place to reduce the cost of migration" such as, for example, a regulatory framework for labour migration (as it relates to the countries of origin and destination).
❖ "Protecting the rights of migrants and their families" where the rights of migrants such as pensions, political rights, international protection, health care, education, etc. are assessed.
❖ "Promoting the (re)integration of migrants" includes indicators on access to citizenship, access to bank account, right to work and start a business, availability of data on migration, return migration.
❖ "Improving the impact of migration on development," is particularly related to the role of diasporas in the development of countries of origin and destination, which are "assessed to have programs to share and transfer knowledge between migrants and their communities of origin."

Source: Policy coherence on migration governance;
Aurora Ianni e Mattia Giampaolo: FOCSIV

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[10] The composite indicator is an unweighted average of all 30 subcategories. It is therefore possible to report back on how countries are doing

[11] https://gcap.global/news/policy-coherence-for-migration-and-sustainable-development/

The 2030 Agenda and the SDGs build on the human rights framework. There are clear and binding human rights provisions for migrants and refugees. Non-refoulement is the core principle of the 1951 Refugee Convention and its 1967 Protocol, that is, a refugee should not be returned to a country where he or she faces face serious threats to his/her life or freedom. The convention outlines the rights of refugees, as well as the legal obligations of States to protect them and stipulates, in para 32 (1) that "The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order." [12]

Box 6

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The 1951 Refugee Convention

International cooperation in dealing with refugee problems presupposes collective action by governments in working out appropriate durable solutions for refugees. Until an appropriate durable solution is found for them and refugees cease to be refugees either through voluntary repatriation or legal integration (naturalization) in their new home country, it is necessary for them to be treated in accordance with internationally recognized basic minimum standards"

Foreword, 1951 Refugee Convention. https://www.unhcr.org/4ca34be29.pdf

UNHCR has supervisory responsibilities but cannot enforce compliance and there is no formal mechanism for individuals to file complaints. The Convention specifies that complaints should be referred to the International Court of Justice.

There is plentiful evidence that human rights violations have been and are being perpetrated against thousands of migrants and refugees driven to leave their homes and their countries by conflict, by persecution or by sheer poverty and lack of opportunity. In many countries the word 'migrant' is commonly applied to refugees from the Africa, the Middle East and Asia, and is used by populist politicians and the media to foment fear and

justify negative attitudes and discriminatory policies. The many thousands of migrants from near-neighbour countries largely escape this sort of prejudice.

The Global Compact on Refugees (GCR)[13] and the Global Compact on Migration (GCM)[14] are non- binding agreements that affirm solidarity and inclusion, and stress the importance of fundamental principles and standards of refugee protection as shared responsibilities. The GCR is grounded in values of state sovereignty, responsibility-sharing, non-discrimination, and human rights. It has been noted that the Global Compact on Migration provides an interesting contrast to the EU's New Pact on Migration and Asylum which is an attempt to construct agreement between 27 Member States, some of which are openly hostile to refugees and migrants, especially those coming from Middle Eastern, African and Asian countries.

The Compacts recognise that a cooperative approach is needed to optimize the overall benefits of migration, but that at the same time it is important to address risks and challenges for individuals and communities in countries of origin, transit and destination on the basis of a "cooperative framework that acknowledges that no State can address migration alone, and that upholds the sovereignty of States and their obligations under international law." [15] To translate these principles into action, the Global Compact on Migration has formulated 23 objectives which set out a model of cooperation and practical arrangements, including enhancing refugee self-reliance.

Box 7

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Objectives for Safe, Orderly and Regular Migration
- ❖ Collect and utilize accurate and disaggregated data as a basis for evidence-based policies.
- ❖ Minimize the adverse drivers and structural factors that compel people to leave their country of origin.
- ❖ Provide accurate and timely information at all stages of migration.
- ❖ Ensure that all migrants have proof of legal identity and adequate documentation.
- ❖ Enhance availability and flexibility of pathways for regular migration.
- ❖ Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work.
- ❖ Address and reduce vulnerabilities in migration.
- ❖ Save lives and establish coordinated international efforts on missing migrants.
- ❖ Strengthen the transnational response to smuggling of migrants.
- ❖ Prevent, combat and eradicate trafficking in persons in the context of international migration. 11. Manage borders in an integrated, secure and coordinated manner.
- ❖ Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral.

[13] https://www.unhcr.org/uk/the-global-compact-on-refugees.html

[14] https://refugeesmigrants.un.org/migration-compact

[15] https://returnandreintegration.iom.int/en/resources/guideline/global-compact-safe-orderly-and-regular-migration

❖ Use migration detention only as a measure of last resort and work towards alternatives.
❖ Enhance consular protection, assistance and cooperation throughout the migration cycle.
❖ Provide access to basic services for migrants.
❖ Empower migrants and societies to realize full inclusion and social cohesion.
❖ Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration.
❖ Invest in skills development and facilitate mutual recognition of skills, qualifications and competences.
❖ Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries.
❖ Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants.
❖ Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration.
❖ Establish mechanisms for the portability of social security entitlements and earned benefits.
❖ Strengthen international cooperation and global partnerships for safe, orderly and regular migration.

https://refugeesmigrants.un.org/sites/default/files/180713_
agreed_outcome_global_compact_for_migration.pdf

The Global Compact on Refugees declares that, "At the outset of a large movement of refugees, States … would, "Ensure, to the extent possible, that measures are in place to identify persons in need of international protection as refugees, provide for adequate, safe and dignified reception conditions, with a particular emphasis on persons with specific needs, victims of human trafficking, child protection, family unity, and prevention of and response to sexual and gender-based violence, and support the critical contribution of receiving communities and societies in this regard." [16]

Migration is beginning to feature in high level global discussions on SDG implementation. The July 2021 Ministerial Declaration of the High Level Political Forum (HLPF) devoted paragraphs 31 and 32 to the migration and refugee issue, committing to "ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status"; recognition of the "positive contributions of migrants to inclusive growth and sustainable development in their countries of origin, transit and destination; and, in the response to and recovery from the COVID-19 pandemic" (para 31); and to "enhancing the capacity of and reducing the heavy burden borne by countries and communities hosting refugees and displaced persons in accordance with the purposes and principles of the Charter of the United Nations" (para 32). [17]

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[16]   Global Compact on Refugees. Annex 1. New York Declaration. Paragraph 5. https://www.unhcr.org/5c658aed4
[17]   https://undocs.org/en/E/2021/L.26 paras 31 &32

1.3 SDGs and Migration Monitoring reports from six EU Member States[18]

The reports and case studies of GCAP members and partner organisations illustrate how both the absence and poor implementation of integration policies are leaving migrants and refugees behind. Linkages between SDG provision for left behind migrant and refugee populations are not being made. The reports show the differences between the challenges facing refugee arrival countries – Greece and Italy – and those facing Central and Eastern European countries where few refugees are permanent residents and which are not destination countries for refugees. Notwithstanding these differences, the overall picture is that the greatest failure of all six countries is the failure to uphold the human rights of migrants and refugees and not to see them as a valuable resource, as people who, with better investment and the right integration measures, would be able to contribute to their host countries as well as their countries of origin.

Bulgaria

Report by Bulgarian Platform for International Development (BPID)

Immigrants in Bulgaria account for 2% of the population, some 0.2 million, and come mainly from near neighbours, Russia, Ukraine, Macedonia, Turkey and Moldova. Bulgaria is the most unequal Member State in the EU. [19]

Bulgaria is not a sought-after destination country for refugees – it is rather a country of transit and emigration for both refugees and migrants. Many Bulgarians themselves emigrate to other EU Member States in search of a better life. In 2020 there were 3,525 applications for refugee status, of which 22% were made by minors. In that year 105 persons, the majority being Syrian, were granted refugee status. Bulgaria has acted to limit the entry of irregular migrants, spending some €85 million on a razor-wire fence along its south-eastern border. Construction began in 2014, in response to the growing "refugee crisis", and was completed in October 2017, described by the government as a "temporary fence facility". It stretches for over 236 km along the country's border with Turkey.

Despite Bulgaria closing its borders due to Covid-19 between March and May 2020, larger than expected numbers of refugees arrived in 2020. 3,487 arrivals were detained – an increase of 60% of the previous year. There were 4,658 formal non-admissions, 569 direct pushbacks and 498 indirect pushbacks. Afghan applicants for international protection face a 99% rejection rate; applicants from Ukraine, Algeria, Morocco and Tunisia are discriminatorily treated as 'manifestly unfounded' applicants under the Accelerated Procedure, resulting in zero recognition rates. Large numbers of third country nationals abscond and transit and exit the country after submitting

18 https://gcap.global/faces-of-migration/
19 https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc_di12

application papers – amounting to 83% of the overall asylum seeking population in the country in 2020.

Asylum seekers who remain in the country are accommodated at state centres. Those who decide to live outside reception centres at their own expenses are not entitled to any social benefits. In 2020, no integration activities for language, education, and support for health, housing and jobs were planned, funded or made available to recognised refugees or subsidiary protection holders. Use of the EU 'Asylum, Migration and Integration Fund' has been for infrastructure. 2021 marks the eighth seventh consecutive year of Bulgaria's "zero integration" policy, first adopted in in 2013.[20] The consequence is that refugees are discouraged to stay, and Bulgaria shifts the responsibility of refugee integration to other EU Member States.

UNHCR plays a key role in Bulgaria; conducting monitoring at border areas and government-operated facilities and looking at integration and detention. UNHCR audits asylum procedures and supports the government with capacity-building; with legal assistance and legal training for lawyers on immigration law. UNHCR provides information to persons in immigration detention centres and with the authorities jointly monitors detention facilities to ensure that no children are detained in the immigration process. In 2019 Bulgaria ranked 26th of the EU Member states in terms of SDG achievement. GCAP members believe this ranking reflects Bulgaria's poor record on migration and refugees, together with poor progress on Goal 10 (inequality), Goal 4 in terms of education and life-long learning, and Goal 8 in relation to decent work, employment opportunities and mobility.

The recommendations of the Bulgarian Platform for International Development (BPID) in relation to the SDGs are that the government should:
   ❖ Incentivise Bulgarians living and working abroad to return;
   ❖ Conduct information campaigns on conditions abroad which highlight problems encountered
   ❖ Engage in public opinion forming on the positive impact of migrants and refugees
   ❖ Put in place and ensure resources for more robust social inclusion and integration measures for migrants and refugees

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[20] https://asylumineurope.org/reports/country/bulgaria/content-international-protection/2019-sixth-zero-integration-year/

Czech Republic

Report by Diaconie ECCB Center of Relief and Development.

In 2018 the Czech Republic granted asylum, subsidiary protection, or humanitarian status to only 155 first-time applicants, or 15 for every 1 million inhabitants – the smallest proportion in the EU. At the same time, however, it is a favoured destination for low skilled immigrants in search of a better life. The number of legal immigrants, those with residency permits, reached the historic high in 2019 of about 600,000, repreGsenting 5.6% of the Czech population. This is about the same as Italy.

In 2019, immigrants made up 13% of the workforce. They come mainly from five countries: Ukraine (around 145,500), Vietnam (62,000), Russia (38,200), Mongolia (9,850) and China (7,700) and work principally in low-paying, manual jobs that are less attractive to native-born Czech citizens. Immigrant labour is thus perceived more as complementary to rather than as competitive with the Czech labour force. Some 45% of migrants are women working in care services. In the 1970's there was an influx of Vietnamese to the textile industry, while the car industry attracts Ukrainians and Mongolians. Half of the immigrants in the Czech Republic have a permanent residence permit, and the other half are temporary residents. At the same time many native-born Czech citizens leave their country in search of better paying work in western Europe.

Although the Czech Republic promotes a 'comprehensive approach' to integration, language is the single biggest barrier for refugees. The Czech language is difficult to learn and no specific, systematic support for language training is offered. In addition current legislation does not fully guarantee equal rights, opportunities and security for immigrants.

Public opinion is not supportive of refugees. In February 2021 there were 2,126 refugees in the Czech Republic, 0.02% of the population of 10.65 million (2019). It is the EU country with the most negative attitudes to migrants, with 81% of people surveyed having a negative or very negative attitude towards migrants from outside the EU (2018).[21] Disinformation and negative narratives are pervasive and, although very few Czechs ever come into contact with any refugees, it is a polarizing issue for voters and for legislators. Politicians are reluctant to challenge the predominant hostile narrative.

The ODA contribution of the Czech Republic is very low, about 1.3 % of GDP, with a significant percentage since 2015 allocated to resettlement of the tiny number of refugees in the country.[22] Migration is not part of the national sustainable development cooperation strategy and there are no development programmes linked to migration. SDG commitments are being disregarded. Covid-19 is now being used as a pretext for even further limitations on unwanted migration. GCAP members point out that the SDGs cannot be attained until they apply to everyone who lives in the country.

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[21] V4NIEM: Visegrad Countries National Integration Evaluation Mechanism Report 2019. Asylum Seekers and Beneficiaries of International Protection in V4 Countries (Updated Report). https://www.clovekvtisni.cz/media/publications/1221/file/cr_v4niem_2019.pdf

[22] https://www.mzv.cz/file/3398948/ODA_CR_2019_ENG.pdf

Given the resistance to accepting refugees, it is recommended that along with Target 10.7 on facilitating migration, attention be given specifically to Goal 4.b on the expansion of transnational scholarship programmes, Goal 8.8 regarding the protection of migrants' labour rights, and Goal 10.c, on reducing the cost of remittances to countries of origin.

The recommendations and suggested priorities for Diakonie CCE are:
- ❖ Provide access for migrants and refugees to basic state services in education and health care.
- ❖ Protect the employment and workers' rights of migrants and refugees.
- ❖ Enforce gender equality.
- ❖ Enact and enforce anti-discrimination measures; reduce and eliminate xenophobic violence.
- ❖ Ensure timely access to information for migrants and refugees.

Greece

Report by ActionAid Hellas

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When the Pope was here, everything was perfect. They brought us nice food. If only the Pope could be here every day!
"Mouna, 41, Syrian female, Moria closed facility, Lesvos [23]

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Migrants constitute about 7% of the Greek population and between 9% and 11% of the labour force of 4.4 million. The at-risk-of-poverty rate for migrants (32%) is twice that of national citizens (15%) and is even higher for non-EU migrants (38%).[24] In the 1990s most migrants came from Balkan countries. The issue of the integration of migrants and recognized refugees in the Greek society has been hotly debated in the last few years. From the beginning of the 1990s, when a large number of migrants from Balkan countries fled social and political turmoil in former Yugoslavia, seeking stability and a better life in Greece, the access of migrants to health care and to the job market as the basic pillars of integration has been a key topic of debate. At that time migrants found that, given the inadequacy or even non-existence of official integration policies, they alone were responsible for navigating daunting bureaucratic obstacles, resolving critical issues and dealing with the hardships of everyday life.

In 2018 the OECD ranked Greece 31st out of its 35 member states in relation to its progress on the SDGs. Although Greece's first VNR progress report in 2018 [25] assigned clear priorities to, among other things, reducing social inequalities and promoting the integration and inclusion of migrants, recognised as a "vulnerable social group", recent reports on migrants, and especially refugees, are negative. Since 2015 more than one million migrants, including refugees, fleeing war, persecution, natural disasters and poverty, have travelled through Turkey to Greece.

The great majority moved on to other countries in Europe but 50,000 to 70,000 remained in Greece.[26] The EU-Turkey Agreement, signed in March 2016, meant that asylum seekers were forced to stay for months in holding centres on Aegean islands, known as 'hotspots', before they could proceed to the mainland and submit an asylum request. Many, after experiencing horrific violence in Syria and elsewhere, suffered acute stress, depression and PTSD. One in three were reported to have contemplated suicide.[27] Some of these overcrowded, unsanitary, and unsafe camps are now being replaced by closed controlled structures.[28]

[23] https://s3.amazonaws.com/oxfam-us/www/static/media/files/voices_from_greece_web.pdf

[24] https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migrant_integration_statistics_-_at_risk_of_poverty_and_social_exclusion

[25] https://sustainabledevelopment.un.org/content/documents/19378Greece_VNR_Greece_2018_pdf_FINAL_140618.pdf

[26] Greece. Faces of Migration background paper. Agenda 2030: Leave no one behind - Migration as a component of Sustainable Development. Page 4

[27] https://www.theguardian.com/global-development/2020/dec/17/thousands-refugees-mental-crisis-years-greek-islands

[28] https://www.reuters.com/world/europe/greece-seeks-bids-build-closed-holding-centres-migrants-islands-2021-05-28/

As of October 2021 there are 7,219 asylum seekers held in Evros in Northern Greece and on Aegean islands [29][30], down from around 40,000 in April 2020.[31] According to the Greek government, in August 2021 the number of asylum seekers housed in facilities throughout Greece had fallen by about half, from more than 82,000 in August 2020 to around 42,000.[32] The number of new arrivals in Greece has fallen by 78% compared to last year. Pushbacks, denied by the Government of Greece, seem to be the main reason for the reduction in the number of arrivals.[33][34]

Life for refugees in Greece is hard after they are granted protection status. In March 2020 the Greek Parliament reduced the length of time for which they could claim unemployment benefit from six months to 30 days, leading UNHCR to say that "assistance for many recognized refugees is ending prematurely, before they have an effective access to employment and social welfare schemes, foreseen by Greek law."[35] To add to this, now refugees find it almost impossible to obtain the documents they need to work and to obtain housing. As a consequence, access to social rights and general living conditions are extremely challenging, leading thousands to leave for other EU countries. Six countries have complained to the European Commission that "Greece is not ensuring that these persons are given suitable accommodation and provided with a minimum level of physical subsistence." [36]

Recommendations of ActionAid Hellas regarding obligations to refugees and SDG implementation include:
❖ Put in place clear pathways for refugees and migrants to access health, education, language training and employment opportunities.
❖ Adopt integration policies to guarantee social rights of migrants and refugees.
❖ Ensure migration and protection policies are compliant with human rights obligations.
❖ Draw up a national action plan and strategy to eliminate racism and other forms of violence

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[29] https://data2.unhcr.org/en/situations/mediterranean/location/5179
[30] Data copied from Hellenic Republic, Ministry of Citizen Protection, National Coordination Centre for Border Control, Immigration and Asylum. Report 22/09/2021. Report cited in The New Humanitarian - https://www.thenewhumanitarian.org/news-feature/2021/10/5/Greece-says-migration-crisis-over-refugees-beg-to-differ
[31] Infomigrants. 25 06 2021. Greece: Report by Bulgarian Platform for International Development 4,000 refugees transferred to other EU countries. https://www.infomigrants.net/en/post/33220/greece-4000-refugees-transferred-to-other-eu-countries
[32] ANSAMed. 17 09 2021. Greece reports big fall in asylum seeker numbers. https://www.ansamed.info/ansamed/en/news/sections/generalnews/2021/09/17/greece-reports-big-fall-in-asylum-seeker-numbers_a99de81e-50a2-4b90-8cf8-037f7f7fc506.html
[33] https://www.thenewhumanitarian.org/news-feature/2021/10/5/Greece-says-migration-crisis-over-refugees-beg-to-differ
[34] https://ecre.org/greece-government-want-to-keep-pushback-investigation-in-house-pushbacks-continue-as-reports-of-refoulement-from-turkey-emerges-food-provision-and-cash-assistance-in-shambles/
[35] https://www.unhcr.org/uk/news/briefing/2020/6/5ed603924/greece-must-ensure-safety-net-integration-opportunities-refugees-unhcr.html
[36] https://www.thenewhumanitarian.org/news-feature/2021/10/5/Greece-says-migration-crisis-over-refugees-beg-to-differ

Italy

Report by FOCSIV

One quarter of the Italian population, some 60 million people, are at risk of poverty and social exclusion.[37]   8.3% are (5 million) non-nationals, mainly from Romania, Albania, Morocco, China and Ukraine. In 2019 migrants accounted for over a quarter (1,400,000) of the poor in Italy, with a poverty rate among migrant families of 31.2% as opposed to 6.3% among Italian families. Over 60% of migrants work in low skilled jobs – women in care and domestic jobs, men in building, agriculture and manual labour – in comparison with Italians who represent 27% of this low-skilled workforce.[38] Notwithstanding labour exploitation, migrants contribute some 10% of GDP.[39]   The size of their contribution illustrates how Italy, which has had a very low birth rate for decades, is dependent on migrant labour.

Unlike migrants whose contributions are at least recognised, refugees face open hostility and xenophobia. Refugee arrivals are treated as an emergency by the media and politicians, who describe landings as "invasions". This generates fears about "illegal" migrants and the supposed threat they pose to the security of Italian citizens, especially during elections, feeding nationalistic, xenophobic and racist attitudes.

Arrivals of irregular migrants/asylum seekers peaked in 2016 at 181,000. After Italy's agreement with Libya to control migrants and intercept them at sea,[40] illegal landings declined to 32,542 in November 2020.[41] Since then, however, numbers have been going up and in the first eight months of August 2021 there were 34,613 migrant arrivals, of whom about half were Tunisian, Bangladeshi and Egyptian. 5,101 of them were unaccompanied minors.[42]

EU development aid for Africa is increasingly being used to strengthen and close European borders, suppress migration and encourage the repatriation of migrants to Africa. In the case of Libya these resources have been used to train and equip the Libyan Coast Guard which both collaborates with human traffickers along the central Mediterranean route and intercepts migrant boats, returning their occupants (13,000 in the first six months of 2021) to detention centres where conditions are so bad, with frequent torture, rape and murder, that the European Commission has ordered them to close. [43]

On the island of Lampedusa, the main reception point for sea arrivals, reception centres cannot accommodate all the refugees, so many simply live on the street, with limited access to support.[44]   On 15 June 2021, some 700 people, including unaccompanied minors and children, arrived in Lampedusa. The reception facility, with a capacity of 250,

[37] https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living_conditions_in_Europe_-_poverty_and_social_exclusion

[38] Centro Studi e Ricerche IDOS. Dossier StatisticoImmigrazione, 2020, https://www.dossierimmigrazione.it/en/prodotto/ dossier-statistico-immigrazione-2020/pp. 263.

[39] Ibid

[40] United Nations Support Mission in Libya (UNDMIL) & UNHCR. Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya. 18 December 2018. https://unsmil.unmissions.org/sites/default/files/libya-migration- report-18dec2018.pdf

[41] Data from the statistical dashboard of the Ministry of the Interior

[42] cruscotto_statistico_giornaliero_17-08-2021.pdf (interno.gov.it)

[43] https://www.thenewhumanitarian.org/news-feature/2021/6/24/libya-fails-to-stop-migrant-detention-abuses-as-eu-backed-returns-soar

[44] https://www.theguardian.com/world/2021/may/10/more-than-2000-migrants-arrive-on-italian-island-lampedusa-in-24-hours

said that it was providing shelter for 1,367 people. The authorities were unable to make enough transfers to other parts of Italy and board migrants on quarantine ships quickly enough. The hotspot was said to be on the brink of collapse. [45]

In contrast to the hostility shown to refugees by mainstream politicians and the media, civil society organisations have shown that there are multiple ways in which migrants' skills and desire to work can be used to regenerate neglected regions of Italy (see box page 23).

FOCSIV emphasises inclusion and human rights. They recommend that,
- ❖ Government policy should be compliant with human rights obligations to refugees and migrants and coherent with an overall sustainable development approach.
- ❖ Human rights obligations to migrants and refugees should be integral to foreign policy, development cooperation policy and military missions, particularly with regard to Libya and also to the performance of rescue operations and the maintenance of safe migration pathways.
- ❖ Policies to facilitate migrant inclusion must take age, gender and disability into account.
- ❖ Priority should be given to language training, education, decent and secure housing, access to health, and a universalist approach to employment (to promote inclusion), to combating labour exploitation and to better utilisation of migrants' skills to ensure talent are not wasted and to reduce the 'brain drain'.
- ❖ Political participation and citizenship law should be reformed so as to recognise the political rights of first and second generation migrants.

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45 https://www.infomigrants.net/en/post/32988/hundreds-more-migrants-arrive-in-lampedusa

Slovakia

Slovakia is not a traditional final destination for migrants. There are only 150,000 non-Slovaks (about 2.75%) in its total population of 5,463,134. Among EU Member States only Poland (0.94%), Bulgaria (2%) and Romania (0.72%) have a lower proportion of non-nationals. While, traditionally, most foreigners in Slovakia have come from neighbouring countries, linked to Slovakia by work, family and social relations, over the past decades people from Vietnam, China, South Korea and Thailand have also settled in Slovakia and currently account for 7.6% of all foreigners.

Immigrants provide necessary skills, support innovation, and compensate for insufficient local labour and skills. Migrants' contributions to the social system far exceed their use of social benefits, while, at the same time, the state collects taxes and levies from employed foreigners.[46]

Slovakia is not attractive for asylum seekers and they are very few in number. Slovak public opinion is unfavourable towards migrants and Black and Muslim people are subject to racial and religious prejudice. Slovakia has no programmes for migrants. In 2020, only 11 applications for protection were granted to citizens of Morocco, Syria, Turkey and Iran. Over 28 years - since 1993 - asylum has been granted to only 874 people, and another 792 people have been given subsidiary protection. The Slovak vaccination strategy makes no mention of undocumented migrants and there have been no official statements from public authorities on the vaccination of this group. There are, however, public awareness campaigns on migration with a focus on the link between migration and development cooperation and human rights protections.

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[46] See Caritas Slovakia report on Migration and Development https://www.caritas.eu wordpress/wp-content/uploads/2019/06/CommonHomeSlovakiaEN.pdf

Persons with 'international protection', persons with 'tolerated residence' or 'tolerance' and persons in undocumented status ("illegal migrants") are especially at risk of poverty and social exclusion. They have little or no access to benefits or housing. There is no national integration programme for beneficiaries of international protection.

GCAP members have highlighted the absence of recommendations on migration in Slovakia's SDG policies. Slovakia is not taking forward its commitments in relation to Goals 1, 4, 8 and 10. There are opportunities to integrate and support the social inclusion of migrants and refugees at the local level, and it is important to ensure benefits, housing, education, Slovak language training, health services and support for integration reach migrants and refugees, regardless of their status. Gender issues are a key concern, as women and girls are left behind, and support schemes are urgently needed for people with tolerated residence and retention, and for undocumented migrants. As immigration is increasing and the need for additional labour ever pressing, changing the persistent negative public opinion about refugees is a challenge and priority.

The recommendations of Ambrela in Slovakia are:

❖ All migrants, especially migrant and refugee women who are absent from the statistics and programmes, must be included in SDG programmes.
❖ Slovakia must monitor the situation of migrants in its SDG progress reports.
❖ The government should provide the public with objective information about migrants and enable migrants themselves to take an active part in public life.
❖ National policies should support migrant and refugee access to education, work, housing, language training, health and social inclusion.
❖ Gender sensitive programming for migrants and refugees.
❖ Ensure the international development programme of Slovakia is compliant with human rights obligations.

Slovenia

Report by Povod

Slovenia is a small country with a population of 2,080,908. Without immigrants from other countries, Slovenia would have a declining population because of its high rate of emigration coupled with a low birth rate.

At the end of December 2019, almost 167,438 third country nationals had temporary or permanent residency status in Slovenia – 8.0% of the population. Refugees constitute only a small proportion of immigrants. In 2019, 3,821 applications for protection were filed but many applicants left the country before a decision was reached. 70% of the 304 first instance decisions on protection made in 2020, were rejected.

Slovenia's national migration strategy emphasizes the systematic integration of migrants and persons with international protection. NGOs are critical of the strategy, citing a 'lack of integration' of beneficiaries of international protection, poor coherence of inclusion programmes and lack of resources.

Once asylum status has been granted refugees must leave their 'asylum homes', and they are essentially on their own.   Poverty rates and exclusion of refugees and migrants are not monitored but it can be assumed that rates are higher than the 12% at-risk-of-poverty rate of the general population.

A major problem faced by immigrants and refugees is the Slovenian language, which has over 50 different dialects with some so dissimilar that their speakers can barely understand each other. Aware of these difficulties, the government has put in place language tuition and classes of familiarisation with Slovenian culture. While there are no formal barriers to employment for beneficiaries of international protection, they face formidable obstacles: poor knowledge of the Slovenian language; lack of recognised educational qualifications; resistance to employing refugees, especially women; lack of child care; and difficulty in obtaining housing.

Owing to language difficulties immigrants find it difficult to interact with the social security and health systems. GCAP member Povod comments, 'Communication between people with international protection and social work centres seems unsatisfactory, as many do not understand all their rights. For example, most of the refugees interviewed were unaware that even if they were employed and receiving a minimum wage, they could still receive some social security / transfers from the state.'

Slovenia has been criticised by rights agencies for collaborating with Italy by readmitting refugees who are pushed back by the Italian authorities. These refugees, together with others who have come from Croatia, are then expelled completely from the Schengen area in an often violent process of chain pushbacks to Croatia and onwards to Bosnia. Some 26,000 refugees have been expelled in this way in the past three years.

The recommendations of Povod in Slovenia for SDG implementation are to:

❖ Establish a comprehensive system for integration, working at the local level to support immigrants and refugees and the local population together with community-based programmes for housing, language and vocational training.

❖ Provide support for 'intercultural mediation' in education, professional qualifications and skills.

❖ Ensure that applicants for international protection have employment rights.

❖ Strengthen legal routes for immigration in line with Objective 5 of the Global Compact for Safe, Orderly and Regular Migration.

❖ Put in place community integration of unaccompanied adolescents and provide support for child victims of trafficking, victims of torture and of sexual violence and for people with mental trauma.

❖ Undertake analysis of the effects of the exemptions of refugees from tuition fees and scholarships.

❖ Support the work of diaspora organizations and strengthen their capacity to support migrants and persons with international protection.

❖ Review the effects of the existing model of refugee support as part of official development aid.

<p style="text-align:center">Section 2</p>

2.1 Overview of migration in the EU

The movement of people - migration - is one of the defining features of the 21st century. Policies on migration can have both positive and negative impacts on development outcomes in origin, transit and host countries.

According to the 2020 Global Report of UNHCR,[47] the total number of people forcibly displaced worldwide grew to 82.4 million in 2020, more than twice the number of people who were forcibly displaced a decade ago, the most since World War II. UNHCR estimates that 86% of displaced persons are hosted in developing countries, 73% of these in countries neighbouring their own, and some 48% are IDPs (Internally Displaced Persons) within their home countries. About 26.4 million people worldwide have fled to other countries as refugees. Another 4.1 million people are asylum-seekers who have applied for refugee status, but not received it yet. An estimated 42% of refugees are children, among whom about 1 million have been born as refugees.

In 2020, in the middle of the Covid-19 pandemic, 11.2 million people were newly displaced worldwide.

Box 8

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Displacement in Syria

More than 6.7 million people have fled their homes and remain displaced within Syria. They live in informal settlements, crowded in with extended family or sheltering in damaged or abandoned buildings. Some people survived the horrors of multiple displacements, besiegement, hunger and disease and fled to areas where they thought they would be safe, only to find themselves caught up in the crossfire once again. Nearly 40% of internally displaced families have been displaced more than three times over the course of the past decade.

Around 6.6 million Syrians have left the country entirely — the majority seeking refuge in neighbouring countries. More than 1.5 million Syrian refugees are living in Jordan and Lebanon.
Source: Mercy Corps

https://europe.mercycorps.org/en-gb/blog/quick-facts-syria-crisis#conditions-outside-camps

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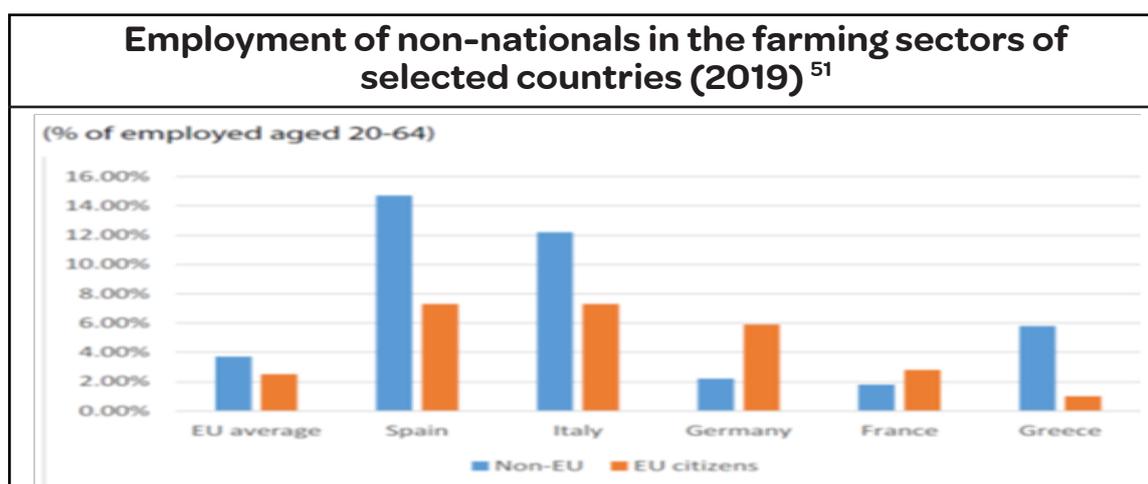47 https://www.unhcr.org/flagship-reports/globalreport/

Migrants are needed to do the low-paid work nationals do not want to do, and highly skilled migrants from around the world are actively sought to boost industry and technology. However, increasing xenophobia and racism now colour political responses to migrants, asylum seekers and refugees, resulting in scapegoating and stigmatisation. Box 9 shows the disproportionate concentration of migrants in low paid jobs, some of which have been recognised as essential in the COVID 19 crisis.

Box 9

Employment in selected sectors EU and non-EU citizens (2020)		
Sector	Overall employment of non-EU citizens	Overall employment of EU citizens
Cleaners & helpers	11.9%	3.1%
Personal service workers	9.0%	4.2%
Personal care workers	5.1%	2.9%
Building workers	5.8%	3.6%
Labourers (mining, construction, manufacturing, transport	5.6%	2.4%
Source: Eurostat [48]		

Many migrants work in agriculture. The employment of migrant workers, temporary or permanent, in agriculture is notoriously difficult to measure accurately, partly because so many workers are employed illegally. An estimated 800,000 to one million seasonal workers are hired in the EU each year, mainly in the agri-food sector: 370 000 in Italy, 300 000 in Germany, 276 000 in France and 150 000 in Spain.[49] These figures are almost certainly an underestimate: in Italy, for example, there are 370,000 legally employed migrant workers but it is estimated that the true total is between 400,000 and 500,000.[50]

Box 10

Employment of non-nationals in the farming sectors of selected countries (2019) [51]

(% of employed aged 20-64)

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[48] https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en

[49] European Parliament. 19 06 2020. https://www.europarl.europa.eu/news/en/press-room/20200615IPR81233/bold-measures-needed-to-protect-cross-border-and-seasonal-workers-meps-say

[50] European Parliament. February 2021. Migrant seasonal workers in the European agricultural sector. https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689347/EPRS_BRI(2021)689347_EN.pdf

[51] Ibid.

Governments can choose to grasp the opportunities offered by migrants and refugees and work to ensure that their skills are used constructively to benefit established communities. Along with integration measures, social benefits can, and should be equitably shared. In this way, people at risk of being left behind, both nationals and non-nationals, can be supported and encouraged to work together, and potential competition between nationals and non-nationals avoided.

Box 11

"

Case study

The value of social inclusion: The experience of the 'Small Municipalities of Welcome'

Italy has 1,940 municipalities with fewer than 1,000 inhabitants. Some 4.5 million people live in the Inner Areas – places that are at least 40 km away from essential services, including transport links and hospitals. Italy faces progressive depopulation, ageing and environmental neglect. Encouraging migrants to settle in these areas is an opportunity to revitalise them and integrate migrants into communities. In 2017 Caritas launched a Manifesto for a Network of the Small Municipalities of Welcome stating "we believe no community may today turn its back on the reception of millions of poor people of the world seeking refuge from wars, poverty, oppression or simply that they seek a better life … we want to be Welcoming Municipalities, to support social integration, and in so doing also respond to both ageing and the depopulation of our internal territories."

Benevento set up the Network of Small Municipalities of Welcome, which resulted in community cooperatives with migrants being set up to re-inhabit and reuse lands and regenerate traditions. The Terra Salt Consortium links up 15 social cooperatives which cover agriculture, community support, textiles, renewable energy, wine, oil and preserves, and tourism. This model can be replicated across Italy. Central to its success has been the emphasis on communication, social integration and community focus, and responding to local needs and incoming skills.

Source:https://www.caritasbenevento.it/categoria_servizi/il-manifesto-per-una-rete-dei-piccoli-comuni-del-welcome

Migrants contribute to the economic growth and well-being of their host countries but are also a very significant source of income and capital for their countries of origin – and therefore to the realisation of SDGs 1 (End Poverty) and 8 (Sustainable Economic Growth).

Remittances is the term for the money that migrants and others send to their home country from the countries where they are working, temporarily or permanently. Remittances in the EU flow from western and northern Europe to Eastern European countries within the

EU and to countries outside the EU. In 2019 personal transfers to countries outside the EU (EU28 including UK) totalled €33.2 billion. If wages of seasonal workers are added this figure rises to €53.4 billion.[52] Many of these remittances will have gone to near neighbour countries such as Turkey and Morocco but some will have gone to small and low income countries in Africa and Asia which are highly dependent on remittances and development assistance. By way of comparison EU official development assistance (ODA) in 2019 was €75.2 billion in total. [53]

According to the World Bank, remittance flows to low- and middle-income countries were approximately USD $551 billion in 2019, an increase of 4.7% compared to 2018. Remittances have exceeded official aid by a factor of three since the mid-1990s. In 2018 they were on track to overtake foreign direct investment flows to low- and middle-income countries. The Eurozone was responsible for 12% of remittances to low- and middle-income countries.[54]

Box 12

Remittances from EU27 in 2018 – Top 10 Countries (USD million) [55]
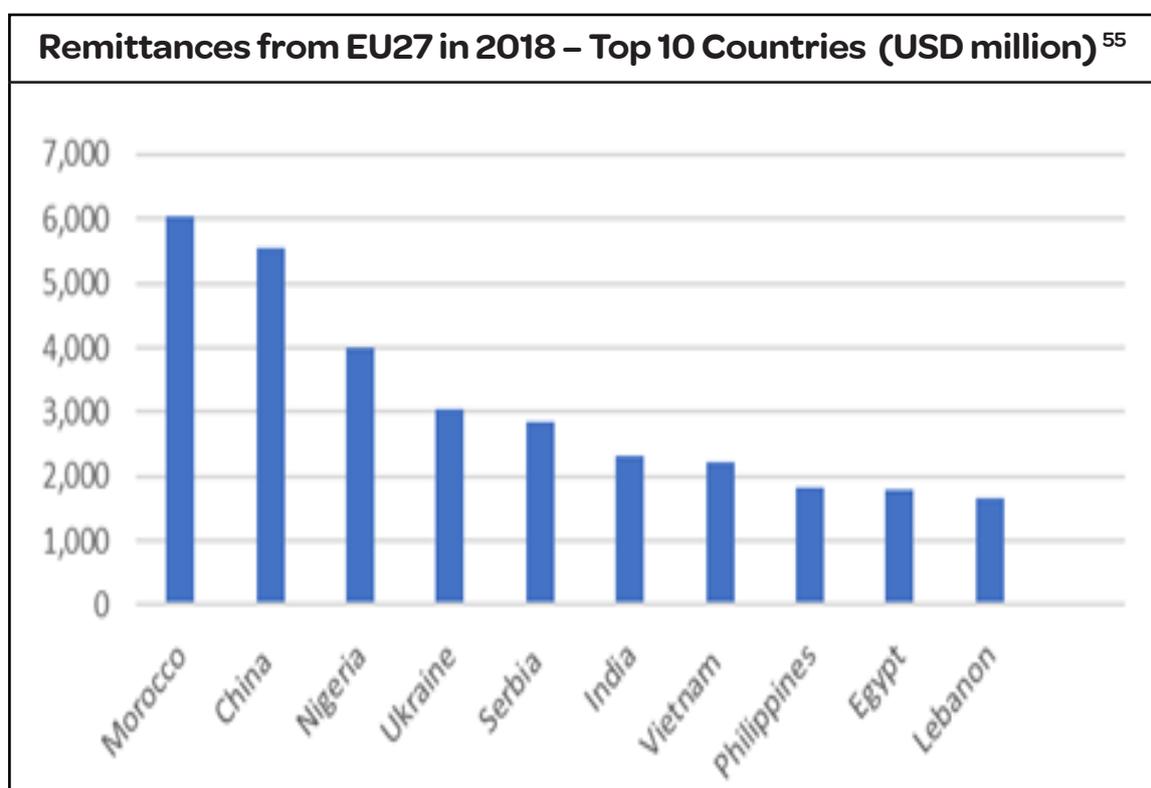
Global remittances to low and middle income countries in 2020 were $540 billion in 2020, $8 Billion less than in 2019. [56]

[52] Eurostat. Personal Remittance Statistics. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Personal_remittances_statistics

[53] European Commission. The European Union remains world's leading donor of Official Development Assistance with €75.2 billion in 2019. https://ec.europa.eu/commission/presscorner/detail/en/IP_20_674

[54] World Bank. October 16, 2019. Data release: Remittances to low- and middle-income countries on track to reach $551 billion in 2019 and $597 billion by 2021. https://blogs.worldbank.org/peoplemove/data-release-remittances-low-and-middle-income-countries-track-reach-551-billion-2019

[55] European Migration Network.Inform #4 The impact of Covid-19 on remittances in EU and OECD countries https://ec.europa.eu/home-affairs/system/files_en?file=2020-12/00_eu_inform4_remittances_2020_en_0.pdf

[56] https://www.worldbank.org/en/news/press-release/2021/05/12/defying-predictions-remittance-flows-remain-strong-during-covid-19-crisis

2.2 Migration and protection in the EU

> Migration has always been a fact for Europe – and it will always be. Throughout centuries, it has defined our societies, enriched our cultures and shaped many of our lives. And this will always be the case.
>
> European Commission President,
> Ursula von der Leyen, September 2020

Migration is an ever present reality in the European Union. Migrants include refugees, some of whom are granted protection because their countries of origin are no longer safe for them. But in an uncertain world, with growing inequalities within and between countries, now exacerbated by COVID-19 and climate change, extreme right wing narratives about migration to and within Europe are dividing public opinion and hardening policy responses. Migration can easily dominate headlines, especially when domestic policy is under scrutiny. Rarely are the stories of migrants told in a positive way, and still less are their voices heard.

What should not be in dispute is that, with the right policies in place, migrants and refugees can and do contribute significantly to economic and social development everywhere through work in their host country and the remittances they send home. At the individual level, as expressed in countless interviews, migration is a search for a better life. In other words, it is an important livelihood and poverty reduction strategy for the migrants themselves, their families and wider communities, and as such it should and does contribute significantly to delivering the Sustainable Development Goals. [57]

Statistics on immigration to the EU tell a complex story. The average fertility rate across the European Union is 1.6 children per woman, a long way below the stable replacement rate of 2.1 children per woman. Without migrants the economies of EU countries will suffer and living standards will be eroded. Nearly 37 million people (8.2%) of all EU inhabitants were born outside the EU.[58] In 2019 EU member states granted 3 million first instance residency permits to non-EU citizens. A quarter of these permits (756,574)[59] were granted to citizens of Ukraine, followed by Morocco and India. member states

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[57] How human mobility can help achieve the Sustainable Development Goals; Foresti et al: ODI briefing paper 2018 https://cdn.odi.org/media/documents/12421.pdf

[58] European Commission. Statistics on migration to Europe. https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en

[59] https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en Accessed 25 08 2021

constitute 9% of migrants who now have permanent residence in the EU.[60] This figure includes all persons who have been granted protection in the EU over many years. Anyone with a valid residence permit can apply for citizenship in most EU states after five to ten years of residence.

In 2019, 600,440 non-EU citizens became citizens of an EU member state.[61] The EU Member State with the highest naturalisation rate in 2019 was Sweden (7.0 acquisitions per 100 non-national residents) while the lowest include Estonia (0.4), Czechia (0.5), Latvia (0.6), Austria (0.7), Bulgaria and Slovakia (0.8 each).[62] Germany headed the table for the largest number of immigrants, followed by Spain, France and Italy. Non-nationals in these four Member States collectively represented 71 % of the total number of non-nationals living in all EU Member States.

The 1,788,344 [63] refugees and people granted protection by EU member states constitute 9% of the 20.3 million migrants who now have permanent residence in the EU.[64] This figure includes all persons who have been granted protection in the EU over many years. In 2020 EU member states granted protection status to 281,000 asylum seekers (295,000 in 2019).[65] There were 416,000 first time applications in 2020. It is not possible to derive a simple percentage from these figures because some decisions in 2020 relate to applications made in 2019 or are the result of appeals against previous negative decisions. All people attempting to enter the European Union, other than persons in possession of a valid visa, are treated as 'irregular migrants' who are "… persons who do not fulfil the requirements established by the country of destination to enter, stay or exercise an economic activity."[66] However, with these caveats in mind, it is possible to say that more than half of all asylum applications conclude with the granting of some sort of protection in an EU member state.

In 2020, about 1.9 million first residence permits were issued in the EU, compared to nearly 3.0 million in 2019. The decrease was driven by the travel restrictions introduced to curb the spread of the Covid-19 virus. The pandemic had a particularly strong negative impact on work-related permits and, as a result, their share decreased from 41% in 2019 to 29% in 2020. In 2020, first permits were issued for the following reasons.

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[60] Eurostat. Residence permits - statistics on stock of valid permits at the end of the year. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_-_statistics_on_stock_of_valid_permits_at_the_end_of_the_year&oldid=426860

[61] Eurostat statistics explained. Acquisition of citizenship statistics. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Acquisition_of_citizenship_statistics

[62] https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics#Acquisitions_of_citizenship:_EU_Member_States_granted_citizenship_to_706_thousand_persons_in_2019

[63] https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en Accessed 25 08 2021

[64] Eurostat. Residence permits - statistics on stock of valid permits at the end of the year. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_-_statistics_on_stock_of_valid_permits_at_the_end_of_the_year&oldid=426860

[65] Eurostat. https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210421-2

[66] United Nations. Programme of Action of the International Conference on Population and Development (ICPD), Cairo, 1994

Box 13

First residence permits issued in 2020 [67]
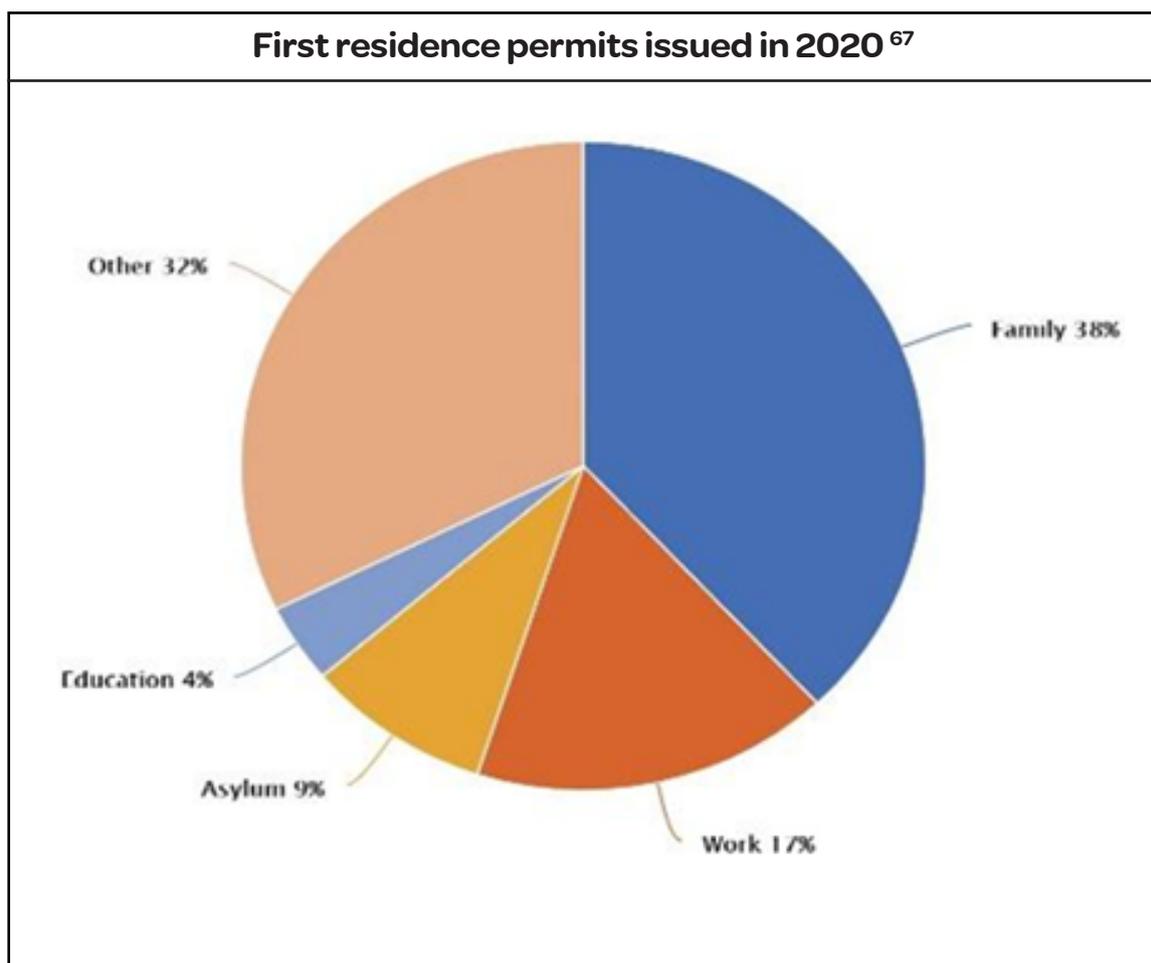
Refugees are the minority of migrants and are fleeing persecution or conflict in their home countries. The difference between refugees and migrants, who have followed legal routes for work, family reunification and education, divides communities, Member States and the European Union itself. The majority of migrants are welcomed by member states because they come bringing much needed skills, make important economic contributions, are willing to do the jobs that native-born EU citizens are reluctant to do and want to enrol in universities.

At the same time, however, they can be and are victims of discrimination because of their nationality or ethnicity – and in that sense the way they are regarded by government authorities and country born nationals is not so different from the way in which refugees are treated. Too often migrants, refugees and holders of regular work visas, are objects of racism, xenophobia, exploitation and exclusion. How migrants and refugees are treated once they have become legally resident in a Member State reflects this division and can be an indicator of exclusion or inclusion.

Among the asylum seekers who were granted protection status in 2020 in the EU, 127 700 persons were granted refugee status (45% of all positive decisions), 80 700 were given humanitarian protection (29%) and 72 600 subsidiary protection (26%).

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[67] Statistics on migration to Europe | European Commission (europa.eu)

Box 14

> ## Different forms of protection
>
> Asylum or refugee status: a person must meet the definition of a refugee under the 1951 Geneva Refugee Convention. An important aspect of this is whether refusal of the application for refugee status would result in the person's "refoulement" (illegal forced return) to a country where their life or freedom would be threatened. If so, they will be recognized as a refugee.
>
> Subsidiary or humanitarian protection is a lesser form of protection which may be given when a person does not meet the criteria for refugee status. To qualify for subsidiary protection, a person must usually prove that they would face a risk of serious harm if returned to their country of origin. It is not necessary to be at risk for a specific reason such as race, religion or political opinion. Some states retain humanitarian protection but in most EU states it has been superseded by subsidiary protection, but they are both essentially.dentical.

Central and Eastern European countries have the lowest number of refugees, for example the Czech Republic with 2,000 and Slovenia with 858 in mid-2020, as opposed to Greece's 101,000 and Italy's 128,000.[68] The highest number of persons who received protection status was registered in Germany (98 000 -35% of the EU total), ahead of Spain (51 200 -18%), Greece (35 800 -13%), France (29 400 -10%) and Italy (21 300 - 8%). These five Member States accounted together for over 80% of all protection grants issued in the EU in 2020. [69]

Positive asylum decisions are unevenly distributed in proportion to the populations of member states.

Box 15

Positive protection decisions as proportion of total population 2020(Eurostat)			
(Total positive protection decisions combine first instance and positive appeal decisions)			
	Total population of EU & Member States , 2020 [70]	Population of Member States as % of total	Positive protection decisions in EU and Member States, 2020 [71]	Positive decisions as % of total
EU 27	447,319,916	100.00	281,055	100.00
Bulgaria	6,951,482	1.60	840	0.30
Czech Republic	10,693,939	0.24	115	0.04
France	67,320,216	15.0	29,385	10.60
Germany	83,166,711	18.6	98,125	35.00
Greece	10,718,565	2.4	35,740	12.70
Hungary	9,769,526	2.9	130	0.05
Italy	59,641,488	12.7	21,275	7.60
Poland	37,958,138	8.5	390	0.14
Slovakia	5,457,873	1.2	45	0.02
Slovenia	2,095,861	0.5	90	0.03

68   https://www.migrationdataportal.org/data?cm49=203&amp%3Bfocus=profile&i=stock_abs_&t=2020

69   Ibid.

70   https://ec.europa.eu/eurostat/databrowser/view/demo_pjan/default/table?lang=en

71   https://ec.europa.eu/eurostat/databrowser/view/migr_asydcfsta/default/table?lang=en

By 1 August 2021, according to UNHCR, 50,589 migrants had arrived in Europe since the beginning of the year. Sea arrivals numbered over 48,000, crossing the Mediterranean and also setting off from north west Africa for the Canaries, now a booming migrant destination, often after experiencing great hardship in holding centres, money exhausted in the process. Sea crossings are dangerous: between January and June 2021 there have been 1,044 estimated dead and missing at sea.

Bangladeshis are the most common nationality on the Mediterranean route, along with Syrians and Tunisians, while Algerians and Moroccans predominate on the Canaries route. [72] On arrival talents, education and qualifications of individuals are not recognised, but buried under the label 'refugee' and 'asylum seeker'. Many are effectively imprisoned and deported back to places that are not safe. This violates human rights law and breaches the refugee and migrant obligations of EU countries.

Recent UNHCR [73] reports say that between January and November 2021 there were 95,365 arrivals of refugees and migrants (90,157 by sea), and an estimated 1,313 dead and missing at sea. Some 32,557 landed in Spain, including 16,144 who crossed from West African countries to the Canary Islands. Arrivals in Greece in the first half of 2021 decreased by 64% compared to the same period in 2020, amid allegations of pushbacks at land and sea borders. The 52,465 sea arrivals in Italy in the first 10 months of 2021 have nearly doubled the number for the same period in 2020.

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[72] UNHCR Operational Data Portal. Mediterranean Situation. https://data2.unhcr.org/en/situations/mediterranean. and Spain. https://data2.unhcr.org/en/country/esp

[73] https://www.unhcr.org/refugee-statistics/

2.3 Response of the EU and Member States to refugees

The European Union and its Member States have been struggling with unplanned refugee flows since the 1980s, but the influx of asylum seekers who arrived in Europe after the Arab Spring and the brutal repression of the Assad regime in Syria was a crisis that has shaped the policies and responses of the European Commission and Member States for some years. The unfolding situation in Afghanistan may yet produce a crisis. The intention of the European Commission is to avert a repetition of the 2015 crisis by creating a "regional political platform of cooperation with Afghanistan's direct neighbours", in other words, to externalise the management of refugees.

The Refugee Convention of 1951 and its 1967 protocol, the SDGs and Agenda 2030 and the 2018 Global Compacts for Migrants and for Refugees and provide a roadmap of practical action to value and uphold the human rights of migrants, asylum seekers and refugees and to serve as a platform for action to integrate development and migration. And it is precisely because of their history of persecution and conflict that refugees, at the time of their arrival in the EU, are among the most at risk and therefore should be a clear priority for the 2030 Agenda and its promise to leave no one behind.

In 2015 the European Commission, recognising that responsibility for managing the refugee influx from Syria and other conflict-affected countries was falling disproportionately on Greece and Italy, sought to distribute refugees among Member States on a more equitable basis. At the same time Germany, faced with mounting numbers of asylum seekers suspended the Dublin Regulation and abandoned its original intention to return them to countries of first arrival.

During 2015 and 2016 Germany accepted more than one million people seeking asylum [74] of whom more than half were Syrians.[75] Three of the four Visegrad countries resisted the Commission's attempt to impose mandatory quotas, and were subsequently ruled to be in breach of the European Union obligations by the European Court of Justice.[76] Germany has now closed its doors to refugees who have arrived in other Member States and front line states like Greece and Italy have been asked to assume their first arrival responsibilities and to limit secondary movements.

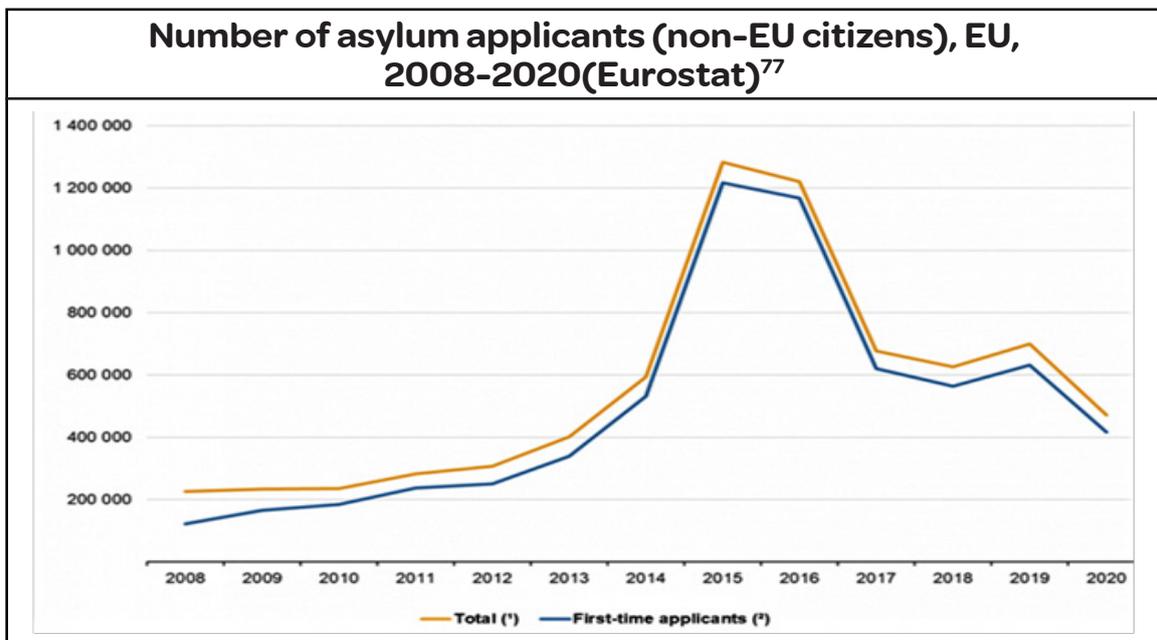[74] UNHCR. Germany country update. Q1 2018. https://www.unhcr.org/dach/wp-content/uploads/sites/27/2018/03/Fact.sheet_ Germany_01_2018.pdf

[75] Caritas. Building the Common Home - Migration and Development in Germany. Page 29. https://www.caritas.eu/wordpress/ wp-content/uploads/2019/05/CommonHomeBavariaEN.pdf
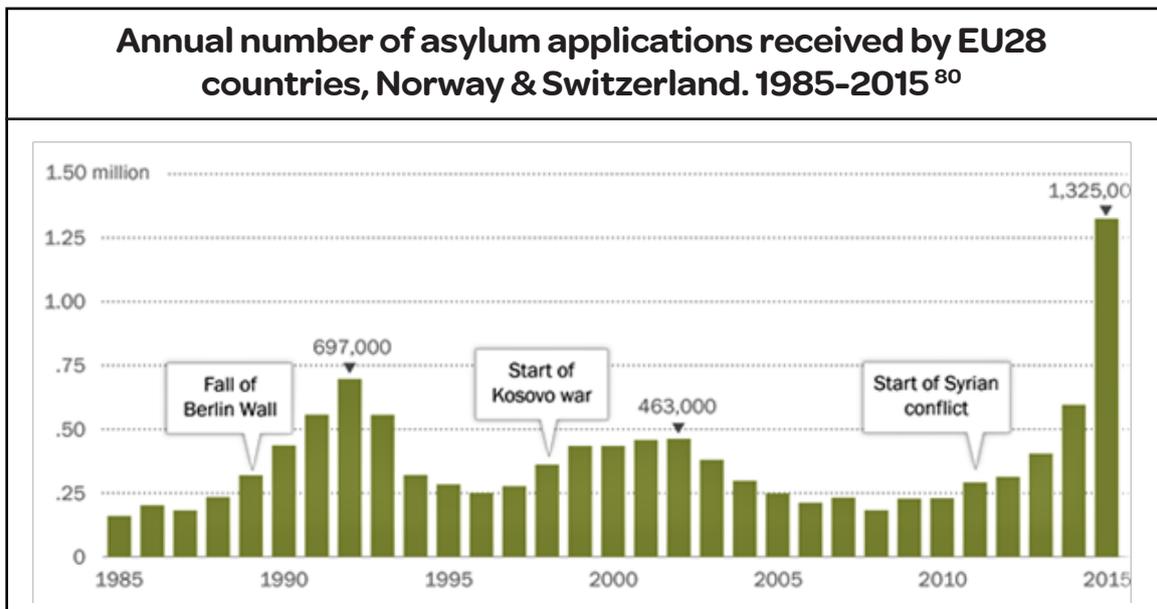
[76] BBC. 02 04 2020. .EU court rules against three states over refugees - BBC News

Box 16

Number of asylum applicants (non-EU citizens), EU, 2008-2020(Eurostat)[77]

The numbers of asylum seekers in the EU have reduced considerably since their peak in 2015 but have not returned to their former pre-crisis levels. This reduction is largely the outcome of the efforts of the European Union and Member States to externalise the management of refugee flows to Turkey and Libya. It is important not to forget that currently Turkey is accommodating 4 million Syrian refugees and is being paid to prevent them entering the European Union. This resulted in fewer applications for protection, 416,600 applications for asylum in 2020 compared with 1,216,900 in the peak year, 2015 [78] and only 95,031 sea arrivals [79] in Member States bordering the Mediterranean.

Box 17

Annual number of asylum applications received by EU28 countries, Norway & Switzerland. 1985-2015 [80]

[77] Eurostat. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_statistics
Incomplete data for some years some countries – see Eurostat website

[78] Ibid.

[79] UNHCR Operational Data Portal. Mediterranean Situation. Cyprus, Greece, Italy, Malta and Spain are destination countries.   [84]
https://data2.unhcr.org/en/situations/mediterranean

[80] Source: Pew Research Center. 02 08 2016. .https://www.pewresearch.org/global/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/

The surge in arrivals of asylum seekers from 2014/15, now exacerbated by the humanitarian crisis in Afghanistan and other factors, including climate emergencies, has exposed the fault lines in existing European refugee policies. These policies place responsibility for processing asylum applications on countries of first arrival; for housing and feeding asylum seekers while this process takes place; and if protection is not granted, for returning them to their countries of origin; and, if a positive decision is made and protection is granted, for integrating them. Migration and asylum are competencies of Member States. This means that even when the decision to grant asylum has been made, and the asylum seeker is given refugee status, he or she becomes a refugee in that country, and is not free to move at will to another EU member state.

The lack of reception policies and the backlog of asylum cases stretching over some years has put Greece in particular under enormous pressure as a country of first arrival, resulting in the creation of large and unsanitary refugee camps where asylum seekers can be held for months or years before a decision is made.

In October 2017, 18 civil society organisations wrote to the Greek Prime Minister, Alexis Tsipras, urging him to end the containment policy that was keeping thousands of refugees in unsafe and unsanitary camps on Aegean islands.

They described the situation on Lesbos: "... more than 5,400 people live in overcrowded tents and containers, with little access to proper shelter, food, water, sanitation, health care, or protection. Dozens of people, including very young children, are crammed into tents with only a canvas cloth separating one family from another. The living conditions are particularly harsh for pregnant women to endure, and place themselves and their babies' health at risk. Summer camping tents, designed to accommodate not more than two people, are now holding families of up to seven.

Accessing water, sanitation and food is particularly difficult for the many people with physical disabilities—for example, people using wheelchairs simply cannot reach these basic services. Single women in the hotspots report harassment by some of the men. And some asylum seekers have gone through their asylum interview without having had the requisite vulnerability assessment critical for determining both the asylum pathway available to them and the care they may require to prevent further deterioration of their health. These conditions have a devastating impact on the long-term well-being of people trapped there."

Box 18

"

Still waiting in a holding centre

I left Sinjar two years ago when Daesh came. The Yazidi are poor people. Daesh took everything. They destroyed our houses, they took our women. They took some members of my family and they killed my brother-in-law. They cut his throat."

Gazal, 34, Yazidi female from Sinjar province, " Iraq, Katsikas Camp, Epirus

Source: https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/file_attachments/voices_from_greece_web.pdf

Two key agreements are in place which externalise refugee management to Turkey and Libya, transit countries of refugees and migrants seeking to enter Europe. The first is the EU-Turkey agreement signed in March 2016. It specified that "All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion. All migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement. It will be a temporary and extraordinary measure which is necessary to end the human suffering and restore public order."

This agreement, pushed by Germany and other EU Member States, came with a promise of speedy disbursement of €3 billion of the first tranche of the Facility for Refugees in Turkey and commitment to a second tranche of €3 billion. The Agreement was described as "a temporary and extraordinary measure supposedly 'to end the human suffering and restore public order,' and to 'break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk. [81]

The agreement went on to state that "For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented as from the same day the returns start. Priority will be given to migrants who have not previously entered or tried to enter the EU irregularly." [82]

Box 19

> ## Impact of the EU-Turkey agreement on refugees
>
> I arrived in Chios before the EU-Turkey Agreement. When I was on the island, I registered for the relocation programme, but since then I have had no information. After the EU-Turkey Agreement, they told us we had to leave the island and come to Athens. So we lost our appointments for the relocation programme and now we have to do everything from the beginning.
>
> Melik, 26, Syrian, Skaramagas Camp, Athens
>
> We don't know about the details of the EU-Turkey deal. The only thing we do know is that Europe sold us to Turkey. Turkey is making money off of us. Before coming here we thought that Europe would take care of us, but now we know that nobody cares
>
> Jalal, 20, Afghan male, Kara Tepe Camp, Lesvos
>
> Source: https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/file_attachments/voices_from_greece_web.pdf

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[81] https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/
[82] Ibid para 2

In February 2020, claiming that the EU had not fulfilled its promises of aid, the Turkish president, Recep Tayyip Erdo an, opened the land border with Greece, allowing up to 18,000 refugees across. These were violently repelled by Greek border patrols firing tear gas and stun grenades. In a quickly convened summit near the border, Ursula von der Leyen declared, ""This border is not only a Greek border, it is also a European border … I thank Greece for being our European shield (aspida) in these times."

She announced €700m in EU funds for Greece, including €350m available immediately to upgrade infrastructure at the border.[83] This agreement has been criticised by observers who claim that Turkey is using anti-immigration and racism 'to maintain chaos in the country' and is pushing migrants into the labour market as cheap labour to threaten workers with unemployment. [84]

Italy and Libya agreed a Memorandum of Understanding [85] in February 2017, under which Italy would train and resource the Libyan Coast Guard to prevent the refugees leaving for Italy and intercept their boats at sea and also provide unspecified development assistance.

Also in 2017, the Malta Declaration of the European Council stated that for Libya, capacity building is key for the authorities to acquire control over the land and sea borders and to combat transit and smuggling activities, and therefore, that the EU should provide training, equipment and support to the Libyan national coast guard and other relevant agencies. [86]

The current situation is that migrants attempting to reach Europe are being picked up and intercepted in large numbers and pushed back in Libya. In making Libya responsible for preventing migrants from reaching Italian waters, the EU is not taking due note of its own 2012 ruling [87] by the European Court of Human Rights that the Italian government violated the European Convention on Human Rights by instructing its own patrol boats to intercept migrants at sea and return them to Libya. In November 2017 the EU backed the agreement with a promise of €285 million. [88]

In November 2017, the UN Commissioner for Human Rights described the EU's policy of aiding Libya to intercept migrants and return them to detention as 'inhuman'. According to Amnesty International, "In the first half of 2021, more than 7,000 people intercepted at sea were forcibly returned to Al-Mabani (Tripoli Gathering and Return Centre). Detainees held there said they faced torture and other ill-treatment, cruel and inhuman detention conditions, extortion and forced labour. Some also reported being subjected to invasive, humiliating and violent strip-searches." [89]

83   The Guardian. 03 03 2020. Migration: EU praises Greece as 'shield' after Turkey opens border. https://www.theguardian.com/world/2020/mar/03/migration-eu-praises-greece-as-shield-after-turkey-opens-border

84   https://progressive.international/movement/article/2021-08-17-sykp-with-eu-funding-turkey-is-making-immigrants-lives-a-nightmare/ento

85   https://eumigrationlawblog.eu/wp-content/uploads/2017/10/MEMORANDUM_translation_finalversion.doc.pdf

86   Council of the European Union website. 3 February 2017. Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route. https://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/

87   European Court of Human Rights. Case Hirsi Jamaa and others v Italy. (Application no. 27765/09). 23 February 2012. https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-109231&filename=001-109231.pdf

88   https://www.statewatch.org/analyses/2020/anti-migration-cooperation-between-the-eu-italy-and-libya-some-truths/

89   Amnesty International website. Libya: Horrific violations in detention highlight Europe's shameful role in forced returns. 15 July 2021. https://www.amnesty.org/en/latest/news/2021/07/libya-horrific-violations-in-detention-highlight-europes-shameful-role-in-forced-returns/

In April 2020, 13 humanitarian and human rights organisations called on EU institutions "to stop any actions trapping people in a country where they are in constant, grave danger," saying that their policies had "... these have facilitated the containment of tens of thousands of women, men and children in a country where they have been exposed to appalling abuse. The Memorandum of Understanding was automatically renewed in 2020 despite the Human Rights Commissioner of the Council of Europe calling on the Italian Government "... to urgently suspend the co-operation activities in place with the Libyan Coast Guard that impact, directly or indirectly, on the return of persons intercepted at sea to Libya until clear guarantees of human rights compliance are in place." [90]

Nevertheless, despite these reports and amid widespread criticism over its legality and effects from October 2019, the 2017 Memorandum of Understanding (MoU) between Italy and Libya was tacitly renewed without amendments on 2 February 2020.

Appeals from civil society and MPs for the MoU to be scrapped were repeated at the time of its renewal, including by the Council of Europe Commissioner for Human Rights, Dunja Mijatovi, calling on the Italian government to "... urgently suspend the co-operation activities in place with the Libyan Coast Guard that impact, directly or indirectly, on the return of persons intercepted at sea to Libya until clear guarantees of human rights compliance are in place." [91] But in July 2021, the Italian Parliament voted by an overwhelming majority (376 to 40 with 21 abstentions) to renew its agreement on bilateral collaboration with the Libyan coastguard without waiting for hypothetical support from the EU. [92]

SCHRODER
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[90] https://www.coe.int/en/web/commissioner/-/ommissioner-calls-on-the-italian-government-to-suspend-the-co-operation-activities-in-place-with-the-libyan-coast-guard-that-impact-on-the-return-of-p

[91] https://www.coe.int/en/web/commissioner/-/ommissioner-calls-on-the-italian-government-to-suspend-the-co-operation-activities-in-place-with-the-libyan-coast-guard-that-impact-on-the-return-of-p

[92] AD-AnalisisDifesa. 15 julio 2021. Approvato il decretomissionie, bagarresul support all Guardia Costieralibica . https://www.analisidifesa.it/2021/07/approvato-il-decreto-missioni-bagarre-sul-supporto-alla-guardia-costiera-libica/

Box 20

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Amadi's Testimony

Amadi is a 24-year old Malian. He was interviewed byInfoMigrants in July 2021. [93]

"I have been in Libya for five months and I have already had two stays in one of Tripoli's prisons. The first time, I was arrested on the outskirts of the city and sent to a detention center, and, the second time, I was intercepted at sea.

Life there is unbearable. Fortunately, relatives back home were able to send me money for my release, so I didn't have to stay there very long. I spent two weeks there for my first stay and nine days for the second. Each time, I had to pay a ransom of 3,000 Libyan dinars to get out.

My two stays there were very distressing for me. The guards treat us badly: they hit us for no reason. They open the cell door and just hit us. Whenever they came to the door, I hid in the back of the room so I wouldn't be beaten.

There are about 350 to 400 of us in each cell, which are like giant warehouses where they pack in the migrants. They separate the whites (Egyptians, Bangladeshis...) from the blacks (East and West Africa). I don't know why.

On the first night, there are always too many people. You can't lie down to sleep because the cell is so overcrowded. As the days go by, they transfer some migrants to other centres to make some space. We sleep on the floor, sometimes without a blanket because there are not enough for everyone.

As for food, there simply isn't enough. In the morning, we only get a small piece of bread. At noon and in the evening, we get rice or pasta. But it's not even heated up, they serve us the food cold and it's very bad. Black people in Libya have no strength left, they are exhausted. The International Organization for Migration (IOM) comes by from time to time but they don't help us much. They tell us that they will come back to help us return to our country but then we don't see them again. I know it's not their fault, they don't have enough power in Libya. People disappear in prison. If you have the misfortune of not having any contact outside, you can stay there for months. If you stay too long, the Libyans sell you and we don't know what happens to those poor people.

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[93] InfoMigrants. Reporter Leslie Carretero. 09 07 2021. Libyan prisons: 'If you stay too long, the Libyans sell you and nobody knows what happens to you'. https://www.infomigrants.net/en/post/33511/libyan-prisons-if-you-stay-too-long-the-libyans-sell-you-and-nobody-knows-what-happens-to-you

In Greece refugee issues played a key role in the July 2019 elections in which the right-wing New Democracy Party, led by Kyriakos Mitsotakis, won 40% of the votes and an outright majority in Parliament. When campaigning Mitsotakis visited the refugee camps on Lesbos and Samos, accusing his rival, Alexis Tsipras, of failing to enforce the EU-Turkey agreement. Since then Mitsotakis has set out to appease his conservative, often xenophobic base, with tough new asylum laws. They can be summed up as follows:

"First, Greek authorities have manoeuvred to physically keep people away from Greece's shores. Second, the government has adopted laws and policies that undermine protections owed to asylum seekers. Third, it has withheld adequate integration support from those to whom it grants refugee status. At every phase, government measures to stymie civil society efforts hinder asylum seekers' and refugees' access to essential support. In these ways, the government has created a patchwork of laws, policies, and practices that systematically close the space for asylum and refuge. Now, the EU's more active role and continued financial and technical support to Greece risks legitimizing these harms." [94]

In June 2021 the Greek government designated Turkey a "safe country" for nationals of Afghanistan, Syria, Somalia, Bangladesh and Pakistan. This is both unsound and unworkable – unsound because Turkey is unable to provide adequate conditions and welfare for the four million Syrians already resident in Turkey, is manifestly not a safe country and has reportedly been pushing back Syrian refugees to the war-ravaged province of Idlib in Syria; [95] unworkable because since for over a year Turkey has not been accepting the return of refugees from Greece.[96]

[94] https://reliefweb.int/report/greece/issue-brief-blocked-every-pass-how-greece-s-policy-exclusion-harms-asylum-seekers-and

[95] Human Rights Watch report: push backs of Syrian refugees by Turkey. 30th March 2018. https://ecre.org/human-rights-watch-report-push-backs-of-syrian-refugees-by-turkey/

[96] https://reliefweb.int/report/greece/issue-brief-blocked-every-pass-how-greece-s-policy-exclusion-harms-asylum-seekers- and

2.4 The New Pact on Migration & Asylum

The New Pact on Migration and Asylum [97] launched by the European Commission President, Ursula von der Leyen on 22 September 2020, is the Commission's latest attempt to manage issues which have been festering since 2015, the year when 1,032,408 a million asylum seekers made their way to Europe by crossing the Mediterranean sea from Turkey and North Africa, with the majority going to Greece and Italy.

The arrival in such a short time of so many 'irregular migrants', as the Commission prefers to call them, caused panic and chaos. In September 2015, the Commission tried to ease the crisis in Greece and Italy by relocating 160,000 asylum seekers in other Member States with each country having a certain quota. Slovakia, Hungary, Romania and Czech Republic voted against the proposal and Poland, which had opposed it, reluctantly sided with the majority. Poland agreed to take 100 migrants and the Czech Republic 50. Hungary did not agree to take any. In the event Poland accepted no asylum seekers and the Czech Republic took 12. Notwithstanding the absence of an EU Common policy in 2020 the European Court of Justice established that the three countries had breached their obligations under EU law by failing to take their share of irregular migrants (asylum seekers). [98]

The Commission acknowledges that in 2018 that "over 70 million people, men, women and children are estimated to have been forcibly displaced worldwide, with almost 30 million refugees and asylum seekers and that the vast majority of these are hosted in developing countries," [99] and pledged that the EU will maintain its commitment to help. However, the main objective of the Pact is to reduce the numbers of "irregular migrants" (that is, asylum seekers) reaching the frontiers of Europe – principally those of countries bordering the Mediterranean and Aegean – and to forge an agreement between Member States. The proposals in the pact build on actions already taken and agreements reached by the Commission with third countries such as Turkey. However, the Pact is only a proposal and is the beginning of a long and difficult discussion. In the years since 2015 right wing governments have become even more strident in their opposition to refugee settlement. Right wing politicians and their parties, generating and taking advantage of anti-migrant sentiment, have gained votes in countries which have previously been more accepting of refugees.

The Pact proposes a new, mandatory set of border procedures and a "solidarity" mechanism, which is criticised by analysts as "a system whose primary goal is to return as many migrants as possible." [100]

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[97] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0609&from=EN

[98] Euronews. 02 04 2020. Poland, Hungary and Czech Republic broke EU law by failing to accept refugees, rules ECJ. https://www.euronews.com/2020/04/02/poland-hungary-and-czech-republic-breached-eu-law-by-failing-to-take-in-refugees-rules-ecj

[99] The United Nations High Commissioner for Refugees reports that in 2018 almost 71 million persons were forcibly displaced persons, including almost 26 million refugees and 3.5 million asylum seekers (UNHCR Global Trends – Forced Displacement in 2018, https://www.unhcr.org/5d08d7ee7.pdf).

[100] The New Pact on Migration and Asylum; a global overview, EuroMed, Brussels May 2021: https://euromedrights.org/wp-content/uploads/2021/05/EN_4AnalysisPACT.pdf

The text of the Pact contains 22 references to solidarity, one of the fundamental values of the European Union – but it is solidarity between EU Member States, not solidarity with asylum seekers. The solidarity highlighted in the Pact is neither an adequate response to the reality of migrant and asylum seeker flows and the situations which have caused them to leave their home countries, nor a meaningful burden-sharing measure among Member States. It is described by critics as 'solidarity a la carte' because member states which are not arrival countries for migrants and refugees can choose to discharge their solidarity obligations by supporting returns of migrants and asylum seekers who have been refused permission to remain, or to contribute to migrant receiving facilities, "hot spots", in arrival countries.

In terms of human rights compliance, according to EuroMed, the Pact's positive aspects (such as new legal pathways, cooperation among Member States on search and rescue operations, decriminalisation of humanitarian aid and the introduction of a monitoring mechanism during the screening procedure), are outweighed by the likely negative impact of border procedures on the human rights of asylum seekers and the heavy practical and financial burdens they will impose on the countries of first arrival. [101]

In fact the Pact is the "Fortress Europe" response to refugees and reflects the Commission's growing strategy of externalisation of migration policies. It seeks to regularise and reduce the flow of irregular migrants, by:

❖ funding and working with governments in their countries of origin to prevent people leaving in the first place; and persuading them to accept failed migrants when they are returned from Member States or transit countries.

❖ funding and working with governments of transit countries bordering the Mediterranean, principally Turkey and Libya, to prevent migrants from embarking from their shores.

❖ intercepting the boats of migrants beginning their journeys across the Mediterranean and the Aegean and returning them to centres or camps (hotspots) for processing and eventual return to their countries of origin.

❖ putting in place accelerated processing/screening of claims to asylum of those who are successful in reaching Europe as a prelude to returning them rapidly to the countries (if their claims are rejected), again principally Turkey and Libya, from which they set off. Italy does not return migrants to Libya but to their countries of origin.

With no mechanism to share refugees equitably among Member States, the Dublin Regulation on asylum seekers still applies – that they should register their claims in the country at which they first arrive. For those arriving from Turkey (1,215,991 since 2015 [102]), this should mean Greece. There have been two reactions. Faced with a continuing flow of asylum seekers from Turkey, in June 2021 the Greek government designated Turkey as 'safe country' for refugees from Syria, Afghanistan, Pakistan, Bangladesh and Somalia, justifying actions to push back asylum seekers attempting to cross the land border between the two countries or trying to reach Greek islands in the Aegean. Second, faced with poor conditions and prospects in Greece, refugees granted protection in Greece, no longer asylum seekers, have been making their way to EU Member States further north and making new asylum claims in those countries. This prompted an outraged letter [103] from the interior ministers of Germany, France,

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[101]   Ibid

[102]   UNHCR. Operational Data Portal – Greece. Updated 8 August 2021. https://data2.unhcr.org/en/situations/mediterranean/location/5179 Accessed 12 08 2021

[103]   Letter available at - https://www.statewatch.org/media/2485/letter-six-schengen-states-to-european-commission-secondary-movements-1-6-21.pdf Accessed 12 08 2021

Switzerland, Belgium and the Netherlands demanding that the Commission work with the Greek authorities to ensure that refugees be provided with decent living conditions in Greece.

The Pact does not reform the Dublin Regulation [104] and makes relocation of refugees between Member States voluntary, other than in exceptional circumstances. It emphasises cooperation with third countries to counter migrant smuggling and the role that transit countries have in preventing migrants reaching and entering member states, described in the Pact as, "Supporting the EU's partners in developing effective migration governance and management capacity." [105] Member States are allowed to discharge their solidarity obligations by contributing to the costs of migrant reception centres in front line countries and/or taking responsibility for the organisation and costs of return arrangements for failed asylum seekers and others with who have been denied residency permits. The Commission states that its proposal will "... assist partner countries in strengthening capacities for border management, including by reinforcing their search and rescue capacities at sea or on land, through well-functioning asylum and reception systems, or by facilitating voluntary returns to third countries or the integration of migrants." [106]

The related proposal on screening proposes that, wherever it takes place in the European Union, screening should be completed within five days. with special attention given to "individuals with vulnerabilities, such as pregnant women, elderly persons, single-parent families, persons with an immediately identifiable physical or mental disability, persons visibly having suffered psychological or physical trauma and unaccompanied minors." [107] Torture is not, nor age verification.
The screening proposal includes a preliminary health and vulnerability check; an identity

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[104] The Dublin Regulation, which came into force in 2013, establishes that applications for asylum should be made to the country of first arrival. This means that front line countries, especially Greece and Spain, have to process applications, accommodate applicants while their applications are being processed and offer them protection if their applications are approved. This has placed an unfair burden the front line countries and created a demand for more equitable sharing of responsibilities, especially of final relocation of refugees. Poland, the Czech Republic, Slovakia and Hungary successfully resisted the minimal demands for relocation made by the Commission.

[105] Ibid. Page 20. Section 6.4 Partnerships to strengthen migration governance and management.

[106] New Pact on Migration and Asylum. Page 20.

[107] European Commission. Regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders. Brussels.23 09 20. https://eur-lex.europa.eu/resource.html?uri=cellar:0e922ce2-ff62-11ea-b31a-01aa75ed71a1.0001.02/DOC_1&format=PDF

check against information in European databases; registration of biometric data (i.e. fingerprint data and facial image data) in the appropriate databases, to the extent it has not already taken place; and a security check through a queries to relevant national and Union databases, in particular the Schengen Information System (SIS), to verify that the person does not constitute a threat to internal security. Furthermore the Pact 'recognises the role of the EU agencies – Frontex and the European Union Agency for Asylum, which may accompany and support the competent authorities in all their tasks related to the screening. It also gives an important role to the Fundamental Rights Agency in supporting Member States in development of the independent monitoring mechanisms of fundamental rights in relation to the screening. [108]

Critics point out that with such a short time allowed for screening, and the need for (and absence of) experienced and empathetic personnel with the necessary language skills to carry out the screening, applicants from "safe" countries can be channelled to a return procedure directly after the screening. From a human rights perspective, the inadmissibility of their application for international protection on these grounds can be considered as a violation of the principle of non-refoulement. [109]

Despite these concerns the Pact is seeking to streamline procedures for deportation (repatriation); to strengthen the ability of other countries to prevent would-be migrants from embarking on journeys to Europe; to strengthen and support Member States' capacity to monitor and police immigration; and to use external assistance as an incentive to countries of origin to reduce migration flows.

It has been agreed that the Neighbourhood, Development and International Cooperation Instrument (NDICI), the EU's external assistance programme for 2021-2027, should have a spending target of up to 10% to tackle the management and governance of migration and forced displacement, including actions addressing the root causes of irregular migration and forced displacement.

While experts welcome the spending agreement in principle, concern has been expressed owing to the partial acceptance of EU Member States' demand that partner countries' cooperation with EU migration politics be a condition for funding. There is a clear danger that this 10% of the NDICI (€79.5 billion) – could be directed solely to migration management and could over-ride the development and poverty reduction principles that should govern development cooperation. As Tanya Cox, CONCORD's Director, puts it. [110]

"We have said it before – any kind of migration conditionality is wrong. Development assistance must help to reduce poverty and inequalities in partner countries; it must support the most marginalised people and contribute to achieving the 2030 Agenda."

There is growing disquiet about the implications of the Pact in terms of human rights violations and lack of due process for applicants. There is a veiled threat in the wording of Paragraph 29: "It is essential to further step up cooperation on migration with partner

[108] https://eur-lex.europa.eu/resource.html?uri=cellar:0e922ce2-ff62-11ea-b31a-01aa75ed71a1.0001.02/DOC_1&format=PDF

[109] The New Pact on Migration and Asylum; a global overview, EuroMed, Brussels May 2021: https://euromedrights.org/wp-content/uploads/2021/05/EN_4AnalysisPACT.pdf

[110] https://concordeurope.org/resource/eu-seven-year-development-aid-instrument-finally-agreed-but-tarnished-by-eu-migration-politics/

countries, reaping the benefits of well-managed and regular migration and effectively addressing irregular migration. Such cooperation should contribute to ensuring access to international protection, addressing the root causes of irregular migration, enhancing border management and pursuing efforts in the fight against irregular migration, trafficking in human beings and migrant smuggling, and working on returns, readmission and reintegration where relevant, on the basis of mutual accountability and full respect of humanitarian and human rights obligations.

Therefore, third countries' effective cooperation with the Union in this area should be an integral element in the general principles of this Regulation. An increased coherence between migration and development cooperation policies is important to ensure that development assistance supports partner countries to manage migration more effectively." [111]

In its penultimate chapter – Attracting Skills and Talent to the EU – the Pact turns away from prevention, policing and deterrence to incentives to immigration because, it claims, the EU is currently losing the global race for talent. It is a plea to make the EU more attractive to highly skilled immigrants, many of whom will have acquired their sought-for skills and education in much poorer countries. The existing Blue Card scheme aims to make the EU an easier and more inviting destination for highly skilled workers. Blue Card approvals have been rising steadily in recent years. In 2019 36,800 Blue Cards were issued, with a quarter of them (9,400) going to citizens of India. [112]

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[111] https://eur-lex.europa.eu/resource.html?uri=cellar:d2c24540-6fb9-11e8-9483-01aa75ed71a1.0002.02/DOC_1&format=PDF

[112] Eurostat. Residence permits – statistics on authorisations to reside and work. December 2020. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Residence_permits_%E2%80%93_statistics_on_authorisations_to_reside_and_work#EU_Blue_Cards_issued_to_highly_qualified_non-EU_citizens

2.5 Frontex, Fortress Europe and human rights violations

Strengthened border control is a key element of Fortress Europe. Overall migration and border management activities will have a budget of €22.6 billion between 2021 and 2027, of which several hundred million will go to Frontex, the European Union's frontier agency, annually. [113] After approving the Frontex law in April 2019, the European Parliament rapporteur, Roberta Metsola, said, "Our guiding principle has been to be fair with those in need of protection, firm with those who are not eligible and harsh with those who seek to exploit the most vulnerable people on the planet. Citizens asked and we delivered - in record time." Since November 2020 [114] Frontex has expanded powers in border control and cooperation with third countries and has provision for a standing corps of 10,000 operational staff by 2027.

As an EU agency, Frontex must ensure that all its operations are consistent with the EU Charter of Fundamental Rights (including the right to asylum), the European Convention on Human Rights, and other norms of international law. Human rights law obliges Frontex not to expose anyone to human rights abuse either directly or indirectly and to take necessary measures to protect people from prohibited ill-treatment. Frontex's own mandate, derived from the Frontex Regulation, requires all personnel deployed in its operations to respect fundamental rights.

The expanded role for Frontex will be supported, but not funded directly, by the 10% target for migration-related actions contained in the NDICI. The cooperation of third countries regarding readmission of returned migrants could be encouraged by offering favourable visa measures or, in the absence of cooperation, by the imposition of restrictive visa conditions, not to mention the possibility of withholding projects funded with the migrationcomponent of the NDICI.

Frontex has recently been subject to a critical report by the European Parliament. It said, in June 2021, that its regulation stipulates recruitment of at least 40 "fundamental rights monitors" to oversee the agency's compliance with human and EU rights - a process that should have been completed by 5 December 2020. The report also states that Frontex "… found evidence in support of allegations of fundamental rights violations in [EU] member states with which it had a joint operation, but failed to address and follow-up on these violations promptly, vigilantly and effectively." [115]   These findings echo those of Human

[113] Statewatch. Frontex: an overview. 22 December 2020. https://www.statewatch.org/analyses/2020/frontex-an-overview/

[114] European Parliament News. 17 04 2019. European Border and Coast Guard: 10 000-strong standing corps by 2027. https://www.europarl.europa.eu/news/en/press-room/20190410IPR37530/european-border-and-coast-guard-10-000-strong-standing-corps-by-2027

[115] https://www.politico.eu/article/europe-migration-frontex-pushbacks-illegal-parliament-report/

Rights Watch, whose recent report details frequent violations of these standards. In June 2021, Eva Cosse, Western European researcher of Human Rights Watch said ' "Frontex has repeatedly failed to take effective action when allegations of human rights violations are brought to its attention." [116]

Rather than solidarity with the migrants and refugees the solidarity that the Commission is seeking is that of agreement between member states to deter, relocate and expel all but a few asylum seekers (or 'irregular migrants' as the Commission prefers to call them) arriving on the shores of the European Union.

A Guardian editorial of August 2021 [117] entitled 'Fortress Europe", described this as an indication of a continent losing its moral compass;' pointing out that 'The increasingly draconian approach to irregular migration betrays the spirit of the 1951 Refugee Convention'..'

[116] https://www.hrw.org/news/2021/06/23/frontex-failing-protect-people-eu-borders
[117] The Guardian Editorial 1st August 2021 (hyperlink)

Section 3

3.1 Present and Future Challenges

Slovenia is nearing the end of its presidency of the European Union. Making progress on the pact has been one of its priorities:

Box 21

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**The Slovenia Presidency of the European Union
1st July–31st December 2021** Migration and Asylum

Slovenia's goal is to ensure effective implementation of the Schengen legislation and the full functioning of a stronger, more robust Schengen area without internal border controls, that is equipped for the challenges ahead. For this we need, in addition to conquering the pandemic, a more effective approach to dealing with illegal migration at its source, more effective protection of the external EU border, a functioning asylum system, a more consistent policy of returning persons who have not been granted international protection to their countries of origin, and close cooperation both with countries of origin of migration and with transit countries. These will be Slovenia's goals in the negotiations and coordination for adoption of the legislative and other acts under the Pact on Migration and Asylum, which is the key framework for more effective management of migration pressures. We will work towards further harmonisation of member states' asylum systems and actively engage in seeking a political consensus for the implementation of the concepts of responsibility and solidarity. [118]

However Slovenia is already in breach of its international obligations, as this report from the European Council on Exiles and Refugees (ECRE) shows:

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[118] Programme of the Slovenian Presidency of the Council of the European Union – 1 July-31 December 2021. Page 15. https://slovenian-presidency.consilium.europa.eu/media/i4qnfeqt/programme-sl-presidency-en.pdf

Box 22

" Slovenia policy in breach of international obligations

On March 26 and 30 the Slovenian National Assembly approved the amendments to the International Protection Act (IPA) and the Foreigners act with changes coming into force in April 2021. According to ECRE member Legal-Informational Centre for NGOs (PIC) the new legislation is in violation of the UN Refugee Convention and the Slovenian constitution, falls short of EU legal standards, and puts people at risk.

Despite the Ombudsman and the Constitutional Court determining that such legislative proposals adopted in 2016 were in violation of the prohibition of torture, the current amendments to the Foreigners Act again allows the National Assembly to activate article 10.a and 10.b in case of a "complex migration crisis". Such a crisis can be declared in parts of Slovenian territory (for example, the Southern border) for a period of six months with the option of extension.

A complex emergency provides the police with the authority to escort people entering Slovenia irregularly to the border and refer them to the country they arrived from. If a person entering irregularly expresses the intention to apply for international protection, the police has the mandate to establish whether a return would violate the principle of non-refoulement, if the person's health condition prevents return, or if based on appearance or other indications the person is an unaccompanied child. If police determine that no such conditions are met the intention to apply for international protection will be dismissed. The principle right to appeal is in practice prevented as an appeal would not have suspensive effect and the person would already have been removed from Slovenian territory.

Source: https://ecre.org/slovenia-national-assembly-approves-legislation-eroding-the-rights-of-asylum-seekers

Afghanistan is a key challenge. Approximately half the Afghans who have applied in the past for asylum in the EU are approved, but the acceptance rate varies significantly between countries, from approximately 1 to 99 percent.

On 16 August 2021, one day after the fall of Kabul to the Taliban, UNHCR said that between 20,000 and 30,000 had been fleeing the country each week. [119] Estimates are that more than 550,000 people have been displaced since the beginning of the year, with 250,000 uprooted since May, about 80% being women and children.

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[119] Euronews 16 08 2021 (Sandrine Amiel) Will the Afghanistan crisis spark a refugee influx to Europe? https://www.euronews.com/2021/08/16/as-chaos-deepens-in-afghanistan-is-europe-on-the-verge-of-a-fresh-refugee-crisis

As countries scramble to respond at the time of writing to an expected increase of refugees from Afghanistan, political opinion remains polarized between acceptance and deterrence. According to the European Council on Refugees and Exiles. "It's the case that the vast majority of people displaced from Afghanistan will be hosted in the region in neighbouring countries. Europe also needs to offer protection to the small proportion who arrive here. It is likely to be a manageable situation and a manageable number of people".

However the European Policy Centre has commented "This policy of containment and deterrence is very strong at the moment. It is very hard for people to cross into Iran or to Turkey, there is a lot of resistance already. This will probably impact any kind of movement that we will see." Josep Borrell, the EU's high representative for Foreign Affairs, has said "We need to ensure that the political situation created in Afghanistan by the return of the Taliban does not lead to a large scale migratory movement towards Europe." [120]

Pushbacks are the practice of refusing to allow asylum seekers to enter the territory of a Member State where they could make an application for asylum by pushing them back into the country which they are trying to leave or of preventing the boats carrying them from entering their territorial waters.

The ongoing practice of push back violates the right to protection of refugees and EU human rights law. The EU Charter stipulates that Member States must guarantee the right to asylum, rooting this obligation explicitly in international refugee law: the 1951 Geneva Convention and 1967 Protocol. As detailed in Section One these agreements derive from the 1951 Refugee Convention and its 1967 protocol, the 2015 2030 Agenda and its Sustainable Development Goals, with their principle of Leave No One Behind (LNOB) applicable to all people, everywhere, without distinction, regardless of age, gender, disability, ethnicity, location, social class, migratory status, religion and sexual identity and the 2018 Global Compact of Refugees. They contravene the provisions of The EU's Lisbon Treaty which obliges the Union to develop common policies 'with a view to offering appropriate status to any third-country national requiring international protection'.

[120] Sources: UNHCR, European Council on Refugees and Exiles, European Policy Centre, Al Jazeera, BBC, Financial Times

Illegal pushbacks have been documented throughout the Balkans but particularly in Croatia and between Greece and Turkey. There are often "chain" pushbacks, for example, with Italy pushing back asylum seekers to Slovenia who in turn are pushed back to Croatia and then to Bosnia Herzegovina. Pushbacks involving Croatia appear to be particularly brutal, with beatings, forced undressing, humiliation and theft of personal belongings.[121] Italian support for the Libyan Coastguard results in "pull backs", the practice of preventing small migrant boats reaching Italian territorial waters. According to data from the Border Violence Monitoring Network (BVMN), Greece pushed back about 6,320 asylum seekers from its shores between January 2020 and June 2021. [122]

In October 2021 it was reported that the Greek government is considering tasking a transparency body with pushback investigations, but without including representatives of independent bodies or organisations. Systematic pushbacks from Greece continue as do reports of refoulement from Turkey. 26 NGOs have urged Greek authorities to "disburse belated payments of cash assistance and ensure food provision" to deprived asylum seekers and refugees . [123]

Responses to migration issues and the lives of migrants should not only 'do no harm' but should actively support and promote individual human rights in line with international agreements on refugees and migrants. The reality is that EU policy and practice toward migrants and refugees is today characterised by containment, poor facilities, discriminatory practices, violence and border closures, which in turn lead to fear, detention and criminalisation of migrants and NGOs.

Covid -19 has made a bad situation worse, with its negative impacts on refugees and migrants who have limited access to public health services, live in overcrowded sites without protection and proper hygiene facilities and are often accused of spreading the virus.

Box 23

We know the pandemic will affect all of us

We know that the pandemic will affect all of us. We can no longer exclude people on the basis of their legal status. The future must be one of inclusion and shared responsibilities where social and economic rights and refugee rights can be enjoyed by all those forcibly displaced throughout the world.

Gillian Triggs, Assistant High Commissioner for Protection,

UNHCR, 07 October 2020

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[121] Refugee Rights Europe. Pushbacks and Rights Violations at Europe's Borders – The State of Play in 2020. https://refugee-rights.eu/wp-content/uploads/2020/11/pushbacks-and-rights-violations-at-europes-borders.pdf

[122] The Guardian. 29 June 2921. Greece accused of refugee 'pushback' after family avoid being forced off island. https://www.theguardian.com/global-development/2021/jun/29/greece-accused-of-refugee-pushback-after-family-avoid-being-forced-off-island

[123] https://reliefweb.int/report/greece/greece-government-want-keep-pushback-investigation-house-pushbacks-continue reports

Covid-19 containment measures have closed borders and trapped people in countries and places of transit they do not want to be in. Covid-19 restrictions on travel and access have made it difficult or impossible for UN and non-government organisations to monitor conditions in border areas and inside holding camps.

According to UNHCR, the pandemic has led to the closure of 168 borders, fully or partially, making no exception for those seeking asylum; asylum seekers, including children, are being pushed back to their countries of origin; refugees are stranded in prison-like centres; human rights violations are common; child refugees (many of whom are girls) constitute around 40% of the 9.7 million children worldwide who may never return to school when Covid-19 restrictions are lifted. [124]

In Greece, refugees have been trapped in camps on Chios, Kos, Leros, Lesbos, and Samos, with people staying up to two years, in overcrowded walled facilities, with Covid-19 openly used as a justification for containment. The hostile responses to migrants in the 'corridor' countries of the Czech Republic, Slovenia, Slovakia and Bulgaria give us additional insight into the racism and stigma which can be generated by migration.

[124] UNHCR. Statement by Ms. Gillian Triggs, Assistant High Commissioner for Protection, to the 71st session of the Executive Committee of the High Commissioner's Programme. 7 October 2020. https://www.unhcr.org/uk/admin dipstatements/5f7e26744/statement-ms-gillian-triggs-assistant-high-commissioner-protection-71th.html

Section 4

4.1 Conclusions and Recommendations

Current European policies and institutions dealing with migration are not fit for purpose. The 2003 Dublin Regulation remains in place, with the result that the EU countries where most migrants first arrive are required both to assess claims for protection and to accommodate and integrate refugees after protection is granted. The main objective of the EU Commission's 2020 Pact on Migration and Asylum is to limit the number of "irregular migrants" reaching Europe and, if they do manage to enter, to facilitate their speedy return to countries of origin or transit, rather than proper screening and support. Pushbacks and deaths at sea are widespread.

Attempts to 'distribute' refugees more fairly among Member States have been abandoned. The Pact is a project to build Fortress Europe. Currently few refugees, especially those from the Middle East and Africa, are admitted by Central and Eastern European countries ; and few want stay because the languages of those countries are difficult, their economies provide few opportunities, racist attitudes are common, integration measures are non existent or inadequate and the larger countries of the EU where there are established diaspora communities are more attractive.

The greatest failure of EU Member States with regard to their migrant populations is the failure to uphold the human rights of migrants and refugees and to see them as a valuable resource, as people who, with better investment and the right integration measures, would be able to contribute to their host country.

It is time to challenge and change this failure. Political will, external human rights monitoring and SDG compliance are needed now.

Recommendations for the eu & member states

❖ Full and transparent implementation of the EU Parliament's May 2021 motion on Human rights protection and the EU external migration policy, noting its call for the EU and Member States 'to pursue a migration policy that fully reflects the human rights of migrants and refugees as enshrined in international, regional and national laws'.

❖ Prioritise and implement SDG commitments to Leave No one Behind with a special focus on employment (SDG 8) and social protection (SDG 1, 8 and 10) of refugees and asylum seekers, low skilled migrants, minors and women.

❖ The European Commission should report on SDG implementation (as for a National Voluntary Review) and should include specific information and data on migrants and refugees and on clear policy actions to ensure they are not being left behind.

❖ Ensure Official Development Cooperation (ODA) is not diverted to border operations and illegal pushbacks but used properly to Leave No One Behind and to support the local impact of economic and social remittances.

❖ No push backs. EU is becoming a fortress. From Spain to Italy, Greece, the Western Balkan and Poland, refugees are being pushed back and fencesand walls are being set up to keep out people seeking refuge and human dignity. This violates existing law.

❖ Design and operate reception centres as open facilities with asylum seekers of all ages, assured appropriate accommodation, medical support and vulnerability assessments

.❖ Put in place and ensure resourcing for independent monitoring of reception centres and border arrangements by EU and UN bodies, host country agencies and civil society organisations with experience in human rights and migrant, asylum and refugee issues.

❖ Reform the Dublin Regulation by means of a fair distribution of asylum seekers between all Member States in solidarity with countries of first arrival, and allow secondary movements of migrants and refugees to countries where they have social networks and better integration opportunities.

❖ Fulfil SDG pledges to invest in the education and training of refugees and migrants to ensure that they are able to reach their full potential within the communities and economies of their host nations.

❖ Ensure the participation of migrants and refugees in the formulation of policies on inclusion and integration.

❖ Conduct national and EU-wide education and information campaigns on the positive benefits and contributions of migrants, asylum seekers and refugees.

❖ Adopt a universal and equitable approach regarding access to social benefits on the part of migrants and refugees and local communities in order to minimise the risk of conflict over resources between migrants and local hosting populations – conflicts which are fomented and instrumentalised by populist parties.
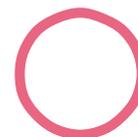
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