

WHAT PRICE DOES A REFUGEE PAY TO REACH EUROPE?

ACCESS
TO EUROPE



INTRODUCTION

In recent years the European Union has focused its migration policy on preventing and combating irregular entries. While the EU's borders are increasingly tight and more secure, victims of persecution around the world are finding it ever harder to reach a safe haven.

Persons fleeing persecution often lack the means to legally travel to the EU. Despite the right to seek asylum established under the Universal Declaration of Human Rights, Europe is not providing refugees with an alternative to placing themselves in the hands of smugglers and traffickers in their attempt to reach protection. Those that do not die en route are often subject to acts of horrific violence, as well as human rights abuses. And even for those persons who manage to endure their journey and reach Europe's doors, there still remain a number of obstacles to overcome.

Above all, it has been shown that border control measures lack mechanisms to identify persons in need of asylum and thus prevent refugees from benefiting from protection measures.

In December 2007 ECRE published a major report showing that the arsenal of border controls deployed at the EU borders creates the risk of *refoulement* when refugees are excluded from entering the territory and gaining access to a fair and efficient asylum procedure. ECRE, through its member agencies across Europe, has now collected a number of refugee stories.

These stories demonstrate the devastating impact that restrictions to access have on people's lives. The testimonies below have been grouped into four recurring themes: dangerous journeys, human rights violations in transit countries, abuses suffered at the EU borders and denial of access to the asylum procedure.

These voices are strong evidence of the urgent need to reverse the direction of EU migration control policies in order to defend refugees' access to protection in Europe. All the stories have been anonymised to protect identities.

EUROPEAN COUNCIL ON REFUGEES AND EXILES (ECRE)

ECRE is a pan-European network of non-governmental organisations, concerned with the needs of all individuals seeking refuge and protection within Europe.

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EMBARKING ON A DANGEROUS JOURNEY

The lack of legal entry routes often forces people to place themselves in the hands of smugglers or traffickers to carry out their journey to Europe. ECRE believes that new ways should be envisaged to allow the legal entry of refugees into the EU. One such way could be through setting up specific procedures allowing people in need of protection to present an asylum request to the authorities of Member States posted abroad in embassies or consulates, such as the so-called Protected Entry Procedures (PEPs).

[Tilak]

Tilak is of Indian nationality from Kashmir whose family has repeatedly suffered abuse from the military. His father acquired the services of Mr. KB, an smuggler, to arrange Tilak's escape: *"In order to pay for this, my father gave Mr. KB a piece of land and now I have to work for Mr. KB to pay the rest of the debt."* He travelled alone from New Dehli to Africa, not knowing in which country he had landed. Upon his arrival, a man was waiting for him. He was taken along with others to a building and was told that they were in Conakry. *"I stayed there for eight months, doing nothing. We couldn't go out, we were imprisoned and they just gave us food."* One day they were told that they were finally going to continue on with their journey. At the coast they boarded a small boat which after around 3 hours dropped them at a bigger boat. *"It was very hot down there, after 24 hours travelling we got some rice and some water. We were fed bread and water every 24 hours."*

After being at sea for about a month, they were intercepted by the Spanish border guards and taken to Mauritania, where they were placed in a big pavilion. The Spanish officials advised them to return to their home countries. Those who agreed to go back had their travel expenses covered by the Spanish authorities. However, Tilak refused.

"I didn't want to go to my country of origin because I feared for my safety."



Photo: Costa de la luz, Spain, March 2008 - Credit: British Refugee Council, Sile Reynolds

Tilak remained in Mauritania for about seven months together with nine other people. Six of them were subsequently taken to Spain. The other four, including Tilak, were admitted in Portugal in July 2007. He claimed asylum there and was granted humanitarian protection.

(Source: Portuguese Refugee Council)

[Alassane]

When war broke out in his country, the Ivory Coast, in September 2002, Alassane lived with his family in the North, a stronghold of the Muslim rebels fighting against the government. The conflict forced more than one million people to leave, among them Alassane. *"I fled my home in the Ivory Coast and walked to the border with Mali. On the path, there were bodies lying: they were corpses."*

From Mali, he set off to cross the dessert in a lorry: *"The lorry was very small. We were 25 people in-*

side. [...] I had people next to and all over me.” In addition to the heat, the harsh conditions and the duration of the trip, they were robbed during their journey. He arrived in Algeria, from where he managed to cross into Morocco. He managed to save up some money there and hired a smuggler to help him reach the Canary Islands by boat. However, he was caught in a raid carried out by the Moroccan police. *“They left us in the desert. [...] Some people died.”*

Around 1,000 migrants were apprehended, many of whom were sent back to their countries of origin. Alassane could not be returned due to the conflict in the Ivory Coast and therefore was left at the Algerian border, from where he headed to Casablanca, again by lorry. *“The lorry left us in the mountains to avoid the police and then picked us again. It took us a month to reach Agadir. We were extremely hungry and thirsty.”*

At the coast they boarded two boats. There was a strong swell and Alassane’s boat turned around and went back. However, the other boat continued and subsequently capsized.

“There were 48 onboard and only 4 people survived.”

Alassane claims that he saw a helicopter belonging to the Spanish authorities and that the Moroccan police was waiting for them at the coast. Despite the failure of this attempt, Alassane decided to try crossing into Spain one more time. *“This time I made it; I spent four days on the sea before I arrived in the Canary Islands.”* He told the Spanish authorities that he was seeking asylum. Two years later he was granted humanitarian protection status.

To reach Spain, Alassane spent three years travelling. In comparison, the same trip by plane takes only 10 hours. Over the course of those three years, he went hungry, was robbed and arrested, and saw 44 people dying in the sea. He still believes he was lucky, he did not die.

(Source: CEAR)

[Zoja and her children]

On the 13th September 2007 the Polish border guards found the bodies of three Chechen girls – aged 6, 10 and 13 - who had died in the mountains at the Ukrainian border. The border guards had previously come across Zoja, their exhausted mother, who was clutching a fourth child - a 2-year-old son - and asked them for help. The bodies were found 1,100m up the mountains along the Polish-Ukrainian frontier, which is now the European Union’s eastern border. Zoja went on to explain that they all had spent four days in the cold and the wet. Commenting on the case, a representative of the Polish Helsinki Committee, said that the family was probably crossing the border at this particular point in order to apply for asylum in Austria. Zoja subsequently applied for refugee status in Poland.

(Source: ECRE East European team, news reports)

[Nadifa]

Nadifa fled her home in Somalia ten years ago due to the ongoing conflict. She wanted to go directly to the UK, where her children were already living. She did not want to take the risk of travelling irregularly across two continents and therefore applied for a visa. However, her application was repeatedly refused. Faced with no other option, Nadifa then set off to Sudan, from where she crossed the Sahara desert overnight into Libya: *“It was so difficult but that is the Sahara, is so big, you can’t imagine what is the difficulties there, it’s so dry...*

“how many people died... during my journey not one died, but on the way, you saw, on the way the people died on the floor, there are bones...”

From Libya she took a small boat to Italy with 15 other people, then travelled up through Europe to the Netherlands, where she was able to get a boat to the UK. She was returned to the Netherlands by the UK authorities but made another attempt to join her family, trapped in a lorry inside a small, overcrowded boat. Bad weather made the crossing impossible and the boat was stuck in the dock for five days: *“It was Sunday night, they*

told me tomorrow morning you get to UK 8 o’clock but... because it was windy we stayed there. Sunday there, Monday, Tuesday... inside the lorry, we don’t have water, we don’t have nothing inside and we feel scared that when you go out you can’t come inside the lorry.” She made it to the UK after five days. It took Nadifa two years and \$2,000 to reach safety.

(Source: British Refugee Council)

HUMAN RIGHTS’ VIOLATIONS IN TRANSIT COUNTRIES

Governments in transit countries should be encouraged to sign up to and comply with international and regional treaties concerning the rights of those fleeing violence and persecution. The guarantee of non-refoulement is pivotal to refugee protection and must ensure that no asylum seeker is sent back at the border to a country in which he/she may be at risk of persecution. ECRE believes that Europe should play a more active role in improving refugee protection in regions of transit, without undermining the right to seek asylum in Europe.

[Jalil]

On the morning of 7th January 2009, Jalil, an Iranian national who had arrived at Istanbul Ataturk Airport from Tehran was intercepted while allegedly attempting to board a plane to the UK with a forged passport. After being detained, he managed to call the UNHCR from a public phone at the “transit zone” detention facility, expressing a realistic fear of persecution if returned to Iran. Although he submitted a self-drafted asylum request to the airport police in writing, he was told that he would be sent back to Iran that same evening. Since neither UNHCR nor NGOs are allowed any kind of physical access to the detention facility, Jalil phoned a representative of the Helsinki Citizens’ Assembly to talk about his reasons for fleeing. As they spoke, Jalil became extremely distressed and scared, frequently breaking into tears and begging for help:

“If they send me back, that is the end of everything.”

The Helsinki Citizens’ Assembly filled an urgent application before the European Court on Human Rights, requesting the adoption of an interim measure to stop the deportation. The Court granted this request, determining that it was unacceptable that an individual apprehended in the transit zone be denied access to the Turkish asylum procedure and that physical access of UNHCR and legal assistance providers should not be obstructed. The interim measure was issued around 8pm and swiftly communicated to the authorities.

Despite the Court’s binding intervention, the government chose to go through with the deportation. Jalil was sent back to Tehran, probably on a plane that took off from Istanbul Ataturk Airport at 11pm that same day. He was detained upon arrival at Tehran airport.

(Source: Helsinki Citizens’ Assembly)

[Saeed]

Four years ago, Saeed and his brother, both Iranian nationals, arrived in Turkey with the intention of joining the rest of their family and claiming asylum. The journey was long and dangerous; it took them 15 hours to cross the border by horse and by foot, running or crawling past Iranian and Turkish watchtowers. Despite the risks involved, Saeed would not approach the Turkish border guards for help due to the fear of being shot: *“It was very dangerous because we knew that we should hide from any Turkish soldiers [...] the soldiers would possibly have shot at us while crossing the border because we were doing so illegally...”*

“we knew that it was dangerous to go to claim asylum through the soldiers.”

Saeed had known of many cases of people intercepted while crossing the border. One person was beaten by Turkish guards and dragged along the ground behind a horse, until they thought he was dead. Saeed’s cousin was intercepted by Iranian soldiers and imprisoned and deprived of food and water for two days. One of his friends was apprehended by the Turkish police, detained and taken to court, where he was told he would be expelled. Neither his family, friends, nor UNHCR were able to access him in detention and, without a translator to assist him, he was unable to claim asylum. He was eventually deported to Iran and his whereabouts remain unknown.

(Source: British Refugee Council)



Photo: Mitilini Camp, Lesbos, Greece, 2008 - Credit: ProAsyl, Karl Kopp

[Dawod]

Dawod and members of his family were related to the Communist Party of Afghanistan. Fearing harassment and persecution by the mujaheddin, Dawod left Afghanistan in April 2005 and moved to Peshawar (Pakistan) with his wife and children after being repeatedly threatened in his hometown. Nevertheless, he did not feel safe in Peshawar as a large number of mujaheddin also operated in the area. While still in Pakistan, he was attacked and went into hiding.

Fourteen months after arriving in Peshawar, Dawod decided to try to reach Europe and set off with the help of smugglers. His uncle promised to pay 350.000 toman (roughly 260 Euro) when Dawod would reach a safe haven. Together with others, Dawod was smuggled into Turkey through Iran, enduring terrible conditions. They were all brought to Istanbul, where the smugglers locked them in a basement until they had paid the amount promised. For three and a half months, Dawod was held in the basement and was beaten by the smugglers as neither him nor his uncle could pay the debt. He eventually managed to escape but was arrested. He told the Turkish police that he wanted to apply for asylum showing his scars from Afghanistan, but instead they detained him and beat him.

After approximately a fortnight, Dawod and others were driven to a detention camp where they remained under surveillance. During the night the guards walked them towards a hill ordering them to continue walking straight ahead until they crossed over the Iranian border. They begged the guards not to shoot because they had been told that this would attract nomadic tribes of Kurds, who often assaulted deportees. However the Turkish guards did not listen and one hour later a group of armed Kurds attacked Dawod and the others. He managed to escape with seven other people and they surrendered to the police in the Iranian town of Makou. They were once again beaten by the police and eventually sent back to Afghanistan.

(Source: Greek Council for Refugees)

ABUSES AT THE EU BORDERS

The EU should support independent monitoring of what is happening at the EU's external borders to ensure more transparency and compliance with human rights standards at border crossings. The establishment of border monitoring agreements allowing UNHCR and NGO partners to visit border areas and detention centers is highly desirable. Such agreements have recently been put in place in countries such as Hungary, Slovenia, Romania and the Slovak Republic.

[Kasim]

Kasim is an Iraqi citizen, who fled from Baghdad to Turkey and then to Bulgaria in December 2006 together with other six persons. At the Bulgarian border the guards opened fire on them and wounded several of Kasim's fellow travellers. Even after they surrendered, the border guards threw them on to the ground and allowed their dogs to injure them.

They were all taken to a police base for interrogation and held there for two days without food. It was difficult to communicate with the police as they did not have an interpreter. They were once again kicked and beaten up with policemen's clubs. Kasim and the other detainees were subsequently moved to the city jail, where they were held in terrible conditions. For over a month the guards subjected them to psychological torture.

“They humiliated us in various ways, for example by urinating on our doors.”

They were also told not to sleep in order to be ready for deportation. *“They told us that we were unwanted in Bulgaria, and that we had only come here to have sex with Bulgarian girls.”*

Kasim was made sign several documents in Bulgarian, which he thinks were about asylum, and was transferred to a reception centre for asylum seekers, where he stayed for several months.

(Source: NOAS)

[Aadil]

Together with other 21 people, Aadil, a 29-year-old Palestinian, tried to reach Greece by sea in 2007.

When the Greek coast guards arrived, they were pulled on board. A 17-year old was first. *“Immediately, they beat him.”* The others got scared and jumped into the water. “

“Then they pulled us out of the water and they began beating us and shooting... they beat me up and broke my rib. We had to lie flat on the floor and they stood on us”.

Aadil clarifies that all this took place on the coast guard's boat. *“As soon as we were on board they started pushing us around and hitting us.”*

(Source: Pro Asyl)

[Mitra]

Mitra is an asylum seeker from Afghanistan. He was 16 years old when he tried to reach Greece in a small inflatable dinghy with other people. The Greek coast guard discovered them when they were about 300 meters away from the Island of Lesbos. The police threw them a rope and Mitra and the others were taken on board the coast

guard's vessel.

“We were tired, fully exhausted, and only wanted to sleep. We lay down on the floor. The police shouted ‘don’t sleep, sit up!’ They kicked us.”

The police brutally continued as they were taken “The police shouted at us: ‘Malaka’ and other swearwords which we couldn’t understand. We pleaded with them: “*We are humans, please help us.*” The police threw the bread, water, and everything else that was left in their dinghy, into the water.

About two kilometres from the Turkish coast they threw the dinghy out. Then Mitra and the others were violently forced back into it. The police boat drove them back into international waters. They had made a small hole in the rubber dinghy and

only gave them one oar. “*We paddled desperately to reach the coast, but we were so exhausted. We gave up just after an hour. We thought we were going to die. The water was very still. After a while we fell asleep.*” A big boat came and rescued them.

(Source: Pro Asyl)



Photo: Detention facility, Peplos, Greece, 2008 - Credit: ProAsyl, Karl Kopp

UPON ENTRY STILL NO RIGHTS

After enduring all the dangers of their journey in order to enter the EU territory, individuals still face enormous difficulties in accessing the asylum procedure. In some cases this can even lead to a violation of the principle of non-refoulement. The right to seek asylum must be fully respected and all asylum seekers must have access to a fair determination procedure. Asylum seekers should not be penalised for arriving without valid travel or identity documents.

[Malik]

On 9 November 2007, Malik, an Iraqi citizen, arrived at Budapest International Airport through Syria. Return procedures were instigated against him for travelling with a false visa.. Malik was issued an English-language document about the measures being taken against him and received information about his rights and responsibilities

in Hungarian. He was held in detention for two days and returned to Syria on the 11th November 2007. A ban of entry was also issued against Malik; this means that Malik is not able to lawfully seek asylum in Hungary anymore, whilst being of Iraqi citizenship he could presumably be in need of international protection.

The case of Malik is not exceptional. In 2007 several other Iraqi nationals were returned to Syria from the Budapest International Airport due to the lack of valid travel documents or valid visas after being held in detention for about two days. It could also be established that prior to their return to Syria, the Hungarian authorities did not interview these persons to see whether or not they were in need of international protection. The possession of a false travel document was considered sufficient grounds for enforcing return.

(Source: Hungarian Helsinki Committee)

[Rahim]

In February 2008, Rahim from Pakistan, arrived at Schiphol airport in the Netherlands. He was arrested for travelling with false travel documents. He wanted to apply for asylum, but was told he would first be prosecuted for travelling with false documents.

On 5th February, Rahim was convicted and handed down a two-month probationary sentence, which allowed the Dutch authorities to declare him

“unwanted” in the Netherlands. As a result, he was denied entry into the Netherlands and placed in detention. Rahim applied for asylum and his claim was dealt with through the 48 working hours accelerated procedure. The Dutch Immigration Service (IND) rejected the application because of Rahim’s unwanted status as this ‘status’ means he cannot obtain a residence permit. Having had his claim refused by the IND, Rahim was required to leave the Netherlands immediately even if he appealed the decision, as appeals do not have suspensive effect.

Rahim appealed the decision, and requested the issuing of an interim measure allowing him to stay in the Netherlands pending his appeal. He also presented a request to annul his “unwanted” status. However, the appeal of his asylum application was dealt with initially, before his request to annul his ‘unwanted’ status was addressed. The fact that he had started the procedure to annul his ‘unwanted’ status was deemed irrelevant and his appeal was rejected. Rahim was moved to the deportation centre without having anybody listen to his reasons for applying for asylum in the first place.

(Source: Dutch Refugee Council)

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European Council on Refugees and Exiles (ECRE)

Rue Royale 146, 2nd Floor
1000 Brussels
Belgium

tel: +32 (0)2 234 3800
email: ecre@ecre.org
www.ecre.org

