



JRS Europe

Serving Forgotten Refugees

Jesuit Refugee Service www.jrseurope.org

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Moment for reflection in Italy after 25 years service

On 7 December, JRS Italy (Centro Astalli) celebrated the achievements of 25 years providing services to refugees.

The office was opened in Rome one year after the establishment of JRS in November 1980. Its mandate was to respond to the basic needs of refugees in the country. Since that point JRS Italy has greatly expanded and now works in various cities around the country, providing accommodation, meals, legal assistance, public awareness raising, and education and training.

The commemorative event, held at the Jesuit Gregorian University in Rome, was addressed by Fr Federico Lombardi, Director of the Vatican Radio press office and Vatican press spokesperson, Enzo Bianchi, Prior of Bose Monastery, and journalist and writer Gad Lerner.

Fr Lombardi remarked that the original approach of Fr Arrupe has helped JRS Italy to fulfill its mission focusing equally on the spiritual and material needs of refugees. In 1979, as the Vietnamese 'boat people' fled, Fr Arrupe was able to see and understand the mission of the Society of Jesus as one of the promotion of justice and the protection of the most forgotten.

Prior Bianchi described the real appreciation of what it means to be

foreign: welcoming someone into one's life. Understanding that each of us perceive others as foreigners, he said, is essential for entering into unprejudiced dialogue.

Mr Lerner questioned why we seek differences between nationalities and ethnic groups, and not similarities which



Fr Lombardi, Vatican press spokesman (right), with journalist Gad Lerner (left)

are in fact greater. It is the view of a nation as 'our house' which creates a mentality of rejection of the 'foreign', he said, rather than because some people are 'bad' and fear others.

All the speakers agreed on the need to offer migrants real opportunities to integrate into our societies: employment, rights, services and respect.

Refugees' skills benefit host countries and themselves

JRS is increasing its knowledge and advocacy in the field of forced migration and development. Its participation in the preparatory meeting in June for the UN High Level Dialogue on Migration and Development in New York highlighted the fact that many migrants are forced migrants and refugees - a category seldom mentioned in these debates, which usually focus on labour migration.

In New York JRS stressed the link between the forcibly displaced and the potential positive impact that they have on the development of the host society and the society to which they return. When in Africa development assistance is used to increase the development potential of the forcibly displaced, and is targeted towards promoting durable solutions - local integration, voluntary

Continues page 2

Inside this issue:

- | | |
|--|---|
| 25 years of JRS Italy | 1 |
| Migration and Development - value of skills and experience | 1 |
| European-wide research: Destitution | 2 |
| Durable solutions for refugees | 3 |
| JRS teambuilding at AGM 2006 | 3 |
| Zimbabweans in limbo in the UK | 4 |

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For information on JRS' Detention Campaign see www.detention-in-europe.org

repatriation, or resettlement - these people can become strong agents for development.

In Europe refugees have full access to education and training; asylum seekers are usually denied formal education but receive language training and other assistance from NGOs and church organisations. Refugees who return and failed asylum seekers can contribute to the building up of their country of origin. This fits with JRS' constant plea that asylum seekers

should not be denied the right to work and study. Much talent is wasted when people are denied education and employment while they are waiting for a decision on their application for asylum. When asylum seekers do have a chance to study and to work, they are a benefit to the host country, and when peace returns to their country of origin they can be an asset in reconstruction and peace building.

Jan Stuyt SJ, JRS Europe

Destitution among migrants increasing, JRS research suggests

In September 2006 JRS Europe started a research project on destitute forced migrants in Europe. The results of the research are expected in March 2007. This research project has been made possible by a grant from the European Programme for Integration and Migration. A research officer, Ms Anne Weernink, and a research assistant, Ms Isabel Eitzinger, have been appointed to carry out the research.

JRS Europe decided to take up this research project as a response to the growing concerns expressed by several national JRS offices regarding destitution among forced migrants with whom they work. "Over the last few years the number of destitute forced migrants within Europe who did not obtain refugee status and who have not returned to their countries of origin has grown," says Anne Weernink. "JRS national offices often encounter during their work an increasing number of this vulnerable group, left to live on the street with limited or no right to social support." The concerns expressed by JRS raise questions regarding the social reality of these forced migrants and the relevant laws that apply to them.

This research project is aimed at identifying the social and legal situation of destitute forced migrants in 11 countries: Belgium, France, Germany, Ireland, Italy, Malta, Portugal, Romania, Slovenia, Ukraine and the United Kingdom. In each country, interviews are being conducted with destitute migrants, NGO

The word 'Destitution' refers to a specific situation for which in many languages *there is no word*. JRS' research focuses on migrants who are trapped in a situation whereby they have had to leave their country of stay, but cannot or do not want to return to their country of origin. Only in the UK has research previously been conducted in this particular field, never on a European-wide level.

"A vulnerable group ... left to live on the streets with limited or no right to social support"

To be destitute is to have no possibility to build a future. See page 4 for the reality facing destitute asylum seekers in London.

Further information at www.jrseurope.org/EPIM/intro.htm



image Nina Rücker

representatives and national JRS staff members. In addition, legal experts will provide the legal background information concerning the residence rights and the enjoyment of other rights in specific fields of law (for example the right to compulsory education, the right to public emergency health care) under national law, which potentially have an effect on the destitute situation.

The focus group of the research project is forced migrants who are one way or the other trapped in a situation whereby they have to leave their country of stay but cannot or do not want to return to their country of origin. In particular, this group includes failed asylum seekers and forced migrants who never applied for asylum.

The research project is important for JRS because it will lay the groundwork for an advocacy and strategy tool for JRS Europe to improve the lives of destitute forced migrants. Furthermore, depending on the results, the research project could well provide a basis for setting up common projects by national JRS offices to provide assistance to destitute forced migrants.

Anne Weernink and Isabel Eitzinger, JRS Europe

'Refugee Solutions or Solutions to Refugeehood?'

In the world today there is no organisation that does more good for people in the most difficult of circumstances than the Jesuit Refugee Service
 Professor James C. Hathaway, a leading authority on International Refugee Law

Prof. Hathaway was speaking at a lecture entitled 'Refugee Solutions or Solutions to Refugeehood?' celebrating 25 years of the work of the Jesuit Refugee Service. The lunchtime seminar in the Centre for the Study of Human Rights at the London School of Economics (LSE) was jointly sponsored by JRS UK and the Heythrop Institute for Religion, Ethics and Public Life.

Prof Hathaway praised JRS' ability to base their international lobbying on the ground reality of the refugee experience, holding its commitment to respect the dignity and autonomy of the refugee in stark contrast with official rhetoric emphasising the primacy of finding "durable solutions" to refugeehood or "curing" the refugee problem. In fact, he said, refugee law exists precisely in order to ensure that refugees enjoy true dignity and quality of life for as long as it takes them to decide for themselves how best to cope, to respond, and to rebuild their lives.

"A regime which was actually established to guarantee refugees lives in dignity until and unless either the cause of their flight is firmly eradicated, or *the refugee himself or herself* chooses to pursue

some alternative solution to their disfranchisement, has now become a regime which labours nearly single-mindedly to design and implement top-down solutions which fix the 'refugee problem.'"

He further emphasised the need for refugee advocates to read the Refugee Convention "cold" and not to buy into the propensity of states and the UNHCR (United Nations High Commissioner for Refugees) to misinterpret the Treaty so as to give priority to the search for "solutions to refugeehood" over "refugee solutions." He asserted that we are all guardians of the single most effective Human Rights system in the world and we should not allow refugee status to be undermined and refugee rights to be diminished by any Government or International Institution. Put simply, refugee rights are not negotiable.



Professor Hathaway speaking to guests

See www.heythrop.ac.uk/institute/past-events.html for the text of Professor Hathaway's lecture in full.

Ciara McKenna, JRS UK



AGM 2006: building on the past for the future

JRS Europe held its annual general meeting in October in Portugal. The particular focus for this year was the art of teambuilding; the trainer for this topic was Max Peberdy from the United Kingdom.

Among the people who participated for the first time we welcomed the new contact persons for JRS from France and Sweden.



JRS staff share ideas and experiences

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Destitute Zimbabwean asylum seekers stuck in limbo in the UK

Kirsty Whalley, 3rd Prize, JRS Competition for Student Journalists

Editor's note: the following article refers to the case of 'AA' in an Asylum and Immigration Tribunal, U.K. Since the article was written, there have been developments in the case. Currently the UK Home Office has suspended removals of failed Zimbabwean asylum seekers (since 26th Sept.) pending outcome of an appeal by AA against his removal. See www.refugeecouncil.org.uk

“Just before dawn on Tuesday 28 February, Patson, a Zimbabwean refugee, was awoken by police pounding on the doors and windows of his house in Leicester. Still drowsy and confused he allowed his wife to open the front door. She was confronted by two police officers in combat uniform who forced their way into the house. Patson, his wife, their baby daughter and three guests, who are all Zimbabwean asylum seekers, were woken up and herded into a room. “They put us all together half-naked in a room while they searched the house. I was standing there in my boxer shorts with my wife and our friends. Our culture does not allow this, it was humiliating,” said Patson. The police did not produce a search warrant or explain why they were searching the house, until Patson demanded they show him a search warrant or leave; then they explained that they were looking for illegal [immigrants].

The raid was especially distressing for Crispen, a prominent member of the political opposition party in Zimbabwe, and one of three asylum seekers living with Patson. His political activism meant that he was tortured for several days by the Zimbabwean police and left for dead in a ditch. After being rescued he fled to Britain where his asylum claim was rejected, his deportation in 2005 only halted after mass protests. He was able to resubmit his claim this year on the basis of a recent high court ruling (known as the AA ruling), where Zimbabweans cannot be returned to the country as it has been deemed unsafe, a decision the Home Office is challenging. Crispen is not allowed to work and cannot access benefits. If he was not living with Patson, he

would be destitute; the alternative is returning to Zimbabwe where he will be killed.

Many asylum seekers of all nationalities in Britain find themselves in a similar position. Their asylum claims are rejected and, afraid to return home, they are destitute. Forbidden to work they are forced either to live on the streets or rely on the goodwill of members of their community. Zimbabweans are a particular example of this paradox: they cannot leave because of the court ruling and many have either reached the end of their asylum claims or have been refused asylum, which means that they do not get benefits or housing. The result is destitution and, for the professionals among them, the de-skilling of thousands of highly skilled people such as teachers, nurses, businessmen and politicians. Many Zimbabweans seeking asylum in the UK “had a good, respectable living in Zimbabwe”, says Patson.

The Government argues that if asylum seekers are allowed to work while their claims are being processed, more people would seek asylum in Britain. Tim Finch, Director of Communications at the Refugee Council, disagrees, saying that allowing asylum seekers to work benefits both the British tax payer and the Government. “Zimbabwean refugees, for example, are the government in exile, and our Government should be thinking about the long term and assisting in the process of equipping people over here to increase their skills in governance. Think what we did for the ANC [African National Congress] people: they were in university here and when apartheid fell they could go back and be effective governors ... While there are Zimbabweans here why don't we do something useful for their benefit?”

Several Members of Parliament ... are sympathetic to the plight of Zimbabweans and are lobbying for asylum seekers to have the right to work in the UK. In the meantime those that find themselves destitute

are forced to rely on the support of their communities. ...

The Red Cross helped about 17,000 destitute asylum seekers in the UK last year. ... Zimbabweans, like other

Over here people cannot even get 30p to call and say: “How are you?” “I'm afraid, I need help.”

nationalities, support each other. “We know of one person who was granted asylum who is supporting 14 people. There is not enough space for them on the couches or in the bed so they take it in turns to sleep on the floor and we provide them with the food,” said Kerri Beech [Red Cross Refugee and Asylum Project, Leicester]

The Immigration and Nationality Directorate estimates there is a backlog of between 155,000 and 283,500 failed asylum seekers who are due to be removed from the UK. Many have gone underground, living with friends and family, virtually in hiding. Many dread an early morning knock on the door which signals a Home Office dawn raid leading to deportation. Tim Finch says: “The Government's way of encouraging people to go home is to use destitution as a tool. It doesn't make voluntary return voluntary, it's ‘take up voluntary return or we'll starve you out’. That is the principle that we think is unacceptable in a civilised society.”

For many the hardship of destitution and the constant worry that they will be caught is unbearable. They agree to voluntary return to their countries in exchange for a bed in a hostel and one meal a day in what is known as hard cases support. It is all that they can get pending removal. For one, Tafara, waiting for a decision that could take years is torture. “Some people have been in this country for years and are destitute. It's as bad as in Zimbabwe. Over here people cannot even get 30p to call and say: ‘How are you? I'm afraid, I need help’. ... You either suffer in this limbo or you go back home and get killed; it's mental torture.”