

Brexit, refugees and the hostile environment Frances Webber, Institute of Race Relations:

Abstract:

In both the UK and the EU, hard-line hostile environment/ exclusionary principles dominate in refugee policy. The political imperative to exclude and deter spontaneous refugees / undocumented migrants has led to a bonfire of rights and values, and a silent, largely hidden humanitarian crisis, with those who have escaped bombardment in Syria and slave houses and torture camps in Libya, face squalor and destitution in Europe. As civil society steps in with rescue and aid, volunteer humanitarian actors are increasingly criminalised.

Last year the IRR published a report, *Racial violence and the Brexit state*, which did not just detail the surge in street racism since the Brexit vote, but also showed how the words shouted by perpetrators mirrored the words and slogans used by politicians before and during the campaign.

The referendum campaign and vote reflected, legitimised and fed an anti-migrant racism whose political manifestation was (and is) the hostile environment, a term which when it was first disclosed as the title of a Home Office working group, caused outrage, but has now become a neutral description of policies whose aim is to force undocumented people to 'deport themselves'. The May government has massively increased the civilian surveillance and exclusion of the migrant (and British Black and Minority Ethnic) population – recruiting landlords, health professionals and schoolteachers, banks and DVLA to join the ranks of university staff and employers previously required to police migration, to ensure that people whose asylum claims have been rejected and are still here can't rent a room, get ante-natal care, send their kids to school or get any means of subsistence, let alone drive or have a bank account, without being caught, detained and deported.

The project reduces everyone who doesn't look British, except for the super-rich tax avoiders, to the status of a suspected 'illegal immigrant'. Rough sleepers from EU member states are swept off the streets, detained and deported (a legal challenge to this practice is ongoing).

As for refugees, at the height of the humanitarian crisis in the eastern Mediterranean, in May 2015, Theresa May as home secretary suggested in a Sky interview that those coming across the central Mediterranean from Africa (Nigeria, Eritrea and Somalia were the countries she mentioned) were economic migrants who should be returned to Africa, despite the fact that Eritrea was recognised as among the ten most repressive regimes in the world, and over three-quarters of claims were accepted, both in the UK and across Europe; that millions have fled ethnic and religious violence in Nigeria and that Somalia is still riven with conflict. For her, it seems, Syrians are the only genuine refugees – a notion that seems to have seeped down to ordinary MPs. A letter received by my local refugee support group in Oxfordshire from our local MP Robert Courts (successor to David Cameron) pointed out that:

‘of the 46,995 people who crossed the Mediterranean to Italy in the first four months of this year, only 635 were Syrian’.

If the only genuine refugee is a Syrian refugee, even they, or the vast majority of them, according to the government (and its predecessors, and the EU) can be housed in the camps in Lebanon and Jordan, or Turkey, and now, even, Libya. There is no need for them to come to Europe. In fact, every effort is being made to prevent them from doing so.

These views reflect the work of a controversial book, *Refuge*, by a former World Bank economist, Paul Collier, and an academic, Alexander Betts, which claims to solve the refugee crisis. The authors argue that German chancellor Angela Merkel’s short-lived opening of the borders to Syrian refugees in the summer of 2015 was wrong-headed, sentimental and counter-productive. Refugees should stay near their country of origin, so that once the conflict which caused their flight is over, they can rebuild their state (this line assumes, wrongly, that refugees in Europe don’t want to return). Once refugees have reached the safety of the camps in Lebanon and Jordan or Turkey, the authors argue, they do not need to move to Europe and if they do so they are economic migrants. Their need for dignity and autonomy can be met by the extension or creation of special economic zones for multi-national corporations in these host countries, where they can work.

The book has been hugely influential in high political circles, providing as it does a moral justification for European policies of exclusion. The authors were invited to Davos in January 2016, where they were feted by world leaders and representatives of big business, who use every opportunity to show themselves as caring capitalists.

The EU’s solution, like Cameron’s and May’s, to the most profound humanitarian crisis since the second world war is a military one: an operation to stop and destroy the migrant boats, to destroy the criminal smuggling gangs, and to stop the spontaneous migration to Europe of migrants and refugees. But making exclusion of undocumented migrants and refugees the absolute priority has led to human rights obligations and the values of humanity being ignored, responsibility for keeping people alive being left to civil society groups and individuals, and now, the increased criminalisation of those humanitarian volunteers.

The political imperative to seal Europe’s borders against spontaneous migration involves not only the adherence to visa and carrier sanctions regimes and the refusal to create safe and legal routes for refugees, except for a minuscule number of the most vulnerable from the camps in Lebanon and Jordan, so forcing travellers to rely on smugglers, but also involves deals with dictators and war criminals in Sudan and Eritrea, as a result of which Eritrean refugees are rounded up in their hundreds in Sudan and deported; it involves deals with Libyan militias responsible for human trafficking, kidnapping, torture, rape, slavery and execution of the migrants crossing their path – their recruitment into Europe’s migration police, to get the men with the guns to stop desperate people

leaving. The Libyan militias are to stop migrant boats leaving from Libya across the central Mediterranean, just as Turkey's strongman Erdogan was bribed with cash and promises of visa relaxation for Turks and eventual EU membership, in exchange for stopping the migrant boats leaving for Greece across the eastern Mediterranean, and taking back asylum seekers deported from there. I have written in detail about these developments in *Race & Class* and on IRR News.

As a result of these deals, travel for the poor and powerless gets harder, desperate people don't stop trying: the price just goes up, and there are more casualties. The IOM's Missing Migrants Project reported that over 1400 migrants died in Africa in 2016, from exposure, dehydration, suffocation or from violence by smugglers, bandits, militias or border guards. When borders are closed, as a result of the EU deals across Africa, migrants die.

The logic of deterrence

When, in October 2014, the Italian government stopped its search and rescue programme *Mare Nostrum* (which had rescued 100,000 people in a year) because other member states refused to contribute to the €9m a month it cost to run, it was replaced by a Frontex operation, Triton, whose main priority was border surveillance. (Frontex is the EU's border force.) The death rate in the Mediterranean soared. In one week in April 2015, 1,200 people died in two shipwrecks. Amid the outcry, the EU maintained its hardline position, agreeing a naval mission to destroy smugglers' boats, which became operational in October 2015 and is still running. As boats are intercepted off Lampedusa, Sicily and Malta, people are taken off, helmsmen arrested as smugglers (although more often than not they are fare-paying passengers forced into the role at gunpoint) and the boats destroyed. Unsurprisingly, this has led to the smugglers using cheaper, less stable rubber dinghies instead of wooden boats - so more people needed rescuing, earlier in their journey. When search and rescue was deprioritised by the EU, NGOs, including Save the Children, Medecins sans Frontieres and smaller, crowd-funded operations took to the sea to save lives.

Rescue at sea is a fundamental obligation of the law of the sea. But rescue of migrants is increasingly seen as undesirable by the policy makers and operations managers of the EU and its member states. It is a 'pull factor', according to British foreign office ministers, refusing to support *Mare Nostrum* in 2014. The obvious unstated corollary is that migrant deaths are a useful deterrent. The 'pull factor' argument has now been adopted by Frontex chief Fabrice Leggeri, who has also accused NGOs who perform a large percentage of the rescues of 'encouraging trafficking' through their alleged failure to cooperate with security agencies. Members of NGOs from Denmark and Spain engaged in a rescue operation off the coast of Lesbos were arrested in January 2016 and are awaiting trial on human smuggling charges. This year, prosecutors in Sicily have opened investigations into a number of rescue NGOs and have impounded a German NGO ship, the *Iuventa*, on suspicion of collusion with smuggling gangs, and the Italian government, supported by the European Commission, has required rescue NGOs to sign a code of conduct effectively putting them under police control. Those refusing to sign put themselves at risk of arrest. The Libyan coastguard, trained

by Italy, chases off and has fired on rescue boats that come too close to Libyan waters.

Official neglect or worse in Europe

For those who make it to Europe, too often the official welcome has been similarly chilly – from the closure of the western Balkans route at the end of September 2015 with barbed wire, dogs, beatings on the Bulgarian border, to Hungary’s mandatory detention, Denmark’s confiscation of valuables to pay for reception, Ireland and the UK’s G4S slum asylum hostels, and in Greece, Italy and France, periodic demolition of informal camps and a massive failure of provision.

In March 2015 the IRR published *Unwanted, Unnoticed*, an audit of 160 migrant and refugee deaths in the detention and reception centres and on the streets of Europe: deaths from suicide, from medical neglect, from destitution. For most of 2015 there were no official reception facilities at all for the hundreds of thousands of refugees arriving in Lesbos and other Aegean islands. No EU, no UNHCR, no Red Cross, no IRC. When Moria, on Lesbos, was established as a ‘hotspot’ for screening refugees, families had to queue for days to register, first in merciless sun, then in driving rain and mud, with no sanitary facilities, no food, no water, no shelter. It was self-funded or crowd-funded volunteers from all over Europe who retrieved freezing, drenched, half-drowned refugees from the dinghies, warmed them up, looked after children, fed, provided shelter, rudimentary health care and classes. A similar situation obtained at the Calais ‘jungle’ until its demolition in October 2016., and since then, among those drifting back there.

We see the same deterrent logic at work here as with sea rescue – with officials not just failing to provide the basic necessities but also trying to stop those who do so. So in January 2016 the Greek government began the compulsory registration of volunteers and regulation of their work. The screening camps became detention and removal centres after the Turkey deal came into force in March 2016, but with no clear demarcation of responsibility between the army and other Greek institutions, EU officials, the Red Cross and UNHCR. We recorded thirteen deaths in the Greek camps between April 2016 and the end of January 2017 – from hypothermia, in incidents with police vans, from faulty gas cylinders or toxic fumes from heaters in flimsy tents – and it was small NGOs, not any of the official ‘partners’, who made and showed a video on the safe use of gas and which cylinders were safe and which not.

But increasingly, volunteers providing basics – food, water, showers – to migrants in border encampments are being stigmatised, harassed and even criminalised. Local authorities in the Italian border towns of Ventimiglia (near France) and Como (near Switzerland) have introduced bylaws banning the unauthorised distribution of food and water, and volunteers have been served with banishment orders ordering them to leave the towns for up to three years, for breaching them. The Calais mayor introduced a similar ban in March this year, in an attempt to stop a new ‘Jungle’ encampment, as refugees began returning to the area after October’s mass evacuation and destruction of the camp, but the Lille administrative court ruled the ban unlawful in a case brought

by NGOs working in the area, and went further, ordering the mayor to provide fresh water and sanitary facilities. The Conseil d'Etat upheld the lower court's ruling in July.

We have also seen arrests of many ordinary individuals who were moved by humanitarian motives to give refugees lifts, within or across EU member states, often to help them reach relatives in another member state. Criminal laws designed for use against organised criminal gangs are being stretched and distorted to fit an anti-refugee, anti-humanitarian agenda.

The IRR is launching a report on the whole issue of the criminalisation of solidarity, called *Humanitarianism: the unacceptable face of solidarity*, which will be available to download from our website later this month, and we have written to the European Commission to call for a mandatory exemption from criminal prosecution for humanitarian acts in the Facilitators Package (a directive and framework decision requiring member states to criminalise assisting unlawful entry, transit and residence).

The good news is that at the borders and in the large cities across Europe, from Bulgaria and Greece to Norway and France, there has been a massive mobilisation of volunteers working to help the migrants and refugees, undeterred by the threat of criminalisation. Safe Passage works to bring in vulnerable unaccompanied children waiting in limbo in informal camps around Europe, whom the government promised to admit and then stopped after bringing in 200 from Calais. Groups providing food, clothes, bedding include Help Refugees, Refugee Community Kitchen, L'Auberge des Migrants; there are solidarity groups like Passeurs d'Hospitalité, Roya Citoyenne, MedMenneskeSmuglerne, Refugees Welcome to the Arctic. Last Rights is a different sort of group, which is working to get an international Protocol adopted on duties to missing and dead migrants and to those they leave behind.