

## CREG'S ANNOUNCEMENT FOR WORLD REFUGEE DAY 2020

World refugee day 2020 is celebrated in the midst of Covid-10 pandemic.

The worldwide public health emergency has highlighted, once again and more and more, the weakness and inadequacy of national policies related with reception and inclusion of refugees and economic migrants. Those policies, in most cases, increases the pre-existent conditions of vulnerability, marginality and discrimination.

At the beginning of pandemic, the governments prioritised the protection of public health in tackling the refugees movements and arrivals at their borders. In some cases, the consequence of this approach was -and still is- the [detention](#) of asylum seekers because of the protective measures, such as the closure of borders and the compulsory quarantine.

The irregularity condition of a great number of asylum seekers represents a public health concern. The reasons of the concern are that it is very difficult tracking the movements as well as providing health care to a large number of persons living in precarious conditions and "*hidden*" in the society ("*shadow population*", often managed by organised crime).

Lately, some governments have adopted [regularisation](#) acts with the primary purpose of providing themselves with cheap seasonal manpower. The tracking need is subordinate. We notice, with disappointment, that no measure aiming to the inclusion for "new" and "old" asylum seekers has been taken.

The lacks and the contradiction of asylum system of many countries are now more evident than ever before and are worsening discrimination and violation of refugees' human rights. It is urgent do not forget and, above all, apply the guidelines of UN Global Pact on Refugee (GPR).

Here and now, we call on the European Union and the Italian government, suggesting the adoption of some structural and basic urgent measures.

### EUROPEAN UNION

The Common European Asylum System is once again demonstrating its weakness and ineffectiveness caused by unresolved problems.

Dublin System, which establishes the Member State responsible for examining an asylum application, based primarily on the first point of irregular entry, produces secondary movements that can be potential contagious causes. Moreover, the new "*walls*" built by Fortress Europe, are increasing the number of the two kinds of irregular migrants: first, those unlawfully crossing the borders; second, those unlawfully living in a country because their permit is expired.

When we deep look for the origins of this phenomenon of irregular staying, we find them in the same mechanism of asylum and migration European system. The three origins we can detect are the followings: 1) border control, actually, increases smuggling and a bigger number of irregular migrants cross the borders; 2) reduction of possibility for legal residence with procedures

restriction, such as the contraction of humanitarian protection and easier expulsions in case of denial after appeal; 3) lowering on inclusion and integration policies.

The revision projects of the common European asylum system are now demonstrating its totally inefficacy. The Plan on Asylum and migration, postponed for the emergency situation, foresees more efficient border and internal controls.

The same measure is included in the recent Regulation EU 2019/1896 of the European Parliament and of the Council of 13 November 2019, with the purpose of monitoring secondary movements. At the same time, the Mission Irina reduces the SAR tasks and increases the collaboration with the Libyan coast guard. The measures mentioned do not change the orthodoxy of Dublin system and the core problems are not tackled with an innovative vision.

The Pact on Asylum and migration resumes the 2016 Agenda on Migration but causes problems at the borders with frequent deportations and detentions, representing humanitarian emergencies. Related to this, [ECRE appeal](#) must be supported and reinforced.

The redistribution system with a quota criterion, must be adopted now, without any delay. The discussion about it, with no concrete decision already taken, started in 2016 after the adoption of the Agenda on Migration. We all know the Dublin regulation is the major cause of internal contradiction in the CEAS. We are aware of the difficulties related with the revision of Dublin and that this is a long political process and for this reason, we affirm and ask to the European institution to make any effort in order to realise and build an inclusive society, especially for refugees. Inclusion is a pillar of an effective and fair asylum system, as we analyse in a recent [CREG research](#).

During the pandemic, European Commission demonstrated to be aware of the current situation related with the huge number of irregular migrants and, in its [Communication](#) published on the 17 of April 2020, requests to the Member States to grant an autonomous residence permit for humanitarian reasons as foreseen by the directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals /(art. 6 par. 4).

Recently, many Member States have reduced inclusion policies with the real intention of discouraging the arrivals. Actually, the result has been the opposite that means the asylum seekers have irregularly crossed the border and they now live as "*shadow population*". The regularisation measures taken by some MS do not are effective even for a short period of time.

In Italy, the regularisation will affect only an exiguous number of people and it will not prevent the organized crime to take control on them and to reinforce the "*shadow economy*". The problem is structural and must be resolved with structural policies.

Now, drawing your attention on the respect of human rights, we underline that the proposals of harmonisation concerning the common European policies are not sufficient, even if appreciable. We remind that the protection of human rights is not only an international obligation but it is also a fundamental principle of European system. Finally, freedom of movement and personal and

familiar integrity must not be forgotten, as reminded by European Commission [COM\(2015\) 240 final](#).

Another important point, is the proposal of regulation of EP and Council establishing the criteria and mechanism for determining competent Member State responsible for examination an application for international protection lodged in one of the Member State by a third-country national or a stateless person (COM(2016)0270 – C8-0173/2016 – 2016/0133 (COD) Committee on Civil Liberties, Justice and Home Affairs.

The amendment n. 67 (Rapporteur Cecilia Wikström) is important because enunciates that the competent Member State, in any moment and before the adoption of the decision, can ask to another Member State to take in charge an asylum seekers for family reunification in case of humanitarian reasons founded on relation with relatives, cultural or social condition or linguistic competences. All these conditions, actually, will help the inclusion in another Member State, even if not competent.

All the mentioned measures improved without no doubt the respect of refugees' human rights but their aim is not the real inclusion and the reduction of irregularity.

The humanitarian corridor discussion between Member State must restart in a more coordinate way, in order to avoid what happened in Niger.

Last but not least, we must address our attention and care to the unaccompanied minors, for their particular vulnerable condition.

The European Commission, in the above mentioned communication (17 of April 2020), refers to the Article 14 of the Reception Conditions Directive Member States in which it is stated that Member States shall grant to minor children of applicants and to applicants who are minors access to education under similar conditions as for their nationals.

Providing continuous access to education is a challenge that national authorities may face because of the measures aimed at preventing and containing the spread of COVID-19. In this context, several Member States have put in place home schooling or other distant learning modalities. To the extent that these modalities have been made available to nationals, the measures taken should take into account the best interests of the child in line with Article 23 of the Reception Conditions Directive and, as much as possible, the age and needs of the minors concerned. Education may be provided face-to-face in accommodation centres where compatible with social distancing rules.

We believe that it is essential the adoption of COVID normal (avoiding the risk of contagion) and emergency (in case of quarantine needed) procedures for reception centres, together with providing them with personal safety equipment (PPE).

We ask the creation of resettlement programme exclusively dedicated to unaccompanied minors, especially for those living in the refugees' camp in Greece.

## ITALY

It is essential the renewal of Pact for integration, completely dismounted by law n. 132/2018. The experienced difficulty in return procedures must change our point of view: this consistent part of inhabitants of our towns, represents human capital with a social value, as showed during the pandemic.

Concerning the minors, the current pandemic is highlighting the criticisms in the reception system, as conceived by law n. 47/2014 (containing provisions on protective measures for unaccompanied foreign minors) and requests an immediate intervention towards harmonisation and good practices for health protection and the *status* of minors that are at risk because of the slow down due to the pandemic.

It is therefore necessary the adoption of new laws or administrative acts for temporary solutions valid until the 31 of December 2020, at least.

It is necessary the intervention of Independent Authority for Children and Adolescents (Autorità Garante per l'Infanzia e l'Adolescenza) that can give its support and strength to the extension of reception condition to unaccompanied minors that turns into majority, avoiding the movement to SIPROIMI. For this purpose, major financial aid must be transferred to the municipalities.

For minors near to the majority and for the same reason, the Juvenile Court could foresee the issue of an executive decree. That will apply both in case of approval of art. 13 ex law 47/2017 and in case of denial.

It is necessary extend the validity of residence permit released for minority and of the social services care (art. 13) in order to avoid the possibility of not renewal and of denial by territorial commissions of international protection as consequence of forced interruption of individual educational and vocational traineeships. This hypothesis would increase the number of irregular migrants.

Concerning the right to health -the utmost important- it is necessary allowing the inscription to national health system, while waiting the concession of residence permit.

A National protocol for the appointment of voluntary guardians must be adopted. To bypass the "*empasse*" of social distancing, the audiences and the oath must be organised with the online procedure.