



Jesuit Refugee Service–Europe aisbl

www.jrseurope.org

europe@jrs.net

*Rue du Progrès, 333/2 • 1030 Bruxelles, Belgium
T. : +32/2 250.32.20 • Fax : +32/2 250.32.29*

Philip Amaral, Poilcy & Advocacy Officer • europe.advocacy@jrs.net

Statement presented the conference of the Greek Council for Refugees, 30th March 2010, Athens, “Dublin Regulation: Implementation, Issues, Prospects”

I. Introduction

The mission of the Jesuit Refugee Service is to accompany, to serve and to advocate for refugees and the forcibly displaced. In Europe, JRS offices carry out this mission in up to 14 EU Member States by visiting asylum seekers and irregular migrants in detention, and supporting the needs of migrants who are left destitute by the State.

We’ve observed that the Dublin Regulation has brought negative consequences to asylum seekers in the EU. The social and personal ramifications have been, and continue to be, profound in scope and in depth. We know this mainly from our day-to-day accompaniment of asylum seekers. It is within this context – the impact of the Dublin Regulation upon the human person – that I will present my remarks.

II. The Dublin Regulation’s human impacts

In its current form, the Regulation poses artificial barriers to asylum seekers’ most natural needs: to seek protection in a place of safety and stability, and, in a place where they can maintain a livelihood in exile and keep connections with family, relatives and friends. In reality, not all EU Member States can offer this. That is why asylum seekers move around Europe, if they can. It is not an effort to undermine a system; rather it is an effort to seek the best protection for themselves and their loved ones.

First contact with the Dublin system quickly leads to shock, despair and hopelessness, as asylum seekers are told that they cannot choose to go where they think they would feel most safe. Instead, many are placed in closed administrative detention, where they must lie in wait while State actors decide where they are to be sent. Member States are reluctant to use their discretion to individually assess cases in view of protecting persons with special needs. There is little room for the asylum seeker to exercise choice.

Member States’ readiness to detain is troubling, because detention is a distinctively deteriorative measure. Even after five days detainment, asylum seekers begin to experience signs that are all too related to trauma. Dependency, fear and tension are very common among asylum seekers in detention, in particular those who are in the Dublin system. Taken broadly, the insistent use of detention in Europe has been disproportionate and unnecessary, leading to severe consequences for asylum seekers.

One consequence is the deep mental health impacts that asylum seekers experience in the Dublin system. The removal of personal control, the uncertainty of what will come next and anxiety from not knowing where they can be safe, leads to an enormous build-up of stress and anger. According to one detained asylum seeker transferred from Sweden: “I am very angry with myself that I am in such a stupid situation. I must have done a mistake somewhere but I don’t understand where.”¹

¹ From an interview with a Kazak asylum seeker detained in the Czech Republic, after being transferred from Sweden.



Jesuit Refugee Service–Europe aisbl

www.jrseurope.org

europe@jrs.net

Rue du Progrès, 333/2 • 1030 Bruxelles, Belgium
T. : +32/2 250.32.20 • Fax : +32/2 250.32.29

Philip Amaral, Policy & Advocacy Officer • europe.advocacy@jrs.net

The burden of knowing about the Dublin system rests largely on asylum seekers. In many cases they are uninformed, or misinformed, by State authorities. If they are given any information at all, it is often not sufficiently personalised. Asylum seekers want to know, “Where will I go?” and “What will happen to me?”

We have seen that the barriers imposed by the Dublin system have forced many asylum seekers to resort to irregular migratory channels. JRS in Sweden, for example, has unofficially observed an increase in human smuggling as a means to circumvent the Dublin system. Forcing asylum seekers to go underground is an unfortunate consequence of the Dublin system. JRS Belgium has encountered asylum seekers who, after facing the barriers imposed by Dublin, disappear altogether, even from the radar of NGOs. JRS offices have even accompanied asylum seekers who would rather return home to unsafe conditions, rather than be transferred to a EU Member State with poor asylum reception and procedural conditions.

A major ramification of the Dublin system is that it has forced asylum seekers into spirals of destitution. Social safety nets for asylum seekers are not one in the same through the EU. For example, asylum seekers in an appeals procedure may wait for years in some Member States with little to no social benefits. As the Dublin system prohibits them from seeking resolution in another State, they become stuck in the country and left destitute. Or, the asylum seeker may be simply unlucky and be transferred to a Member State with poor asylum reception conditions, where he or she may be granted only minimal access to food, shelter and medical care.

III. Conclusion

JRS Europe works to address one of the gaps that arise from the implementation of the Dublin Regulation. We have developed an ‘information sheet’ system that aims to provide asylum seekers with concrete information on what they should expect as they are transferred to another country, who they can meet with and how to ensure their asylum application does not fall through the cracks. It is similar to the ERF project initiated by the Greek Council for Refugees, and one that may invite collaboration in the future. It is also similar to projects done by NGOs elsewhere in Europe. The fact that so many of these projects even exist is indicative of the deep gap in protection within the current system: NGOs do their best to meet the needs of asylum seekers, but Member States must own up to their responsibilities and be able to provide more support and protection.

At the EU-level, we are using our experiences to lobby against the use of detention, to advocate for non-custodial alternatives to detention, to advocate for better protection of persons with special needs and to insist on asylum seekers’ rights – especially those that are detained – to receive free legal aid at all levels of the asylum procedure. Some of our offices, such as JRS Germany, provide free legal aid to asylum seekers in the Dublin system with a high rate of success – and by success we mean a cessation in a Dublin transfer, or a reduction in detention. JRS Germany estimates that the implementation of detention can be reduced for each case that is won with the assistance of free legal aid. In other words, legal aid can reduce the financial, as well as the social and personal, costs of measures such as detention.



Jesuit Refugee Service-Europe aisbl

www.jrseurope.org

europe@jrs.net

*Rue du Progrès, 333/2 • 1030 Bruxelles, Belgium
T. : +32/2 250.32.20 • Fax : +32/2 250.32.29*

Philip Amaral, Policy & Advocacy Officer • europe.advocacy@jrs.net

Ladies and gentlemen,

Perhaps the biggest social ramification of the Dublin Regulation is its broad degradation of justice. It is a system that deals with humans, but there is no human element within it. It is a system that allocates the responsibility to provide protection, but it offers little protection itself. It is a system that better serves the interests of States rather than the interests of those who are vulnerable and need protection.

Fundamentally, we are left with a situation that is profoundly unjust towards those who have been already stripped of it.