



BORDER VIOLENCE BEGINS IN BRUSSELS

**WHY NO NAME KITCHEN ARE
FIGHTING THE NEW EU MIGRATION
AND ASYLUM PACT**

APRIL 2024

'On April 10th the European Parliament will take the proposed Migration and Asylum Pact to a plenary vote. No Name Kitchen will be in Brussels opposing the pact: As well as an assault on the rights of people claiming asylum, the pact represents an enormous attack on freedom of movement – it will result in increased and legitimated border violence and pushbacks, enforce a new asylum system which has little safeguards or legal protections, and threaten the life and rights of hundreds of thousands of people on the move. Here's some of the problems with the clauses:

ACCELERATED' BORDER PROCEDURES WITHOUT RIGHTS

Many people who arrive irregularly will be forced into 'accelerated' border procedures which omit the legal safeguards and protections like legal aid and assessments of vulnerability. Even in the current system many people are denied those safeguards – in the last 6 months 25% of people who reported a violent pushback to us had been given no opportunity for a translator, and 10% were forced to sign legal documents even without safeguards like translators and legal aid available. This is already a systematic breach of human rights law, and a violation of the current EU Asylum Procedures Directive (2013/32/EU).

Yet now, the new pact legalises that neglect and substandard procedures, institutionalising 'accelerated' procedures where these rights are not upheld. People from countries with generally low rates of asylum cases accepted will be forced into this process, meaning there is little regard for subjective circumstances or danger. The system is already blatantly racist, but this pact gives states the right to undermine the right to asylum based on the person's country of origin.

The fact this targets all people who enter 'irregularly' is also vicious, given that the EU still has very few options available for safe and legal routes to enter the EU to claim asylum. Although the pact claims to increase these routes, it's unclear how - and the existing mechanisms like 'resettlement' are both extremely limited and deeply problematic: resettlement quotas have been consistently low compared to the number of people seeking safety worldwide, leaving many in limbo for years without a viable pathway to safety. Visa policies and family reunification schemes are flawed, and are not available to all nationalities or families equally, forcing many people to take 'irregular' routes – yet the new pact threatens to undermine rights and safeguards even further for those that are forced to move irregularly.

MANDATORY 'SCREENING' AND DE FACTO DETENTIONS

The pact also introduces mandatory screening, which means that people who attempt to enter the EU irregularly will have to be 'screened' for identity, health, and security. The aim is to direct everyone into one of two procedures; asylum or return.

But this screening has to take place at the EU's external borders or even offshore, placing enormous burden on the countries on the EU's external borders and forcing those countries to detain people and prevent their freedom of movement. Although that has been happening for years on the EU's borders, this pact makes it a legal requirement to enact that screening process. It will likely result in de facto detention (detention without judicial or legal processes) and mass human rights abuses, as well as worsening the 'hotspots' which the EU has already created such as on Aegean islands and in Bulgaria.

'MASS SURVEILLANCE

The pact proposes to reform and expand EURODAC, the EU's database for asylum-seekers. EURODAC will be turned into a weapon of mass surveillance: children as young as 6 can be fingerprinted, facial recognition will be used, and people can be forced to give data or will face detention. Forcing people on the move to give fingerprints and have photos taken is already being used to justify violence, detention, and deportation, but this pact makes that data collection systematic. The facial recognition will also particularly impact racialised people, with identity checks reinforcing racist oppression and exclusion of people on the move.

DEPORTATIONS AND DODGY DEALS

People who have travelled through so-called 'safe' countries can have their asylum claim disregarded more easily, and the principle of 'safe third countries' will be expanded. These 'safe' countries include places like Tunisia, where (for example) unlawful detention of people on the move is common yet denied, leaving people without legal recourse or proper consideration of their asylum claim, and Turkey, where EU money is used for violence and the systematic deprivation of freedom and rights for people on the move. In reality, the broadening of the 'safe third countries' principle means that many people will face deportation to countries where their life and rights are in serious danger, and the EU will strengthen deals with so-called 'safe' countries and systematically neglect the right to asylum.

Capitalising on this same principle of 'safe countries', the new pact also aims to ensure more people settle outside the EU, by supporting non-EU countries who host displaced people. In the past, deals like this have been corrupt and resulted in widespread human rights abuses: for instance, the EU's agreement with Libya led to reports of migrants being subjected to inhumane conditions in detention centers, including torture, rape, and forced labour. Similarly, the EU-Turkey deal has resulted in many people being sent to Turkey in unsafe conditions and without proper consideration of asylum claims. Additionally, agreements with countries like Niger and Morocco (and many more) have been linked to increased border militarization and crackdowns on migrant rights, including arbitrary detention and deportation. So we should be seriously concerned about how this will affect people's human rights – the track record of externalisation deals sucks for everyone.

RESTRICTED MOVEMENT

As well as worsening de facto detention, the pact will also restrict 'secondary movements', which means that states can restrict an asylum-seekers presence to specific areas. This movement-restriction is already occurring in some countries such as Turkey, but also is already separating families, friends, support systems, and trapping people in often isolated places with no opportunities for work or education. It can also be dangerous, because it forces people to stay in places where they might be unsafe. It's a brutal assault on freedom of movement, and grants states even more power to restrict the rights of people on the move.

NO BASIC GUARANTEES OF RIGHTS

It includes a 'crisis and force majeure regulation' clause that allows the EU to derogate from human rights obligations, denying the right to asylum and freedom in situations of 'mass influx' or 'instrumentalization' (which is when third countries use control of the border as leverage against EU states). But these terms are vague, and that means the pact gives the EU more power to ignore the human rights of people on the move. They've been doing that for years, but this pact makes it legal for them to abandon human rights obligations when they decide it is a 'crisis'.

SO... IS THERE ANYTHING GOOD IN IT?

Yes, there are actually a few clauses which might improve the situation for some people on the move: States will have to give people the right to work no longer than 9 months after their asylum application: although it's way too long, and many states already have shorter time-frames than that (so hopefully this 9 month rule doesn't mean they extend them...) this might improve livelihood in some countries.

The pact will also enforce the right to education for children, and states will have to appoint a guardian for unaccompanied children. There's a few more elements to it which might improve the lives of some people, but certain clauses of the pact are so deliberately vague that even the things that might support people may turn out to be rotten.

WHAT CAN WE DO ABOUT IT?



Firstly, along with other civil society organisations we are lobbying MEPs to vote no in the plenary vote on April 10th. Many of the worst parts of the pact are things that have been happening on EU borders for years – but this pact makes them legal.



If the pact is rejected, negotiations will be reopened and there will be more space for organisations like NNK to influence the policy-making of the pact,



If the pact is passed, we will continue to resist the pact and denounce the crackdowns on rights and movement. We will also continue lobbying MEPs to demand safeguards that will protect people from the deliberate ambiguity of the pact. You can do the same - just email them.

Irrespective of the vote, we are fighting for safeguards and legal protections for people on the move – and to make sure that the 'vagueness' around both current EU migration policy and the new pact doesn't become an opportunity for states to ignore human rights and increase pushbacks and violence.

