Creating space for human rights within a securitised-crisis domain:

The EU’s reception system for irregular migrants entering through maritime routes

Daniela DeBono
The crisis

Using risk as a vulnerability gauge

Reception systems for irregular migrants: the Italian case study

The ‘cumulative’ trumping of human rights

The need for multi-pronged strategies
The EU/‘migrant’/‘refugee’ crisis

Migrant sea arrivals Jan – 17 April 2016 (IOM)

178,882 arrivals by sea in 2016

7,373

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1,011,712 arrivals in 2015
Refugee babies detained on Greek island 'not getting adequate milk'

Asylum seekers being held in detention centre allege babies under six months old are being given just 100ml of milk a day

Refugees in Greece warn of suicides over EU-Turkey deal

Afghans and Syrians on Chios say policy will lead to ‘terrible scenes’, as concerns grow over 13 deported ‘by mistake’

Lampedusa migrant centre conditions 'desperate' after rescues

Two drowned as hundreds swim to Spanish enclave

At least 200 people had set out for Ceuta from Morocco in desperate attempt to reach European shores

Italy quietly rejects asylum seekers by nationality, advocates say

Italy pleads for Greek-style push to return its migrants

James Fosdike in Rome
Minister says bloc’s immigration system at risk of collapse

ECHR Lampedusa judgment underlines migrants have the same fundamental rights as everyone else

Migration crisis poses serious threat to the respect for human rights
“It is concluded that the picture that emerges from the evaluation of existing and planned EU policies and actions is a mixed one. While it cannot be denied that policies of sea border surveillance and instruments of cooperation with third countries have gradually included human rights safeguards, the primary aim of EU policies remains to protect external borders, rather than develop effective strategies to protect the human rights of migrants and save lives in the Mediterranean Sea. Implementation in particular is key, and effective monitoring mechanisms should therefore be established to deal with breaches of fundamental rights throughout sea borders surveillance and cooperation arrangements with third countries.”

Using risk as a (human rights) vulnerability gauge

Regular migrant

- Low risk
  - Safe
  - Clear legal-political status
  - Low financial risks
  - Healthy
  - Social welcome likely
  - Cultural preparedness
  - System welcome/tourist info

Irregular boat migrant

- High risk
  - Dangerous journey
  - Problematic legal-political status
  - High financial risks
  - May need medical attention
  - No social welcome
  - No cultural preparedness
  - Securitised system
Does the system increase vulnerability?

- Irregular entry: questions by Immigration Police
- Detention in hotspots
- Fingerprinting and photos – registration of biometrical details
- Interviews of asylum seekers
- New culture, new way of doing things, new food, new climate
Case study: The Italian reception system

- Rescue at sea
- Disembarkation at port
- Pre-identification by Immigration Police at shore
- Medical visit
- Transportation to hotspot
- First identification by Imm. Police
- Photograph
- Fingerprints
- UNHCR and EASO information sessions
Case study: The Italian reception system

Asylum-seeker Italy
- Transfer to reception centre (CAS)
- Asylum application
- Photographs
- Fingerprint
- Interview by asylum-determination body
- Decision (Protection: residence permit/others: expulsion order or appeal)

Asylum-seeker – relocation EU
- Transferred to a relocation hub
- EASO Assessment interview
- Photographs
- Fingerprint
- Transfer to Rome (pending)
- Transfer to new country
- Start asylum process

Economic migrants
- Pushback/Expulsion order
- Expelled (forced)
- Leave territory voluntarily
- Appeal expulsion order
Reception: Different characteristics

Irregular migrant’s reception:
- Fear
- Categorised
- Managed
- Irregular
- Identified
- Controlled

Regular migrant’s reception:
- Welcome
- Hosted
- Free
- Curiosity
- Educated
- Empowered
The cumulative trumping of human rights

**SOCIAL AND POLITICAL REALITY**
- Immigration law/policy
- Security
- Crisis
- Cultural difference

**OPERATIONAL REALITY**
- Discriminates
- Justifies suspension of rights
- De-personalises
- Misunderstandings

**HUMAN RIGHTS VALUES**
- Equality
- Inalienability
- Individuality
- Recognition
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Some arrivals from Africa quickly deemed economic migrants and issued refusal-of-entry documentation process
This calls for the construction of a multipronged approach to address such situations where there are ‘cumulative’ threats to human rights.

My project seeks to contribute to this by analysing what happens on the ground: the daily practices that take place on the border between on the one hand, the migrants, and on the other hand, state/EU officials and NGOs.
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