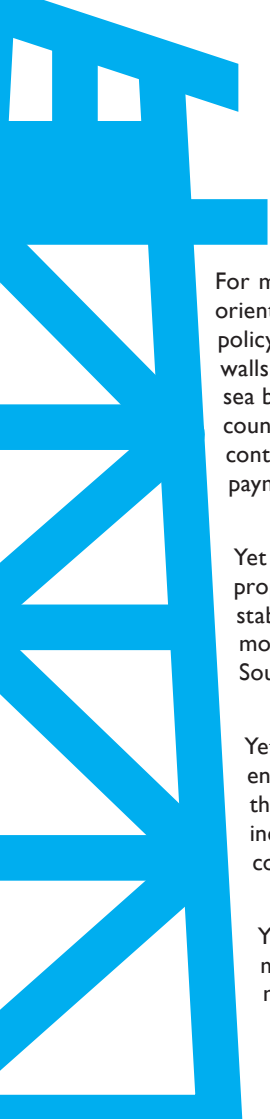


EUROPE IS AT WAR

AGAINST AN

IMAGINARY ENEMY

FRONTEX [EXIT]



For more than fifteen years, an exclusively security-oriented approach has prevailed in European migration policy: restrictive visa policies, the construction of walls and fences, militarised control of land, air and sea borders by the Frontex agency, forced return to countries of origin, the subcontracting of migration control to undemocratic States in exchange for payment...

Yet Europe is not at threat of invasion: the proportion of international migration has remained stable throughout the last 60 years, and migration mostly takes place between countries in the global South.

Yet the Universal Declaration of Human Rights enshrines freedom of circulation, proclaiming the right of each individual to leave any country, including his/her own, and to return to his/her country.

Yet international conventions exist to protect migrants, refugees and asylum seekers against any mistreatment or violation of their rights.

EUROPE IS AT WAR WITH AN ENEMY OF ITS OWN INVENTION

Does the European Union (EU) respect its commitments with regard to migrants' fundamental rights when implementing its migration policy?

Is the European policy of closing its borders to migrants out of touch with current international migration issues?

We offer you the opportunity to deconstruct a number of popular myths by answering 'true' or 'false' to 10 statements.

WWW.FRONTEXIT.ORG

WHAT IS [FRONTEX]?

In order to prevent access to its 42,000 km of coastline, 9,000 km of land borders and 300 international airports, the European Union created the 'European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union' in October 2004. The agency is known as Frontex and is based in Warsaw.

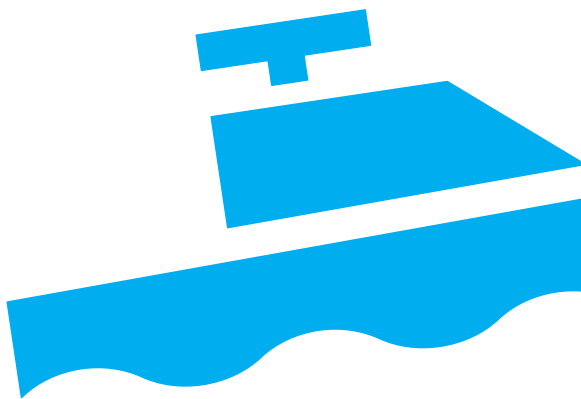
Some years later, Frontex has become one of the key actors in European migration policy. Its role is increasingly important, as **the evolution of its annual budget (19 million euro in 2006, 97 million euro in 2014 and a 2015 provisional budget of 114 million euro), its allocated military resources and its autonomy** testify. Indeed, Frontex has legal personality: it can sign agreements with non EU countries without any democratic control of signatory States, national Parliaments or the European Parliament.

However, the fundamental question of the agency's responsibility is unclear: who is responsible in the case of migrant rights violations? Is it the agency itself, the State hosting the operation or the State of which the agent who has committed the violation is a citizen? What effective mechanisms are in place to guarantee migrants' access to their rights? What guarantee does the agency give in terms of respecting the principle of non-refoulement, especially in the context of maritime operations? These are some of the many questions which the Frontexit campaign raises and wishes to pose to the relevant institutions.

IS FRONTEX A RESCUE AGENCY?

The Director of the European Agency admits that “Frontex has no mandate to conduct maritime rescue operation.” Indeed, Frontex aims to surveil and control borders. Thus, the *Triton* operation coordinated by Frontex in Italy is not the extension of the Italian humanitarian military operation *Mare Nostrum*. Triton is a border control operation besides the others which aims to put aside migrants. However, Frontex is involved in rescue operations, meeting the obligations of international law, when the hosting State of the operation requests it.

[1] EVERYBODY HAS THE RIGHT TO MIGRATE



[TRUE]

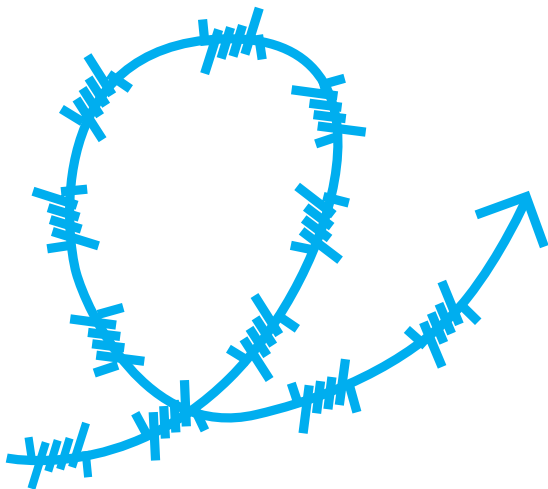
The Universal Declaration of Human Rights (UDHR-UN, 1948) enshrines the right to “leave any country, including one’s own, and to return to

one’s own country” (article 13). In fact, only citizens of countries in the global North and wealthy citizens of the global South can truly exercise this right. Whereas overseas experience is always valued in the North (for study, tourism, professional experience, etc.), the movement of people originating from countries of the South is subjected to drastic conditions, and is therefore hindered.

Many people who see their visa applications refused abandon their planned trips in the face of this blatant injustice. Others choose the path of irregular entry as a result of having been unable to enter Europe legally. Once in Europe, they become “undocumented” and are no longer able to leave.

The European Union encourages countries in the South, even those which do not border the Union, to implement strict control of their own borders. Some, like Morocco, Algeria or Tunisia, have gone as far as creating a “crime of illegal emigration” or of a supposed attempt to emigrate towards Europe, in contravention of Article 13 of the UDHR. In parallel, Senegal has diverted its anti-trafficking legislation to sue prospective migrants.

[2] MIGRATION FLOWS ARE FROM POOR COUNTRIES TO RICH COUNTRIES



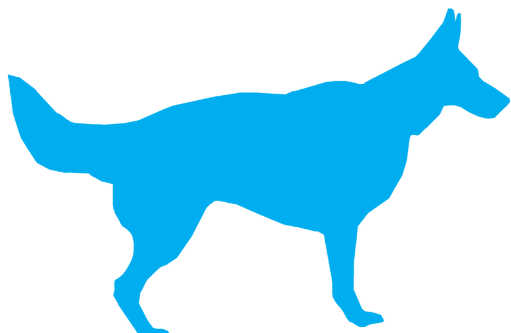
[FALSE]

The majority of people who migrate for economic reasons or to seek protection do so within the borders of their own country or in a neighbouring country, in the hope of coming back. Furthermore, in 2013, international migrants number 232 million people, i.e. 3% of the global population. Amongst them, only one third have migrated from a developing country to a developed country. 60% of migration takes place between countries at the same level of development (between developed countries or between developing countries).

(Statistics: United Nations Development Programme, 2014)

The risk of increasing “pull factors”, the fight against terrorism or against human trafficking are often used by European governments to legitimise border control and restrictive migration policy. But rather than the migration policy implemented by the host State, it is the economic, political or ecological situation of the countries of origin which is the primary cause of migration. Moreover, the difference in levels of development between the North and the South is, among others, due to the neo-liberal policies facilitated by Northern institutions, the International Monetary Fund and the World Bank (structural adjustment programmes and illegitimate debt) have impoverished the countries of the South. The steady decline in official development assistance, in contradiction with the commitments of northern states, contributes to maintaining inequalities

[3] EUROPE ALREADY RECEIVES LOTS OF REFUGEES!



OBSTACLES TO FIND REFUGE THE AIRPORT TRANSIT VISA (VTA)

In the context of consulates being closed in Syria, eleven European states, including France, have imposed airport transit visas for Syrians who have to transit through their territory on their way to another State. These special

[TRUE]

The European Union received 570,800 new asylum applications in 2014 including people from Syria, Afghanistan, Kosovo, Serbia, Eritrea and

Iraq. With over 180,000 asylum applications in 2014, Germany was the first industrialised country in the world where protection claims were lodged, followed by the United-States, Turkey, Sweden, Italy and France.

[FALSE]

Of the 16.7 million refugees in the world, four-fifths find refuge in developing countries. Indeed, the majority of refugees live

next to the countries which they have fled, hoping to be able to return. Thus, it is Pakistan which had received the highest number of refugees in the world in 2014 (1.6 million registered), followed by Lebanon, Jordan, and Turkey. Sub-Saharan Africa receives a quarter of the world's refugees. By contrast, only 15% of refugees in the world are received by the block formed by Europe, the United States, Canada and Australia.

(Statistics: United Nations High Commission for Refugees (HCR), 2013, 2014 and Eurostat, 2014)

visas are rarely issued, and the arrival of Syrian nationals by plane is practically impossible. These measures deliberately thwart protection prospects for people who might want to claim asylum when in transit at an airport. It is a violation of the right to seek asylum.

**[4] IF THE
COUNTRIES
OF THE
SOUTH WERE
DEVELOPED,
PEOPLE
WOULDN'T
LEAVE**

[FALSE]

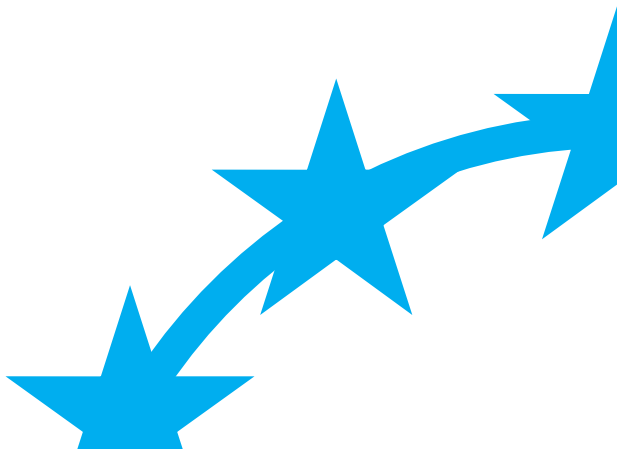
Studies show that development causes migration movements in the first instance. Indeed, wealthier members of

the population are able to organise their migration project. Thus, transforming development aid into a way of “fixing” people in place stems from an incorrect analysis. Development is an end in itself and should not be linked to migration policy.

However, some European countries and stakeholders use development aid and funds allocated for development to finance actions “to combat immigration”. This is the case in France where, as part of the so called “concerted” management agreement on migration flows” signed with Senegal, an Priority Solidarity Fund project is explicitly meant to modernise the Senegalese police to “establish mobile units patrol on the coast.” Through these agreements, external cooperation is diverted from its objectives to meet those of a repressive migration policy..



[5] THE EUROPEAN UNION IS JUST CONTROLLING ITS OWN BORDERS

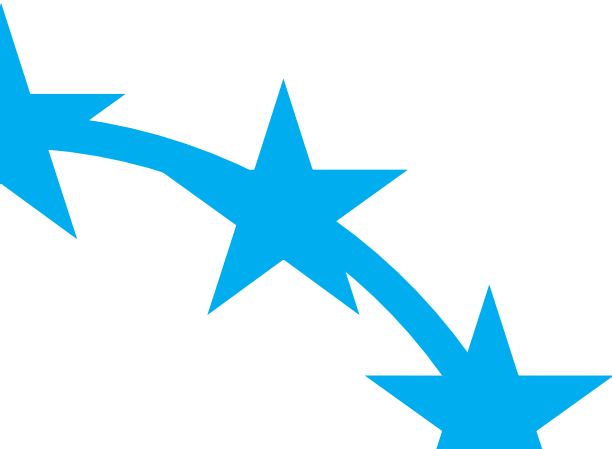


For several years, the European Union has been implementing a policy referred to as “externalisation” which

[FALSE]


involves delocalising border controls and outsourcing management of migration movements to countries bordering the EU. Thus, readmission agreements are signed with third countries so that the latter readmit not only their own citizens who have been removed from Europe, but also citizens of other States who have transited their territory before being intercepted in Europe. These agreements allow people to be returned to countries from which they do not originate and with which they have no link at all.

Moreover, the European Union does nothing to ensure that people removed in this way will be properly treated upon their arrival, even though they are returned to countries which sometimes do not possess the legal framework or democratic tradition which would ensure the respect of human rights. European policies therefore have an impact far beyond the physical borders of the Union.



**[6] WITH THE
ECONOMIC
CRISIS, THE
EUROPEAN
UNION IS SAVING
PUBLIC MONEY**





Frontex budget has been constantly on the rise since its creation: 19 million euro in 2006, peaking at 118 million euro in 2011 to

[FALSE]

strengthen surveillance during the “Arab Springs”. The 2015 provisional budget amounts to 114 million euro with political promises to triple the budget of some operations. If one takes into account the contribution of Member States with equipment and personnel, the budget of the agency is even higher. For example, in 2014, Frontex had 132 land vehicles, 53 helicopters, 328 vessels and 291 portable devices: mobile radar units, mobile night vision detectors, heartbeat detectors. It should be mentioned that the use of military technology at Europe’s borders is encouraged by military-industrial lobbies.

(Statistics: Frontex 2014)

[7] MIGRATION POLICY HAS FATAL CONSEQUENCES

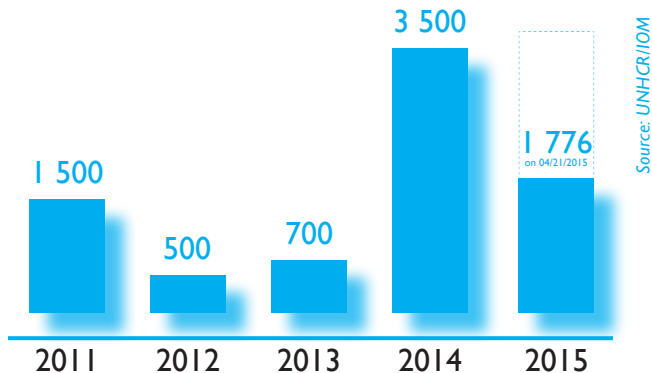
[TRUE]

Migration policies do not stop those people who want to leave from doing so. Instead they force them to take more and more dangerous routes. The

construction of walls, the development of military measures to control borders and attempts to block migrants before they have even left their country provoke human dramas each year. Over 3,500 people have drowned or disappeared while trying to cross the Mediterranean in 2014, and 1,776 dead or missing between January and April 2015 according to the UNHCR. The majority of these people flee conflict zones or countries where rights are violated (e.g. Eritrea, Syria, or Libya). Still, European states keep on with their main objective: preventing people from accessing their territory. The rescue and protection of migrants appear more as a constraint than a priority.

(Statistics: UNHCR, 2014 and Migreurop, 2014)

NUMBER OF DEAD OR MISSING MIGRANTS IN THE MEDITERRANEAN SEA
(on april 21st, 2015)





**[8] MOBILITY
PARTNERSHIPS:
EUROPE
PROMOTES
TRUE MOBILITY
WITH
ITS NEIGHBOURS
IN SOUTH**



[FALSE]

In 2011, in the wake of the “Arab Spring”, the EU presented its new “Global Approach to Migration and Mobility” which has become the “main cooperation framework between the EU and Mediterranean countries.” Priority was given to Morocco, Tunisia and Jordan with which “mobility partnerships” were signed in 2013 and 2014 respectively. Negotiations have also started with Algeria, Libya and Egypt. The content of the proposed cooperation raises many questions regarding fundamental rights and raises fears that the situation of migrants might worsen. In exchange for potential easing in formalities regarding short-term visas application processes and access to work visas, the European Commission is asking cooperation states to commit to migration control, cooperation with Frontex and readmission of irregular migrants, including stateless people.

**[9] FRONTEX
DOES NOT
REMOVE
PEOPLE
IN COUNTRIES
WHERE
THEIR LIFE IS
AT RISK**

[FALSE]

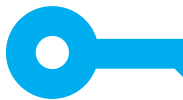
The principle of non-refoulement under international law prohibits states from transferring a person to a place where

s/he would be at risk of persecution or human rights violations. In 2014, the EU adopted a Regulation on maritime interception in the context of Frontex operations. The Regulation refers to the principle of non-refoulement without specifying how to ensure it is effective-access to an interpreter, to legal advice, right to an effective remedy.

Thus information is part of Frontex operational plans, but the documents are not public. This margin of appreciation left to Member States and to Frontex is a problem especially during sea operations (where migrants cannot contact an NGO, a lawyer or a judge). This does not comply with the procedural safeguards attached to the principle of non refoulement.



[10] PARLIAMENTS MONITOR THE AGREEMENTS SIGNED BY FRONTEX



[FALSE]

The agency is empowered to sign working arrangements with non-EU countries and international organisations. Those

arrangements, deemed “technical” to avoid any democratic and independent oversight, are not subject to prior approval by national and regional parliaments – e.g the European Parliament, even though they have an impact on the rights of the people in migration.

So far Frontex has concluded agreements with 18 states, including Turkey, Belarus and Nigeria. They provide for the participation of the cooperation state in joint operations – joint return flights, land operations, allow third country officer to observe border guards trainings, and to take part in information exchange activities and analysis on migratory movements. In parallel, Frontex has created “risk analysis” networks to collect information on migration routes, to inform other agencies – including Europol – and plan operations. The presentation of migration as a threat, but also the lack of transparency in the activity of these networks intensifies fears of potential violations of rights – protection of personal data, profiling if not discrimination against some groups of people.

[FRONTEXT CAMPAIGN]

Frontexit is a campaign led by associations from both north and south of the Mediterranean on the initiative of the Migreurop network.

The campaign aims to inform civil society and political institutions (both national and regional) in European and African countries about the legal opacity which surrounds Frontex's activities and the threat which the agency poses to migrants' fundamental rights through a broad campaign of awareness-raising and advocacy.

Through actions of investigation, litigation, awareness-raising and political lobbying, this campaign aims to obtain:

- **transparency surrounding the mandates, responsibilities and actions of Frontex ;**
- **the suspension of those activities of the agency identified as violating human rights;**
- **the cancellation of the ruling creating the Frontex agency, if it is proven that the agency's mandate is incompatible with the respect of fundamental rights.**

migreurop

ABCDS

جمعية بيس برانس للشهادة والتنمية والتضامن
Association Ben Trezen pour la Culture, le Développement et la Solidarité



AMDH



A.R.A.C.E.M.



CIRÈ

coordination et initiatives
pour réfugiés et étrangers



Groupe antiraciste
d'accompagnement
et de défense
des étrangers
et migrants

gisti, groupe
d'information
et de soutien
des immigrés



GRAMI-AC



Justice Sans Frontières pour les Migrants et Migrantes
Justice Without Borders for Migrants
Justicia Sin Fronteras para los y las Migrantes



LA LIGUE



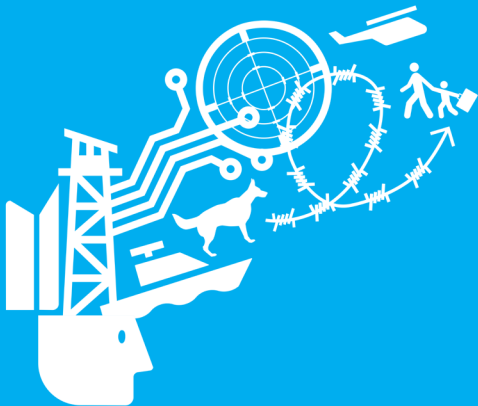
DES DROITS DE L'HOMME



ADVOCATEN | AVVOCATI | LAWYERS



ELIPIO-INDOSTERRANEAN HUMAN RIGHTS NETWORK
RESEAU EUROPEO-TERRANEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان



FOR MORE INFORMATION ABOUT THE CAMPAIGN AND ITS ACTIVITIES

WWW.FRONTEXIT.ORG

This project has been supported by the European Programme for Integration and Migration (EPIM) – a collaborative initiative of the Network of European Foundations (NEF).

The sole responsibility for the content lies with the author(s) and the content may not necessarily reflect the positions of NEF and EPIM..

Epim
European Programme
for Integration
and Migration