



REFUGEES AND ENVIRONMENTAL DISASTERS

This year will be remembered for environmental disasters that have wreaked havoc on humankind. First came the Tsunami, which destroyed families and communities and took more than 250,000 lives. Then came Hurricane Katrina, which changed buzzing New Orleans into an uninhabitable swamp, taking hundreds of lives and making thousands homeless. Following on its heels came Hurricane Stan, which took hundreds of lives and destroyed crops and made thousands homeless in Guatemala. Now comes the Asian earthquake right in the northern mountainous regions where Pakistan and India meet. The death toll in the latest tragedy is estimated to be 40,000, up to half of those who died were women children and more than two million were made homeless. Please support the Disaster Emergency Committee, the umbrella body of Britain's main Charities: www.dec.org.uk

"The number of people seeking refuge as a result of environmental disasters is set to increase dramatically over the coming years," said the UN University's Institute for Environment and Human Security, in a statement released for the UN Day for Disaster Reduction, 11 October 2005. Estimates suggest that there are more than 25 million people uprooted because of environmental disasters, yet they receive comparatively little support to cope and adapt and are not recognised as refugees. This means the access to aid that recognition within the 1951 Refugee Convention provides, is ignored. We agree that this is a highly complex issue, with the international community already overwhelmed by the demands of the Convention refugees. *"Nevertheless, we should prepare now to define, accept and accommodate this new category of refugee within international frameworks,"* said UN Undersecretary-General Hans van Ginkel, rector of the UN University.

FORTRESS EUROPE BEGINS IN AFRICA

Ceuta and Melilla, protected by razor-wire fencing, fragments of Europe on the North African coast, recently came under world media attention when the Spanish authorities began expelling hundreds of sub-Saharan Africans who stormed the fence into the enclave. For several years now the EU has been pressuring neighbouring countries, especially around the Mediterranean, to control irregular migration. The emphasis in the EU has always been to promote stronger border controls in those countries around the Mediterranean, thus contracting to them the responsibility of guarding Europe's borders. Ironically, this is called the 'good neighbourhood policy'! The tragic shooting of six migrants by Moroccan border guards must be seen in this light. According to eyewitnesses several Spanish Guardia Civil officers fired rubber bullets at the migrants on the Moroccan side through and above the fence. Morocco meanwhile has deported hundreds of migrants to the Sahara desert without support. NGOs and Churches have called on the UNHCR, the Red Cross and the European Parliament to intervene immediately.

"However, the events in Cueta and Melilla mark a new escalation in attempts to stop people from entering the EU: for the first time since the fall of the Berlin Wall and the iron curtain, unarmed people have been shot at a border of the EU. We expect that a judicial investigation into these cases of homicide will be carried out", said a joint-Churches letter to the Chair, Home Secretary Charles Clarke, timed for the 12 October Justice and Home Affairs Council.

To read the letter, visit www.comece.org. For any other information on this issue, visit www.ecre.org



NATIONAL

The Immigration, Asylum & Nationality Bill, 2005

Since 1999, four pieces of legislation have been introduced to parliament dealing with immigration, asylum and nationality issues, each curtailing further the protection space for people seeking asylum (and immigration status) in the UK. This new Bill (inspired by the five year strategy for asylum and immigration, published in February 2005) continues the trend: *Inter alia* the Bill aims to strengthen border controls, tighten controls on illegal working, fast track asylum applications, control and detain, and remove asylum seekers speedily. The new Immigration, Asylum and Nationality Bill goes to the Commons committee stage on 18 October. The committee will sit for three days, with six sessions; the Bill will then possibly go back to the Commons for its third reading around the second week of November. A Parliamentary briefing on the Bill is being organised by the National Assembly against Racism, and will be held in Committee Room 11, House of Commons (St Stephens Entrance), on Monday 17 October 2005, at 7pm. The briefing is open to the public. To confirm your attendance, send email to info@naar.org.uk. For further information: www.refugeecouncil.org.uk

Asylum Statistics 2004

- Asylum applications (excluding dependents) fell by 31% to 33,960.
- Main asylum nationalities: Iranians, Somalis, Chinese, Zimbabweans and Pakistanis
- Of the 33,960 applicants an estimated 24% resulted in: grants of asylum (4%) or Discretionary Leave/Humanitarian protection 11% or in allowed appeals (10%)
- Initial decisions grants of refugee status 3% (6% in 2003)
- Backlog of *initial decisions* 9,700 (lowest level for more than a decade)
- Asylum appeals determined 55,975, 19% allowed, 78% dismissed
- Approx. 59,400 people, including dependents became failed asylum seekers
- Asylum removals fell 3% to 12,585, including dependents 14,905 were removed

Source: www.homeoffice.gov.uk/rds

Horrors of asylum procedures

Asylum claims by survivors of rape and torture are being fast-tracked without adequate time to prepare cases; the government is carrying out removals to dangerous situations in pursuit of arbitrary targets for removals per month; forced removals to Iraq and Zimbabwe are being challenged but removals to Angola, DRC continue unchallenged; good legal advice and representation is almost impossible following new changes to public funding since April 2004; the Legal Services Commission and the Department for Constitutional Affairs have so far failed to ensure proper legal support for asylum seekers.

The last snapshot revealed that 2,155 people are in detention in 10 centres (and prisons) around the UK, Sept. 2005; more women and children are being detained; 13% of detention beds are allocated to families.

Seven people have killed themselves in detention since January 2003; prior to that between 1989 and January 2003, only four self-inflicted deaths were recorded.

Source: Bail for Immigration Detainees (BID) Bid is calling a campaign meeting to discuss ideas and strategies for actions about deaths, detention and deportation of asylum seekers. For more information, visit: www.biduk.org

Refugees: five year wait for permanent residency

From 30 August 2005, the UK will cease to grant 'indefinite leave to remain' immediately on granting of refugee status. In a reversal of policy introduced only in 1998, refugees will instead be issued with a five-year residence permit. During that time, they will face the possibility of their permission to stay revoked, if there is a significant and non-temporary change in conditions in the country of origin. The Refugee Council have criticised the policy as 'backward' and one that does not facilitate or assist with refugee integration. For more information, visit: www.refugeecouncil.org.uk

Destitution on the rise among asylum seekers

Some asylum seekers are now outside the safety net of the welfare state. They are subject to a new poor law allowed under the 1999 asylum legislation. Under this law they are forcibly dispersed around the country, often into sub-standard homes, which can be local authority, housing association or privately owned. The scheme is administered by the National Asylum



Support Service (NASS). Section 9 adds a new form of “compulsion” against asylum seekers with children contesting their deportation. Unless such families return “voluntarily” to the country of origin, NASS can evict them from their homes. Parents will be made homeless and children taken into local authority care. NGOs, including the British Association of Social Workers are opposed to this policy; many argue that this policy is a clear violation of the Children Act 1989, UN Convention on the Rights of the Child 1989 and the Human Rights Act 1998 – all of which make the interest of children paramount. Section 9 is being implemented in the Greater Manchester area. In August, the Refugee Council confirmed that 13 of the 116 families covered by the pilot scheme had already had their benefits withdrawn.

Living Ghosts – no food, no shelter, no money, no hope – a national conference on destitution amongst asylum seekers in the UK, organised by Churches Action on Poverty/Enabling Christians to Serve Refugees. For more information, visit: www.church-poverty.org.uk

Overseas Asylum Processing Centres scrapped?

The proposal of the former Home Secretary, David Blunkett, first put forward in February 2003, to build overseas centres to process asylum claims without people having to travel to Europe to claim asylum was finally abandoned recently. The immigration minister Tony McNulty confirmed this in parliament July 2005. The Home Office was confident that there would have been enough interest from other EU countries for the scheme to go into pilot before 2003 end. However, the scheme, which emerged from the PM's demand for action to stem the flow of asylum seekers to the UK, was met with lukewarm support from other EU states, apart from Italy, and strongly opposed by NGOs. The UNHCR was also not convinced by the idea. Earlier, *The Times* disclosed that proposals for a network of accommodation centres in rural Britain, to hold 3,000 asylum seekers had also been abandoned by Mr. McNulty. *For more information, visit: www.amnesty.org*

Independent Race Monitor: asylum seekers turned away

Mary Coussey, the Independent Race Monitor, appointed by the Home Office to oversee instances where laws on discrimination are waived to allow

immigration service to do its job, said recently that asylum seekers are being ‘inappropriately’ turned away amid a climate of political pressure and hostile media coverage. Coussey's review of 40 asylum cases found evidence of decisions based on caseworkers' assumptions of what should have occurred, or on small discrepancies and inconsistencies in accounts of events, giving the impression that whatever the applicant's experience, some grounds for refusal would be found. Home Secretary Charles Clarke accepted many of the comments on ‘inappropriate and speculative reasoning’ by officials, but said the majority of decisions appeared to be correct. He rejected Coussey's call for an independent element in immigration decision-making.

For more information, visit: www.homeoffice.gov

Unions warn on diluting gangmaster regulation

In late September two of Britain's biggest unions, the T&G and GMB, warned that government attempts to water-down gangmaster regulations would “throw a lifeline to rogues”. Under current Gangmasters Licensing Authority Regulations, all gangmasters must undergo inspections before they are granted a licence to employ manual workers. The government however wants to limit such pre-licensing inspections to those deemed as “risky” operators only. This could allow “rogue” gangmasters to avoid detection and carry on employing workers in dangerous conditions, the Unions warned. The Churches Rural Group, together with the Arthur Rank Centre has produced an excellent leaflet on the issues of migrants workers that answers what churches can do. *Briefings on migrant work are also available at: www.arthurrankcentre.org.uk and www.tgwu.org.uk*

REGIONAL

UK EU Presidency priorities

The UK Presidency of the EU will run until December 2005. This is a particularly important time for the EU, given the quickening pace of the harmonisation of asylum and immigration policy. The building blocks that would form the Common European Asylum System already exist, though the Qualification Directive remains problematic. The UK Presidency's priorities on asylum and immigration states that it will focus on three main issues: stronger EU engagement with the rest of the world on migration issues; strengthening border



security, including dealing with organised immigration crime (trafficking); and practical cooperation to manage migration. *For more information, visit the UK Presidency website at www.eu2005.gov.uk or for a critique of the UK's action plans, visit: www.ecre.org, www.amnesty.org or www.statewatch.com*

EU agrees plans for Regional Protection Zones

Away from the disagreements over the European Constitution and the budget, it has been business as usual in the European Commission's Justice and Home Affairs Directorate which has been churning out communications on a host of controversial issues. *Inter alia*, the Communication on 'regional protection programmes' stands out (Communication, September 2005). It is an idea based on New Labour's "new vision for refugees" first mooted in 2003 and informally proposed to EU states but which had little support among EU states. The initial idea to build Regional Protection Zones near areas of conflict and war, where refugees would be expected to go for protection rather than make the trip to Europe, has now been transformed by the European Commission into Regional Protection Programmes. It also coincides with the British Presidency of the EU. The British have made the development of Regional Protection Programmes one of its top Presidency priorities. Following a meeting on 12 October in Luxembourg, the JHA Council of Ministers chaired by the Home Secretary Charles Clarke, the EU agreed plans to offer financial support to build refugee camps in Tanzania and Ukraine. It appears that the meeting also agreed to ask EU states to voluntarily accept an agreed number of asylum seekers each year under a settlement programme to be devised by the European Commission.

Churches call for underpinning human rights in the Hague Programme

The Action Plan implementing the Hague Programme must fully acknowledge the fundamental right to asylum, six church groups have argued in response to the European Council's adoption of the Hague Programme. The Hague Programme 2005-2010 relates to the development of an EU "area of freedom, security and justice". The programme also includes policies for the evolution of a Common European Asylum System. The Churches called for upgrading the minimum standards so far agreed under the Tampere Process. The Hague programme should make the Charter of

Fundamental Rights legally binding so as to guarantee asylum rights at the EU level. The Churches have also asked for greater emphasis on the development of an EU labour migration and integration policy, which would take into account both regular and irregular migration. *For more information, visit: www.comece.org*

Three quarters of a million "illegal aliens" banned from Schengen area

Documents obtained by Statewatch show for the first time the country-by-country breakdown of Article 96 "alerts"/records in the Schengen Information System (SIS). Article 96 allows Schengen states to register "illegal aliens" – people to be denied access to Schengen territory on immigration, public order or national security grounds: 778,886 registered with SIS, as aliens to be refused entry. Italy and Germany top the criminalisation list, together creating 77% of the total number. *For more information, visit: www.statewatch.com*

Paris fire exposes plight of migrants

The deaths of 17 African migrant workers in two fires this summer were a terrible tragedy, but one that could have been avoided. For over 15 years the families housed in this squalor have been demanding that they be re-housed. Co-ordination Nationale des Sans Papiers has long warned that such a tragedy could occur anytime. The fire in April of this year, which took 24 lives, was a warning. SOS Racisme, a French anti-racist group, called for measures to "house foreigner families with dignity and decency." French housing minister, Jean-Louis Borloo, promised action.

INTERNATIONAL

"Don't confuse refugees with terrorists," warns the UN's new High Commissioner for Refugees

At his first press conference in July 2005, the new UN High Commissioner for Refugees, Antonio Guterres, urged the international community to make a clear distinction between refugees and terrorists. He stressed the UNHCR's continued commitment to protecting both refugees and internally displaced people, despite the difficulties. He also shared two other concerns of his: the difficulty in preserving the protection rights of



refugees amid intolerance and extremism worldwide; and the growing populist approach that created confusion in the public mind by conflating security concerns with migration, asylum and refugees. *For more information, visit: www.unhcr.com*

The UNHCR remains alarmed by the continuing dangers faced by millions of refugees and internally displaced people around the world. In Afghanistan factional fighting and insecurity continues after years of conflict. In Columbia more than 3,000 people were killed for political motives in 2003 alone; the military, paramilitaries and guerrilla groups have all been implicated; there are at least 600 “disappeared” and around 2,200 people kidnapped as part of the long running internal armed conflict. In fighting between government forces and armed rebel groups in the Democratic Republic of Congo more than 3m have been killed and 3.4m displaced from their homes since 1998. In Iraq thousands of civilians have been killed by armed groups and occupation forces since the end of the US-led war. In Russia, killings and other human rights abuses by all sides of the conflict continue in Chechnya from where thousands have fled to neighbouring Ingushetia. In Somalia, after 12 years of conflict, no rule of law or security exists let alone a functioning state. In the Sudan millions have been killed and millions others displaced, especially in the Darfur region. *For more information, visit: www.unhcr.com or International Institute of Strategic Studies: www.iiss.org*

WCC denounces scapegoating of refugees and migrants

The Global Ecumenical Network of the World Council of Churches (GEN) expressed deep concern about “global trends criminalising refugees and migrants through tightened borders and increased detention, resulting in decreased security and heightened vulnerability to exploitation by smugglers and traffickers along their journey and by unscrupulous employers in their host countries.” This statement was issued during the Executive Committee meeting of the UNHCR. GEN meets every year during this time. *For more information, visit: www.wcc.com*

Australia looks abroad for skilled workers

Australia is planning its biggest global recruitment drive since the “£10 pom” campaign in the 1950s by

trying to lure an additional 20,000 skilled workers into the country. The government says that there are huge shortages of skilled workers from doctors to carpenters caused by an ageing population and emigration – almost 1m Australians have left for work overseas. Europe, particularly the UK, appears to be a recruiting target for Australia. The latest immigration figures revealed that Perth, known as the most British City, saw an additional 5,000 Britons in 2004. Critics have compared the latest recruitment drive to earlier periods when Australia had a “whites only” immigration policy, while others have contrasted it to the hard-line attitude to asylum seekers.

RESOURCES AND PRAXIS

Foreign Territory: the Internationalisation of EU Asylum Policy by David McKeever, Jessica Schultz and Sophia Swithern

This is a new OXFAM publication tracing the EU desire to ‘manage migration’ as behind the shift to the internationalisation of the EU asylum policy. Available from OXFAM for £5.00 incl. p&p. *Tel: 01202 712933 or email: Oxfam@bebc.co.uk*

Language analysis in asylum cases?

Linguists and law professionals are becoming increasingly concerned about the use and abuse of language analysis in the examination of asylum applications i.e. the use of recording and an analysis of an applicants speech to determine his or her national origins, with the view to identifying whether an asylum applicant is genuine or ‘bogus’.

Ten Ways to Protect Undocumented Workers

A PICUM (Platform for International Cooperation on Undocumented Migrants) publication/book that touches on key economic issues dealing with migration and integration, including fair and pragmatic policy proposals for undocumented migrant workers is to be launched in the European Parliament on 19 Oct 2005. *For more information, visit: www.picum.org*

Refugee Studies Centre (University of Oxford)

From 9 August the new address for visitors to the RSC offices and library will be: 3 Worcester Street, OXFORD OX1 2PZ. The mailing address will be: Dept of International Development, (QEH), University of



Oxford, Mansfield Road, OXFORD OX1 3TB. *The new Michaelmas Term RSC Public Seminars are on:*
www.rsc.ox.ac.uk

No One is Illegal Campaign Group together with the Mediterranean Social Forum will organise a 'day of action' against laws and politics that victimise migrant workers. The 17/18 December action day will mark the launch of the International Convention for the Protection of all Migrant Workers and their Families, 18 December 1990. You can join in the Day of Action or organise one yourself. *For more information, visit:*
www.noii.org.uk

Working Lives Institute at the London Metropolitan University is undertaking research into the lives of migrant workers. If you know of migrant workers prepared to talk (£30 in vouchers for interviews) please ask that they contact Marc Craw (0207320 3573) or Deepta Chopra (020 7320 3577) at the Institute.

PEOPLE ON THE MOVE is the Migration journal of the Vatican's Pontifical Council for the Pastoral Care of Migrants and Refugees. The August issue covers the Instruction on migration from the late Pope John Paul II, '*Erga Migrantes caritas Christi*', May 2004, and a reflection by Cardinal Shan Kuo-his on Inter-Religious Dialogue in the Migrants World. The journal is available from the Pontifical Council, Tel: 00 39 (06) 6988 7193 or email: office@migrants.va

New Courses and Training schedules for Immigration, Nationality and Refugee Law and Practice (November 2005-May 2006) conducted by the Joint Council for the Welfare of Immigrants (JCWI) has been published. *For more information, visit:*
www.jcwi.org.uk

"House: Loss, refuge and belonging", the conference report of an international conference held in Trondheim, Norway in September 2004 with the Research Group on Migration of the Norwegian University of Science and Technology is now available on application. It touches on conceptual difficulties regarding house and home, sustainable settlement and rehabilitation etc. It is available from Forced Migration Review 01865 280 700 or www.fmreview.org or email: idp@svt.ntnu.no

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