



Asylum - The UK Perspective

The UK Government's handling of the issue of the refugee centre at Sangatte has proved instructive. David Blunkett, the Home Secretary, recently spoke of the need to deal with the "pull" factors which encourage asylum seekers to come to the UK. Presumably, he sees those factors as our social security payments, based on 70 percent of a poverty line income for a single person, and the right of asylum seekers to work if their case is not dealt with within 6 months - this right is now being withdrawn.



*Jean Lambert
Green MEP
for London*

How he will deal with other factors such as the importance of the English language, the links with our colonial past, or the fact that asylum seekers may have relatives within the UK has yet to be seen. Many refugees in the UK come from Somalia, Sri Lanka and Afghanistan; we have historical links with all these countries.

We have yet to hear Blunkett speak equally strongly of the need to deal with the "push" factors which force people to leave their country of origin in the first place. For example, the UK still gives millions in export credit guarantees for arms sales - India and Pakistan are both customers.

The UK asylum policy, however, is increasingly based on deterrence and rapid processing, implying rapid return for which the government has set target figures. The policy of dispersing refugees, who may be moved with no notice to areas with no suitable or easily accessible services, is being replaced by developing large-scale reception centres. These are in rural areas and will have little or no link with local people: children will be educated on site and medical services provided there as well - these will possibly be private

sector, to the disgust of local people who see this as preferential treatment. Integration will be difficult, which will also mean there will be no support network for people faced with deportation.

There is a possibility that some of the Government's current proposals will breach the European Convention on Human Rights. The signs are that Britain's reputation for a humane asylum policy based on best practice will soon be gone.

In this issue UNITED KINGDOM

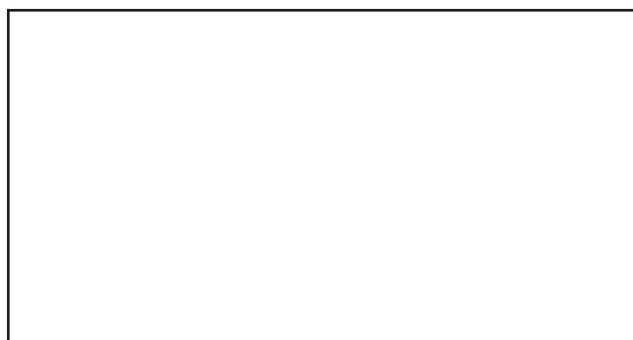
ICAR:
Information Center
about Asylum and
Refugees

RWRP:
Refugee Women's
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CEPS:
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ICAR - Information Center about Asylum and Refugees

The Information Centre about Asylum and Refugees (ICAR) was launched in 2001 with an eye to filling a gap in the provision of comprehensive, credible, authoritative information about asylum and refugees in the UK. It aims to encourage information-based public debate and policymaking on these issues. ICAR views its independence as paramount to achieving these aims. Therefore, we only advocate the use of sound information and we do not draw conclusions, except about the quantity and quality of evidence provided. Instead, we aim to inform and be informed by the work of refugee organisations, academics and policy makers in an effort to maximize the circulation of information, eliminate its duplication, and ensure its accuracy.

To these ends, ICAR is currently working on a number of projects. With funding from the Joseph Rowntree Foundation, we are collaborating with national refugee agencies to create a joint descriptive database of their in-house data and report holdings. The database uses a standard set of information collection procedures, thus allowing

the sharing of evidence among a variety of organizations.

We are also working with UNHCR to develop a database of post-graduate research underway in the UK on asylum and refugee issues. It is hoped that this service will introduce researchers across universities to one another and to NGOs and policy makers in need of some fresh ideas.

ICAR is also exploring possible methodologies for a comprehensive study of refugee settlement in the UK from the perspective of refugees. This study will aim to increase knowledge and understanding of their experience, including what makes refugees feel involved in a community and what isolates them.

ICAR also produces Navigation Guides to issues of current concern, and summaries of recent reports and research of interest to the sector. Both products are available on our website. Keep an eye on our site, as a major expansion is underway! .

**Diana Mills,
Coordinator of Refugee
Women's Resource Project**

The Refugee Women's Resource Project

A large number of women asylum seekers in Europe are wrongly denied protection because decision makers do not properly implement international refugee law which does include a proper interpretation of the concept of gender.

In the experience of RWRP, which advises and represents vulnerable refugee women in the UK, those who seek international protection against forced marriages, domestic violence, honour-killings or other forms of gender-related persecution, may not get protection.

Part of the RWRP's role is to lobby for gender guidelines to be introduced throughout the asylum process from the initial interview to the final stages of appeal. RWRP believes these guidelines should be adopted Europe-wide - both to improve the quality of decision making on women's asylum claims and to harmonise asylum procedures.

RWRP took part in the pre-meeting for NGOs which preceded the UN Global Consultations on International Protection for women and children. On May 2 2002 UNHCR issued guidelines on Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.

In parallel consultations with the Home Office, the RWRP is pushing to introduce gender guidelines into the instructions for initial decision makers. That the Home Office has been instructed to carry out these consultations by government is a positive sign of the UK's commitment to introduce them.

However, on a cautionary note, Gender Guidelines were introduced by the Immigration Appellate Authority in the UK in November 2000 but have failed to have any real impact on women's appeals.

"Part of the RWRP's role is to lobby for gender guidelines to be introduced throughout the asylum process..."

Women - traumatised by events in their country, disoriented by flight, arriving exhausted and frightened - are unlikely to unburden themselves to figures of authority when such people were responsible for their persecution. They often have higher priorities such as providing shelter and food for their children.

Women who have suffered gender-based persecution should not be expected to give their account in front of other family members; nor should they be interviewed by male interviewers or male interpreters. As a matter of course, they should be interviewed separately from their partners. They should further be encouraged to give their own account and make their own claims.

Late disclosure of rape or sexual violence should not be used to attack their credibility.

The experiences of women differ significantly from men because their political protest, activism and resistance may manifest itself in different ways. A woman may well be persecuted because of the political activities of a male member of her family but kept in ignorance of those activities because she is a woman.

The Refugee Convention does not specifically refer to gender as one of the grounds upon which an individual can be recognised as a refugee and given protection. The term gender has wrongly been used synonymously with the term "sex".

It is because of their gender that women are refused asylum and do not get international protection in western countries.

Toward a common asylum policy for Europe

Since the Amsterdam Treaty took effect in May 1999, immigration policy has come under the purview of the European Union. Ratification of the Charter of Fundamental Rights by its members begged the question of what importance the Union would place on the protection of refugees. This "communitarisation" of the right to asylum has caused grave concerns - because, until now, the process of harmonisation has by and large led to an erosion of protections granted to refugees. However, by effectively eliminating the asylum debate at the national level - particularly close to election dates - it also represents a chance to break with the security-conscious Schengen years and to develop a generous policy based on the humanitarian principles that have formed the basis of European integration.

The new Title IV of the Treaty of Amsterdam relegates all aspects of asylum and immigration policy (as well as the issuance of visas) to the purview of the European Community, although issues of public order and national security do remain matters of state sovereignty. This step is historic in that it affects areas that have traditionally been considered an integral part of national sovereignty.

Yet, maybe owing to their traditional Euro-scepticism, three countries chose not to take part in this integration process - Denmark, Ireland and the United Kingdom, which is still the second most significant host country to refugees in Europe after Germany. In immigration matters, this trio will thus continue to apply its own brand of European cooperation.

Also, member states chose a gradual communitarisation process. Until 2004, legally binding decisions on asylum and immigration

policy will still need to be adopted unanimously. Thereafter, a qualified majority would suffice. But the loss of national sovereignty is tempered by the fact that even the planned switch to a qualified-majority system is itself subject to adoption by a unanimous vote - effectively giving each country a veto against finalizing the integration process.

Despite this transition period, this new "joint decision procedure" replaces an opaque system of technical committees outside the democratic process with one in which the European Commission plays the role of initiator, under the control of the European Parliament and the European Court of Justice. Though some of the most eminent lawyers in the field have taken issue with several of the document's technical provisions, the Treaty of Amsterdam does recognize the importance of democratic debate unconstrained by national electoral considerations. In addition, it offers a chance to unify under European judicial control a practice that has been up to now relatively incoherent. The treaty also contains various provisions for consultation with the UNHCR and other relevant organizations.

It will thus fall to the European Council to adopt a legal framework until 2004 for a "common asylum arrangement on the full and overall application of the Geneva Convention ... and to maintain the principle of non-refoulement," as the council put it at its assembly on October 15 and 16, 1999, in Tampere, Finland.

Such a framework would have to encompass:

The redefinition of rules of determination governing the examination of a request for asylum, making it possible to take more account of cultural and family links, which

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involves a revision of the Dublin Convention from June 15, 1990;

The adoption of common standards for an equitable and effective asylum procedure;

The definition of minimum conditions for accepting asylum applicants;

The alignment of recognition rules with the refugee status, especially with respect to an interpretation of the definition supplied in Article 1A of the Geneva Convention; and

The creation of subsidiary forms of protection giving a status to victims of civil wars or of situations of general violence which do not enter the scope of the Geneva Convention; as well as provisions for temporary protection in the event of massive migration by displaced people.

This five-year programme is certainly ambitious, but the essential question remains if the communitarisation process can bring about better protection for the refugees while European cooperation on the issue is taking shape.

The harmonisation of various forms of protection must be understood as an opportunity for reflection on what place the Geneva Convention has in the European system. Against the backdrop of an increase of civil wars and ethnic conflicts around the world, subsidiary instruments of protection must not substitute for real asylum protection but must instead be viewed as a complementary element.

Reason for concern is also founded in the fact that what should be a coherent and generous Community policy needs to be extended to the Central and Eastern European countries, which have not previously shared the humanitarian traditions of the JHA acquis.

There is also the danger of a technocratic drift within the Community's institutions, as they cannot operate on the same close-up, grassroots level as national agencies. Therefore, a European asylum policy must not only take cultural diversity among reception policies into account but also heed what close links may exist between individual member states and certain countries in the rest of the world.

It is furthermore important that such a policy incorporate the principle of subsidiarity along with that of solidarity. When the Commission realised the difficulties of enacting a uniform procedure throughout the Community, it chose on September 28, 2000, a more pragmatic approach instead - limiting the desired harmonisation of standards to the examination of applications. This attitude of pragmatism only begins to hint at the many obstacles that may yet stand in the way of a truly uniform asylum system.

Achieving a common asylum policy within the five-year deadline set at Tampere will be a tough testing ground for the Union's political maturity, but it will not be sufficient on its own. A certain standard of protection and solidarity will also need to be guaranteed.

Tomas Magnusson is director of the Swedish NGO **Göteborgs-INITIATIVET**. The Göteborg Initiative is running aid and rebuilding project in three refugee countries, Bosnia and Herzegovina, Somalia and the Kurdish part of Iraq. Göteborgs-INITIATIVET is the leading Swedish organisation in assisting voluntary repatriation, and is working on a different project in support of integration together with refugee associations in Göteborg. Göteborgs-INITIATIVET has just started a new program, called "Arrival Göteborg", financed by the Equal foundation to assist asylum seekers during their first time of waiting.

For more information, see www.initiativet.nu.

Contact address: hela@initiativet.nu

Asylum in Sweden

Sweden is presently facing an increasing number of asylum seekers, due to a more restrictive policy on asylum issues in other European countries. This is an important aspect of the decided Common European Asylum Policy, which has to be looked at by involved NGOs.

Statistics shows the number of 23.515 asylum seekers in Sweden in 2001, more than 40 percent increase since the year before. The number used to be round 10.000 asylum seekers every year, after the peak level during the war in Bosnia and Herzegovina.

The asylum seekers in Sweden have their origin in Irak (6.206 in 2001), Yugoslavia (3.102), Bosnia and Herzegovina (2.775), etc. Another important aspect of the Common

European Asylum Policy is that many of the asylum seekers in Sweden already have spent time in other European countries, and are now back in new attempts to be recognized as refugees, with renewed or false passports, and with all the costs and sufferings that follows.

The estimation in Sweden for 2002 is indicating an additional increase of asylum seekers, and the Swedish Migration Board, the governmental body handling both the hosting of the asylum seekers as well as examining each and everyone's personal reason, is alarming for additional money to handle the process.

With or without extra money, it will mean that the already long period of uncertain waiting will be even longer for the individual asylum seekers. There is an unknown stock pile of not decided cases, and a waiting time for one or two years is common, before the decision is taken.

The long time waiting is the basic level of debate and criticism in Sweden in regard to the asylum policy. The long time waiting makes the asylum seekers passive, very few are encouraged to work although they have the right too. And in addition people are not even active in learning Swedish during this first years in Sweden. Which means that the period of integration for those who are granted asylum takes a disproportionately long time, and with partly bad result! Many of the refugees never find a chance to get a job and to be self supporting.

The practice around the asylum examination is such that it could have been ground root for racism and xenophobia. However, lucky enough Swedish political parties have avoided to use or support discontent and xenophobia, like now is the case of the political scene in neighbouring Denmark and Norway as well as in the Netherlands or France.

We hope Sweden will manage to withhold a generally positive public opinion on asylum issues for the year to come!

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How to Secure the eastern EU-Borders?

I.

As of 2004, the EU will have three neighbour countries - Russia, Belarus and Ukraine - on its Eastern borders. Before 2010 when Rumania will join, a fourth neighbour country, Moldova, will be added.

The Eastern EU border will be long, from the North Cap to the Black Sea some 3000 km.

It will be hard to control considering the low density of population and the nature of the terrain, forests and agricultural area.

Illegal immigrants from Asia, North Africa and the Middle East have recently discovered a new passage to enter the EU territory: they cross the Bosphorus into the Black Sea and enter Ukraine, from where they cross the border to Belarus, where they get stuck. An estimated

200 000 illegal immigrants, from Asia and the Middle East find themselves stranded in Belarus today. President Alexander Lukashenko has repeatedly threatened to open the border with Poland in order to get rid of that burden

II.

The EU will urgently have to step up its border control. It cannot leave that difficult mission to its Eastern member states - Finland, the three Baltic States, Poland, Slovakia, Hungary, and in a more distant future, also to Rumania.

It will need to define the objectives and the means of view of achieving these.

The objective should be "zero illegal immigration", however impossible to ever achieve it. The means should be permanent border surveillance by specialised border police. A combined force of some /20 000/ men/women will be required to that end. Its effectiveness can be greatly enhanced through sophisticated equipment (night glasses, radar, sonar installations, fences, water ditches, roadblocks, mobile road controls, and telecommunications

Systems, etc.).

The EU will have to elaborate a detailed logistical programme in view of achieving high technical standards for monitoring all its external borders, especially in the East and South.

It will need to support the efforts of its peripheral member countries financially, especially for the financing of standardised modern equipment to be put in place at all its external borders. The EU budget should as of 2004/05 provide for the necessary credits.

It will need to organise joint planning and training exercises for the border police forces of member states.

Finally, it will need to put in place a special working group "border control", at the Council or the Commission.

III.

But beyond these matter of fact missions, the EU should address a more fundamental and sensitive question that relates to its Eastern neighbour countries.

In the final analysis, the security of its borders depends on the "quality" of its neighbour countries. Its borders will be safe only against neighbours that fulfil at least two basic conditions: they must provide their own citizens with reasonable standards of living and freedom that will induce them not to escape; they must dispose of a reliable (non-corrupt) administration that is willing and capable of preventing smuggling, trafficking and illegal migration.

The EU wants neighbour countries with "good governance», willing and able to commit themselves to take back their own and foreign citizens who may have illegally crossed the EU borders (readmission clause).

Belarus and Moldova constitute shaky, if not "failing states".

Their governments are weak, corrupt, undemocratic and incapable of providing basic services of good quality to their citizens. They are not even in full control of their state territory (Trans-Njiestra)

They are extremely young countries. They have been independent for no more than a decade, since the demise of the Soviet Union in 1991.

Throughout history they have been part of neighbouring countries, Russia/Soviet Union in the case of Belarus, Ottoman Empire, Russia/Soviet Union and Rumania for Moldova.

They lack a sense of national identity. Belarus citizens feel quite close to Russia, Moldova citizens feel culturally close to Rumania, though Rumania has treated them with a strange sense of superiority.

Both countries owe their existence to the peculiar circumstances that prevailed in the confusion of the collapse of the Soviet Empire. The comparison with the three Baltic States

Shows a huge gap in terms of post-Soviet development: while the Baltic States have been models of ultra-fast transition to modern societies and states, both Belarus and Moldova have not been

able to demonstrate their sustainability: they are far from modern market economies, states and societies. There are serious doubts in their capacity for long-term sustainability and survival, squeezed between the giant EU and Russia/Ukraine.

From the point of border protection neither of the two offers the best guarantees.

Moldova has not prevented an influx of some 200 000 prostitutes and some 300 000 illegal workers into Western Europe! No surprise that people quit a country that is one of the poorest world-wide (per capita income lower than \$ 500!).

Belarus does not guarantee the respect of fundamental democratic principles and human rights and has therefore not yet been admitted as a member of the Council of Europe.

So far the EU has taken the continued existence of both Belarus and Moldova for granted. They form part of its future strategy for the wider Europe. In doing so the EU has respected the principle of non-violability of existing borders that binds all OSCE member countries.



Family Ramic needs our help!

The Family Ramic mother, father and five children, Bosnian refugees who were sent back from Germany. Their father however is disabled and cannot find work.

They are barely surviving since there are no social security payments, and they live in a house without food, water or electricity.

We are trying to help this family and all of your contributions would be crucial to them.

Please send donations to Spenden-Konten of IFIAS in Bonn, Germany
Sparkasse Bonn 44002004 (38050000), or
Postbank Koeln 278432-503 (BLZ 37010050)

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