



Jesuit Refugee Service – Europe

12<sup>th</sup> October 2005

## **JRS-EUROPE ALARMED AT THE SITUATION OF MIGRANTS AND ASYLUM-SEEKERS IN MOROCCO**

JRS-Europe is deeply concerned about the dramatic events occurring at Ceuta and Melilla when hundreds of migrants and asylum-seekers tried to enter the Spanish enclaves. A dozen of them died under the bullets of the frontier guards after trying to climb the barbed wire wall separating Spain from Morocco. In spite of these human dramas, Spain expelled most of the migrants and asylum-seekers who had managed to enter the enclaves to Morocco, on the basis of a bilateral readmission agreement between the two countries. After that, *Medecins sans Frontieres* announced that over 500 mostly Sub-Saharan immigrants deportees had been found "in bad shape" in the desert area of Auoina-Souatar near the Morocco-Algerian border. It is now clear that they had been abandoned there by the Moroccan authorities.

**For JRS-Europe, this situation shows:**

- 1. The increasingly desperate attempts of migrants and asylum-seekers to reach the EU, which can be witnessed at any of the EU's external borders.**

In the present case, JRS Europe fears that the migrants and asylum-seekers expelled from the Spanish enclaves did not have access to asylum procedures although some of them might have left their countries because they feared for their lives and may in fact have been refugees. There is a risk of "refoulement" contrary to the 1951 Refugee Convention that Spain has signed.

- 2. The incapacity of Southern EU neighbouring countries to treat correctly migrants and asylum-seekers removed from the EU on the basis of readmission agreements.**

Morocco, like Libya to which Italy is known to return migrants arriving on the Island of Lampedusa, is unable to cope with the flows of migrants and asylum-seekers arriving from Sub-Saharan countries en route to the EU. The EU should not shift its responsibility to countries that cannot afford proper protection for those who need it, as well those who have to be returned to their countries of origin.

In light of this situation, JRS-Europe calls for a more ambitious and comprehensive European asylum and immigration policy. JRS-Europe regrets in particular that the "balanced approach" promoted by the EU in The Hague Program promotes the repressive side of the asylum and immigration policy more than the elements of the policy that protect the human rights of migrants and asylum seekers. The emphasis of the EU's policies in this respect has been on promoting stronger border controls. In Ceuta and Melilla, the European Commission's response has been to send a team of border control experts, offer Morocco 40 million Euros to protect its borders and call on Morocco to sign a readmission agreement with the EU by the end of the year.

In particular, **JRS-Europe requests that the EU Policy on asylum and immigration:**

**1. Provides a proper access to asylum procedures to those in need of international protection.**

It should develop means by which asylum seekers can reach the territory other than by jumping barbed wires. In particular, the EU countries should not shift their responsibility to neighbouring countries, which may be unable to establish a proper process to identify refugees or treat rejected asylum seekers with dignity.

**2. Promotes responsibility-sharing among Member States to process the asylum claims.**

The Southern or Eastern European countries cannot face alone the flows of migrants arriving in Europe without being in breach of Human Rights obligations. In this respect, the Dublin II regulation should be replaced with a system that shares responsibility equitably.

**3. Improves the level of protection in the region of origin and the countries of transit.**

In this respect, JRS-Europe welcomes the Communication issued by the EU Commission on regional protection programmes. However, expectations must be limited given the modest funding allocated to the pilot programmes and the short timescales envisaged. Moreover, JRS-Europe insists that these programmes must not be misused by hindering refugees from presenting an asylum claim within the European Union.

**4. Develops channels for legal immigration.**

This will contribute to organise immigration to Europe in a more humane way, while responding to the need for qualified and unqualified labour in the EU.

**5. Fights the causes of forced migration by having a more ambitious development policy towards Sub-Saharan countries.**

In this respect, JRS-Europe welcomes the Communication issued by the EU Commission on migration and development. It however regrets that some propositions made in this communication remain rather vague and that the Communication has not set out concrete actions.

***Relevant documents:***

*NGOs positions papers:*

- Christian Brussels based organisations, "Discussion on the situation in the Spanish autonomous cities of Ceuta and Melilla at the Justice and Home Affairs Council on 12 October 2005", 11 October 2005
- ECRE, "Melilla tragedy underlines need for respect for fundamental rights within comprehensive approach to asylum", 10 October 2005

*Reports:*

- Amnesty International, "Spain The Southern Border, The State turns its back on the human rights of refugees and immigrants", June 2005

*JRS-Europe reactions in the media:*

- La Croix, "Il faut une réflexion importante sur le développement", 6 October 2005
- Cathobel, "Réfugiés : Prendre ses responsabilités et agir", 10 October 2005  
([http://www.catho.be/newsletter/e-news\\_list.asp?ln=1&id\\_c=145&id\\_n=7599#6](http://www.catho.be/newsletter/e-news_list.asp?ln=1&id_c=145&id_n=7599#6))

*Press articles:*

- El Mundo, "Denuncian que Rabat dispersa los autobuses de inmigrantes por el Sáhara Occidental para despistar", 12 October 2005 (<http://www.elmundo.es/elmundo/2005/10/11/espana/1129042005.html>)
- Libération, "Inquiétudes sur le drame des «déportés» de Ceuta-Melilla", 11 October 2005 (<http://www.liberation.fr/page.php?Article=330095>)
- Le Monde, "Le Maroc a commencé à expulser des milliers de ressortissants subsahariens", 11 October 2005 (<http://www.lemonde.fr/web/article/0,1-0@2-3214,36-697989@51-697828,0.html>)
- Die Welt, "Marokkaner schieben Flüchtlinge ab", 10 October 2005 (<http://www.welt.de/data/2005/10/10/787350.html>)
- Der Spiegel Online, "400 Flüchtlingen droht der Hungertod", 11 October 2005 (<http://www.spiegel.de/politik/ausland/0,1518,379120,00.html>)
- EU Observer, "EU pushes for Morocco migrant deal despite safety doubts", 10 October 2005 (<http://euobserver.com/9/20047>)
- Telegraph, "Morocco rounds up migrants", 10 October 2005 (<http://www.telegraph.co.uk>)