

what are we talking about?

frontex

migrant

refugee

asylum-seeker

influx

resettlement

irregular

easo

deportation

detention

integration

persecution

ceas

aditus
accessing rights

regular migration

DID YOU KNOW THAT:

Most Third Country Nationals (TCNs) reside in Germany, France, Spain and the United Kingdom?

The main countries of origin are Turkey (7.5%), Morocco (5.8%), Albania (3.2%) and China (2.1%)?

The European Integration Fund's budget is of €825 million (2007 – 2013), €3.35 million of which have been allocated to Malta?

“In essence, migration governance is not about ‘flows’, ‘stocks’ and ‘routes’, it is about people. In order to be relevant, effective and sustainable, policies must be designed to respond to the aspirations and problems of the people concerned.”

EU Commission (2011)

In 2008, 6.7% of all resettled refugees were brought into the EU.

A EU-wide migration policy has been under discussion for a number of years, and various policies and laws have been adopted or proposed so as to encourage the legal entry of TCNs into the EU.

These include procedures targeting students and researchers, highly skilled migrants, seasonal workers, and a single permit guaranteeing a common standard of treatment of legally residing TCNs. The recent EU Blue Card initiative eases entry procedures for eligible migrants and grants high levels of rights, including family reunification and movement from amongst Member States.

Migrants living legally in the EU for 5 years and economically independent may also be entitled to long-term resident status, widening their package of entitlements.

Integrating legally residing migrants is one of the EU's migration priorities, based on a human rights approach, and maximising the migrant's potential within the host community. Initiatives include the European Integration Fund, a Handbook on Integration,

a European Web Site on Integration and the European Integration Forum.

Does Malta want to exclude migrants from playing an active role in society, or does it want to support and encourage a contributing migrant population? Malta has yet to develop its national integration priorities, without which individuals, families, localities and also business will fail to muster migration's economic and social potential. Efforts are needed to guarantee more inclusive and effective educational systems, fair work conditions, non-discrimination throughout, and unimpeded access to courts and legal remedies.

“Large numbers of asylum seekers and irregular migrants arriving at the EU's southern external border often give rise to search and rescue situations. Member States are bound by obligations under international law to assist any person in distress at sea and to ensure disembarkation in a place of safety as soon as possible.”

EU Commission 2011

are often unable to secure valid documentation, persons fleeing wars usually do not think of packing documents. All migration management efforts must take these factors into account to ensure the protection of those in need of it.

irregular migration

DID YOU KNOW THAT:

Fundamental human rights should be enjoyed by all, irrespectively of nationality, racial origin, legal status, etc.?

The vast majority of migrants in an irregular situation enter regularly and overstay their visas?

In 2010 Greece was the main entry point for migrants entering the EU in an irregular manner?

“We have to forget about the illusion that border control is the solution. Whenever people want to cross borders they will do so.”

Frontex

One of the EU's core aims is to create an area of freedom, security and justice for everybody living within its territory, on the assumption that this can only be achieved by preventing and reducing irregular migration.

The EU is therefore attempting to adopt a 'global approach' to irregular migration: a holistic strategy targeting various push and pull factors, and the broader social, economic and political dimensions. Nevertheless, the EU is constantly attempting to maintain respect for fundamental human rights at the heart of its efforts. Together with increased border management, measures that could curb irregular migration

are being explored: less stringent requirements for legal migration, revision of visa obligations, new paths of legal migrations, technical capacity to origin and transit countries. An effective return policy is also one of the EU's key priorities, with an attempt to prioritise voluntary over forced return exercises.

Voluntary return procedures are less costly, require less human resources, are more humane, do not require readmission agreements and contribute to the person's reintegration potential.

One of Malta's major challenges remains its

difficulty in forcibly returning persons to their countries of origin. Frontex could play a role in facilitating these exercises. The EU Returns Directive regulates Member State activities in this area with a view to ensuring that forced returns are carried out in a manner that is human and respectful of the migrants being returned. For example, Member State are obliged to establish a monitoring mechanism for all their forced return operations.

It is also important to highlight that migrants entering the EU via irregular means might be doing so for various reasons: victims of trafficking are coerced or deceived, refugees

“In practice, our societies tolerate irregular migration. But we face a double standard. Because despite their contribution to our economies, when irregular migrants try to access healthcare or education services or try to get access to justice, they often face a closed door, or worse, deportation.”

EU Fundamental Rights Agency

forced migration

DID YOU KNOW THAT:

In 2010 43.7 million persons have been forced to flee their homes?

The world's refugees are not coming to Europe: around three quarters of them are living in a country neighbouring their own?

Around 60% of persons seeking asylum in Malta are actually persons fleeing persecution or war?

“Reception of groups with special needs should be specifically designed to meet those needs.”

European Court of Human Rights 2012

The fundamental human right of any person to seek asylum is enshrined in the Universal Declaration of Human Rights (1949) and in the EU's Charter of Fundamental Rights (2009). It is an integral part of the EU's human rights dimension, seen in its efforts in creating a Common European Asylum System (CEAS).

CEAS is composed of a number of instruments creating EU-wide standards for the treatment of asylum-seekers and refugees, such as: treatment upon entry, procedures adopted to assess whether they really are refugees and the nature of rights and obligations attaching to refugee status. CEAS recognises the core right of refugees not to be returned to their countries of origin until safety is restored.

To facilitate implementation of CEAS, last

year the European Asylum Support Office (EASO) started operating from Malta, as the EU's focal point on asylum issues yet leaving decision-making in the hands of the Member States. It's role is not to process asylum applications but to encourage cooperation amongst Member States, improve CEAS implementation and assist those Member States facing particular pressures.

Yet despite CEAS, the EU has become increasingly reluctant to extend its safety to refugees with measures such as stricter entry requirements, indiscriminate border controls, practical and procedural obstacles in asylum procedures, minimal access to employment and social support, and increased use of detention.

Malta has established a strong asylum procedure annually delivering a relatively

high recognition rate, with Somalis and Eritreans being the main nationalities granted protection. Not all remain in Malta, with over 1,400 persons resettled or relocated to the US or other Member States, and several others moving on independently. Around 2,500 refugees remain in Malta.

States shall not impose penalties on refugees on account of their illegal entry or presence. 1951 Refugee Convention

Malta has also incorporated CEAS measures into national legislation. This means that Malta, together with the other EU Member States, is bound by a set of legal obligations regarding the way it is to treat asylum-seekers and refugees.

“The CEAS aims to set up a common area of protection and solidarity based on a common asylum procedure and a uniform status for people who have been granted international protection.”

EU Commission 2011

With a migrant population of around 18.5 million persons, how does the European Union fit into a global picture of people on the move? Why is EU migration receiving so much political, social and financial attention? Is it justified or exaggerated, strategic or misplaced?

Regular migration – Whilst important, economic considerations should not dominate the EU's approach to regular migration. Mutually beneficial policies must necessarily recognise and tackle the serious human challenges and opportunities presented. Malta's priorities are still unclear, leading to unregulated and unprotected scenarios.

Irregular migration – Policies, resources and measures based on accurate research, statistics and data are far more effective than those built on perception and misinformation. Migrants are never irregular, a residence status may be.

Forced migration – EASO could work towards redefining EU asylum solidarity: internal to external, looking towards the thousands of refugees across the globe desperately stuck in camps. Locally, there is a need to revise policies detaining asylum-seekers and subtly pushing refugees away from Malta.

aditus foundation is an independent, voluntary and non-profit organisation established with a view to monitor, act and report on access to fundamental human rights by individuals and groups. aditus also runs the EASO Monitor, a blog providing regular updates on the work of the Malta-based European Asylum Support Office.

aditus relies on public support for its activities.

If you would like to support our efforts:
www.aditus.org.mt or www.easomonitor.blogspot.com

The European Commission Representation in Malta provides a link between the institution's headquarters in Brussels and Maltese citizens and stakeholders.

Sources: EU Commission, UNHCR, Frontex, IOM, EASO, FRA

This publication does not necessarily reflect the view or the position of the European Commission.