



**Statewatch Observatory on the refugee crisis:
in the Med and inside the EU**

9 December 2015 – 24 January 2016

See: [Observatory: EU refugee crisis - a humanitarian emergency](#)

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New official documents and decisions by EU institutions: Council of the European Union, European Commission, Agencies and European Parliament plus Commentaries and critiques and Daily News Digests (in chronological order)

See also regularly updated: [European Commission: "State of Play": Refugee crisis: Statistics: Sept 2015 ongoing](#)

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3. Press release: Roma Thüringen: group deportation 16.12.15 - Every deportation is a crime
4. Frontex tweeted Statewatch "*Frontex categorically denies this report*"
5. Less democracy, xenophobia, resentment: bad times for refugees. OM interviews Zygmunt Bauman
6. Lesvos, Greece: Who Made These Decisions? (Eric Kempson video)
7. Statwatch Analysis: The Reform of Frontex: Saving Schengen at Refugees' Expense?
8. European Association for the Defense of Human Rights (AEDH): Migrant rights are not for sale!
9. Lesvos, Greece: International Rescue Committee: "A warm, safe welcome for refugees landing on Lesbos"
10. EU: Frontex Return flights up to 22.12.15
11. Migration: Global Report on Journalism's Biggest Test in 2015: Press release
12. Red Cross EU: Migration to the EU: a perilous and difficult journey
13. Migreurop: Calais Declaration: We must refuse the encampment of foreign citizens and the closure of borders
14. Suspend EU-Turkey Action Plan: Turkey: EU risks complicity in violations of refugees and asylum-seekers
15. Dispatches: Masked Men Continue to Attack Migrant Boats on the Aegean
16. UNHCR: Report highlights ongoing issues

DAILY NEWS DIGESTS:

9 December 2015 – 24 January 2016 (pages 13-14)

NEW OFFICIAL DOCUMENTS

1. EU: [Informal Justice and Home Affairs Ministers, Amsterdam, 25-26 January 2015: Programme](#) (pdf) [Discussion Paper European Border and Coast Guard](#) (pdf):

"Border control is necessary to prevent illegal immigration and crossing of the borders by persons who pose a threat to the public order or security of MS or the Schengen area."

The paper puts on the table key issues in the creation of the European Border and Coast Guard Agency: a) the power of the Agency to carry out "vulnerability assessments" and require a Member State to undertake improvements - this Decision would be binding and b) "The right to intervene in case of a situation at the external border requiring urgent action".

2. EU Netherlands Council Presidency: [Dutch Presidency debate: "counter growing scepticism with visible results, refugee crisis top priority"](#) (pdf) "

"We must achieve concrete results and make sure they are visible to counter growing scepticism throughout Europe. (...) Keeping promises and sticking to agreements should be the new normal in Europe. A deal is a deal", said Prime Minister Mark Rutte in the kick-off debate of the Dutch Presidency in Strasbourg on Wednesday."

Prime Minister Mark Rutte may want to tell the authorities in the Netherlands that "keeping promises and sticking to agreement should be the new normal". The country still has to make available nearly 6,000 places for the relocation of refugees from Greece and Italy. So far the Netherlands has made 100 places available and has relocated 50 people: See: [Member State relocation pledges](#) (pdf)

3. UN: [The Economic, Social and Cultural Rights of Migrants in an Irregular Situation](#) (pdf): *"Migrants in an irregular situation are not criminals. The evidence shows that they do not migrate with the objective of cheating the social security system or misusing the services of the country of destination. They are more likely to be working in a hospital than unfairly using its facilities. They tend to work in sectors that are dirty and dangerous, often doing jobs that local workers are unwilling to do. Indeed, Governments have an interest in promoting and protecting the human rights of all migrants, including irregular migrants, because no society can develop to its true potential when legal, social or political barriers prevent entire sectors of that society from contributing to it."*

This publication offers a rich resource for policymakers in Governments, national human rights institutions, civil society, lawyers, judges and migrants themselves to understand the scope and content of the human rights of migrants in an irregular situation. Through a specific focus on economic, social and cultural rights, it seeks to challenge common assumptions about the entitlement of migrants in an irregular situation to such fundamental

human rights as the right to health, to education, to an adequate standard of living, to social security, and to just and favourable conditions of work. Irregular migrants are human beings and as human beings they are protected by international human rights law."

See: [Launch of the Publication 'The Economic, Social and Cultural Rights of Migrants in an Irregular Situation'](#) (UN Human Rights, link): "All persons must have access, without discrimination, to their fundamental human rights. This includes migrants, regardless of their administrative status. "

4. EU: PERMANENT RELOCATION MEASURE: Council of the European Union: [Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation \(EU\) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person](#) (LIMITE doc no: 5312-15, 18.1.16, pdf) Includes 47 Member State positions:

"The present note sets out the outcome of the discussions on the abovementioned proposal at the Asylum Working Party meeting on 7 December 2015 as well as at previous meetings of Friends of Presidency (Asylum) and JHA Counsellors.

The following delegations have general scrutiny reservations on the text appearing in the Annex: AT, BE, BG, EE, EL, LV, FI, FR, PT and SI. CZ, ES, FR, HU, LT, PL, RO, SI and SK have general reservations on the substance of the proposal; HU and SI have also parliamentary scrutiny reservations."

5. European Parliament: [Draft Report on The situation in the Mediterranean and the need for a holistic EU approach to migration](#) (pdf). The rapporteurs will be taking amendment suggestions until 27 January. It is due for adoption in the LIBE Committee in March. and then during the Plenary vote in April.

6. European Commission: [Commission Recommendation for a voluntary humanitarian admission scheme with Turkey](#) (COM 9490-15, pdf)

"When deciding on the number of persons to be admitted under the scheme the overall numbers of displaced persons staying in Turkey, including the impact on these numbers of the sustainable reduction of numbers of persons irregularly crossing the border from Turkey into the European Union should be taken into account, alongside the processing capacity of the UNHCR."

7. Guide: [European Commission: 15 December 2015: "Package": register, control and return refugees](#)

8. EU: [Refugee crisis: "If Schengen collapses, it'll be start of end European project"](#) (European Parliament article, pdf): "Migration commissioner Dimitris Avramopoulos warned MEPs the refugee crisis was "getting worse" during a meeting organised by the civil liberties committee on 14 January. He said the EU's unity was at stake amid an increase of "populism and nationalism". The commissioner also called on member states to deliver on their own promises and show solidarity to each other: "If Schengen collapses, it will be the beginning of the end of the European project".

See: [Speaking points of Commissioner Avramopoulos from the meeting with the LIBE committee](#) (European Commission press release, pdf)

9. EU: European Commission: Press Release: [Refugee crisis: Commission reviews 2015 actions and sets 2016 priorities](#) (pdf). Notes the failures of 2015: Relocation is failing - only 272 in 2015 - with very few offers to meet the need for 160,000; only three hotspots set up out of 11, and neither is the returns programme happening. In 2016 the Commission wants the quick adoption of the European Border and Coast Guard, reform the Dublin System, introduce measures on legal migration and migrant smuggling.

10. EU-GREECE: 90 new finger-printing machines ordered: [Commission provides additional support for fingerprinting of migrants in Greece](#) (2nd item in Press Release, pdf):

"The European Commission has informed Greece of its decision to award €1.36 million in emergency funding for the acquisition of 90 fingerprinting devices. These devices will be used to ensure proper identification and registration of migrants at Greek border crossings. This emergency funding comes from the [Internal Security Fund \(ISF\)](#). The 90 fingerprinting devices and workstations will be connected to the central [EURODAC](#) system to ensure sharing of information, and will be installed at border crossing points throughout the country, including on the Eastern Aegean islands."

11. UNHCR: [Serbia: Inter-Agency operational Update: 21 December 2015 - 3 January 2016](#) (pdf)

"According to official statistics, **577,995 refugees and migrants expressed intention to seek asylum in the Republic of Serbia in 2015 as at 31 December.... The practice of denying entry to refugees and migrants from countries other than Syria, Afghanistan and Iraq continued.** As of 01 January, maximum 940 asylum-seekers are allowed to board per train, and a maximum of four train departures daily are provided from Šid in Serbia to Slavonski Brod in Croatia."

- [Recorded daily arrivals in West Balkans](#) (1 October - 7 January, pdf). It is notable that arrivals in Hungary greatly decrease in mid-October 2015

12. EU: European Commission: [Progress following Western Balkans Route Leaders' Meeting: Eleventh Contact Points Video Conference](#) (press release, 8.1.16, pdf): "Today, an eleventh video conference was held between the contact points nominated after the Western Balkans Route Leaders' Meeting held on 25 October. The objective was to follow up on the agreement reached at the meeting and set out in the Leaders' Statement."

See: [Leaders' Statement, 25 October 2015: Leaders' Meeting on refugee flows along the Western Balkans Route: Leaders' Statement](#) (pdf): Greece to build camps to hold 30,000 refugees plus 20,000 in rented homes and UNHCR a further 50,000 further north:

"Under the current circumstances, we will discourage the movement of refugees or migrants to the border of another country of the region. A policy of waving through refugees without informing a neighbouring country is not acceptable. This should apply to all countries along the route..."

13. Council of the European Union: Refugee crisis inside the EU: Relocation mechanism:

[Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation \(EU\) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person](#) (LIMITE doc no: 14951-15, pdf):

Lots of Member State reservations including from Greece: "The number of persons to be relocated shall not exceed 40% of the number of applications lodged with that Member State in the six months preceding the adoption of the delegated act." and:

"The delegations having general or scrutiny reservations reiterated their positions and underlined their wish for a thorough assessment of the functioning of the emergency relocation schemes and stressed the need to address the shortcomings in their implementation. Some delegations recalled their preference for addressing this proposal as part of a broader package on asylum."

The following delegations entered or confirmed their general scrutiny reservations: AT, BE, BG, DE, EE, EL, LV, FI, FR, PT and SI.

CZ, ES, HU, LT, PL and SK have general reservations on the substance of the proposal"

- As above: Relocation: [State of play](#) (14513-15, pdf)

"During these discussions, a number of delegations raised general scrutiny reservations and reiterated their positions according to which they consider that it would be **preferable to evaluate the functioning of the temporary emergency relocation schemes**, adopted by the Council on 14 and 22 September, before the discussion on the proposal on the crisis relocation mechanism continues. They are of the view that **shortcomings in the implementation of the relocation decisions, including the functioning of the hotspots and the prevention of secondary movements, should be addressed as a matter of urgency.**" [emphasis added]

14. EU: SAFE COUNTRIES OF ORIGIN: European Economic and Social Committee: [Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU](#) (pdf): Excellent critique:

"The EESC considers that the **specific criteria** for determining that a country is safe for the purposes of Directive 2011/95/EU and, in particular, Annex I of Directive 2013/32/EU, **must be established in a more practical and secure way that provides guarantees.**

Similarly, while welcoming the Commission's initiative, the **EESC considers that at this juncture it may be premature to draw up a specific list of countries considered to be safe for these purposes.**"

See: [Proposal for a Regulation: establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU](#) (pdf) and [Annex](#) (pdf)

and see: [ECRE Comments on the Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin and amending the recast Asylum Procedures Directive \(COM\(2015\) 452\)](#) (pdf)

15. UK: House of Commons Select Committee: International Development Committee report: [Syrian refugee crisis](#) (pdf): "we are very concerned about the plight of unaccompanied refugee children in Europe, particularly as reports suggest they are falling prey to people traffickers. We urge the Government to come to a quick decision on the proposal by Save the Children as this is a matter of utmost urgency. We would welcome a decision by the Government in favour of resettling 3,000 unaccompanied children, as recommended by Save the Children, and in addition to the current commitment to resettle 20,000 refugees from the region."

[The report which shows a terrible flaw in Cameron's refugee policy](#) (link): " The problem is that neither of these policies – helping in the region and relocating especially vulnerable refugees at home – are being properly delivered. It's a classic example of simplistic political messaging crashing into complex political realities. Today's international development select committee report lays it out in black and white. Behind the rhetoric and the bluster, it offers a very good account of why Cameron's promises on refugees are running into problems..... Now that the UK is participating in airstrikes in Syria, those access challenges are obviously heightened. As the parliamentary report says:

"The recent escalation of military efforts will have an impact on conditions faced by civilians in Syria, and may well make it more difficult for DFID and other agencies to deliver humanitarian aid.""

16. [Migrant arrivals and deaths in the Mediterranean: what do the data really tell us?](#) (Forced Migration Review, link):

"When looking at numbers of arrivals and deaths in the Mediterranean, it is important to ask how robust the data are and what they represent. If we are to frame and inform more accurately the policy challenges facing Europe, it is crucial that data are of good quality and as complete as possible and that their limitations are fully understood."

[Article by Frank Laczko, Ann Singleton, Tara Brian and Marzia Rango](#) (pdf)

17. EU: Frontex: [Progress following Western Balkans Route Leaders' Meeting: Tenth Contact Points Video Conference](#) (pdf):

"Frontex informed the group of the launch on 28 December of the new operation "Poseidon Rapid Intervention" with the deployment of 293 officers and 15 vessels to the Greek islands. An additional 200 officers are expected to be deployed by mid-January."

And see: [Frontex launches rapid operational assistance in Greece](#) (link):

"Frontex initiated yesterday the deployment of 293 officers and 15 vessels to the Greek islands as part of a new operation called Poseidon Rapid Intervention after Greece requested additional assistance at its external borders in the Aegean earlier this month.

Poseidon Rapid Intervention replaces the Joint Operation Poseidon Sea with a higher number of officers who will assist in identifying and fingerprinting of arriving migrants, along with interpreters and forged document experts. Poseidon Rapid Intervention aims to provide Greece with additional technical assistance aiming to strengthen its border surveillance, registration and identification capacity. [emphasis added]

18. Council of Europe: [Helping refugees in the Mediterranean: Greek association "Agkalia" awarded Raoul Wallenberg Prize](#) (pdf):

"The jury of the Council of Europe Raoul Wallenberg Prize has awarded the 2016 Prize to Agkalia, a Greek association on the island of Lesbos, for outstanding achievements in providing frontline assistance to thousands of refugees irrespective of their origin and religion.

As Lesbos has become a European gateway for refugees, Agkalia has been providing temporary shelter, food, water and medical aid to people in need, assisting some 17,000 refugees and migrants since May 2015. Through its work to assist refugees, Agkalia also promotes tolerance and human rights"

19. EU: A PERMANENT MECHANISM for the CRISIS RELOCATION of REFUGEES? [Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation \(EU\) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person](#) (LIMITE doc no: 14951-15, pdf) EU governments are a long way from agreeing the Council's position on this Regulation:

"The delegations having general or scrutiny reservations reiterated their positions and underlined their wish for a thorough assessment of the functioning of the emergency relocation schemes and stressed the need to address the shortcomings in their implementation.

The following delegations entered or confirmed their general scrutiny reservations: AT, BE, BG, DE, EE, EL, LV, FI, FR, PT and SI.

CZ, ES, HU, LT, PL and SK have general reservations on the substance of the proposal; HU has also a parliamentary scrutiny reservation"

This has been deleted: *"A comprehensive evaluation of the Dublin Regulation is currently being conducted by the Commission that could lead to a wider revision of the Dublin system."*

20. European Parliament: [MEPs voice concerns over detention and reception conditions for asylum seekers](#) (pdf)

"No-one should ever be detained for the sole reason that he or she is an asylum seeker, said speakers in a debate on Wednesday evening. To apply for asylum is a basic human right, and detention can only be used as a measure of last resort, they insisted. Several MEPs criticised declarations by European Council President Donald Tusk about detaining migrants for up to 18 months in order to "screen" them. Other MEPs argued that such decisions are better taken at national level....

EU Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos said that "all aspects of the asylum legislation" must be respected. Asylum seekers may only be detained "in full compliance with these rules", he insisted, stressing the need to properly transpose EU asylum rules into national law and implement them."

Tony Bunyan, Statewatch Director, comments: *"Under the EU's so-called "hotspots" policy refugees are subjected to "nationality screening" to determine whether they should be considered for relocation in the EU or returned (voluntarily or forcibly). Commissioner Avramopoulos seems to be unaware of the statement issued by the head of the UN Ban Ki-moon that the screening "asylum seekers on the basis of their alleged nationality infringes the human right of all people to seek asylum, irrespective of their nationality and to have their individual cases heard.""*

21. UPDATE: **EUROSUR Handbook**: EU: European Commission: EUROSUR: [ANNEX to the COMMISSION RECOMMENDATION adopting the Practical Handbook for implementing and managing the European Border Surveillance System \(EUROSUR Handbook\)](#) (pdf):60 pages attached to Recommendation below

[COMMISSION RECOMMENDATION of 15.12.2015 adopting the Practical handbook for implementing and managing the European Border Surveillance System \(EUROSUR Handbook\)](#) (C-9206-15, pdf): This says: *"Member States should transmit the EUROSUR Handbook, annexed to this Recommendation, to their*

authorities responsible for the surveillance of the external land and sea borders which shall use it as the main tool when implementing Regulation (EU) No 1052/2013."

Eurosur is a surveillance system with drones etc to stop "illegal" migration, See: [EU seeks autonomous drones, "data fusion" and "enhanced command and control centres" for border control](#) (Statewatch News Online, November 2015)

22. EU: European Council: 17-17 December: [European Council meeting \(17 and 18 December 2015\) – Conclusions: see Migration: pages 1-2](#) (pdf)

23. EU: [European Commission: 15 December 2015: "Package": Excluding, controlling and returning refugees](#)

Press releases on 15 December 2015 and new measures/reports:

A) [A European Border and Coast Guard to protect Europe's External Borders](#) (pdf)

1) EU Borders Guards: [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Border and Coast Guard and repealing Regulation \(EC\) No 2007/2004, Regulation \(EC\) No 863/2007 and Council Decision 2005/267/EC](#) (COM 671-15, pdf)

and: [ANNEX](#) (COM 671-15 (pdf)

2) Amending Schengen Border Code: [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation No 562/2006 \(EC\) as regards the reinforcement of checks against relevant databases at external borders](#) COM 670-15, (pdf)

3) EUROSUR: [COMMISSION RECOMMENDATION of 15.12.2015 adopting the Practical handbook for implementing and managing the European Border Surveillance System \(EUROSUR Handbook\)](#) (C-9206-15, pdf): This says: "*Member States should transmit the EUROSUR Handbook, **annexed to this Recommendation**, to their authorities responsible for the surveillance of the external land and sea borders which shall use it as the main tool when implementing Regulation (EU) No 1052/2013.*" See: EUROSUR: [ANNEX to the COMMISSION RECOMMENDATION adopting the Practical Handbook for implementing and managing the European Border Surveillance System \(EUROSUR Handbook\)](#) (pdf):60 pages

4) Communication: [Eighth biannual report on the functioning of the Schengen area 1 May - 10 December 2015](#) (pdf)

B. [Commission proposes temporary suspension of Sweden's obligations under the EU relocation mechanism](#) (pdf)

- SWEDEN: Proposal for a: [Council DECISION establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision \(EU\) 2015/1523 and Article 9 of Council Decision \(EU\) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece](#) (COM 677-15, pdf)

C. [Commission presents Recommendation for a Voluntary Humanitarian Admission Scheme with Turkey for refugees from Syria](#)(pdf)

- TURKEY: VOLUNTARY ADMISSION: [Commission RECOMMENDATION: of 15.12.2015: for a voluntary humanitarian admission scheme with Turkey](#) (C-0490-15, pdf)

D. [Implementing the European Agenda on Migration: Progress Reports on Greece, Italy and the Western Balkans](#) (pdf)

1) Report: [on the follow-up to the Leaders' Meeting on refugee flows along the Western Balkans Route](#) (COM 676-15, pdf) and [ANNEX](#) (pdf)

2) [Progress Report on the Implementation of the hotspots in Greece](#) (COM 678-15, pdf) and [ANNEX](#) (pdf)

3) [Progress Report on the Implementation of the hotspots in Italy](#) (COM 679-15, pdf) and [ANNEX](#) (pdf)

E. [European Agenda on Migration: Securing Europe's External Borders What does today's Borders Package include?](#) (pdf)

Includes: EU TRAVEL DOCUMENTS: Proposal for a: [Regulation on a European travel document for the return of illegally staying third-country nationals](#) (COM 668-15 pdf) and [ANNEX with sample document](#) (pdf). This would replace the long-standing I "laissez-passer" based on [1994 Recommendations \(Statewatch JHA Archive 1976-2000\)](#) and rejected by African countries. There is no guarantee this will be any more acceptable.

see also for Background: [Managing the refugee crisis \(15/12/2015\)](#) (DG Home, link) and [Securing EU borders](#) (DG Home, link) with Fontex proposals and "Factsheets"

24. [The European Commission and the UNHCR today launched a scheme to provide 20.000 additional reception places for asylum seekers and relocation candidates in Greece through subsidies for housing in the private sector.](#) (pdf) and:

[Joint Declaration On the Support to Greece for the development of the hotspot/relocation scheme as well as for developing asylum reception capacity Brussels, 14 December 2015](#) (pdf)

25. EU: European Commission: Communication [A European Border and Coast Guard and effective management of Europe's external borders](#) (COM 673-15, pdf), Proposals to come.

Massive expansion in Frontex's role, its all here: "the right to intervene", "European Return Intervention Teams", hotspots, "rapid reserve pool" and more including:

*"As the body assigned to implement the European integrated border management, the Agency will be able to call on this pool within a very limited timeframe in circumstances **requiring immediate response. Member States will have to make available at least 1,500 border guards to be deployed by the Agency in rapid border interventions within days**" - for example to meet a sudden migration crisis. [emphasis added] and directly intervene in a state:*

*"cooperation with third countries where it can coordinate operational cooperation between Member States and neighbouring third countries in the field of border management, including by deploying liaison officers to third countries or launching joint operations on Union territory or **on the territory of third countries**. This will notably remedy the situation which is currently faced in the cooperation with the Western Balkan countries where, despite the agreement of the third countries in question, Frontex is unable to provide operational assistance as it does not have the mandate to send border guard teams to countries such as Serbia and the former Yugoslav Republic of Macedonia."*

26. EU: Frontex: Africa-Frontex Intelligence Community: [AFIC Joint Report 2015](#) (pdf)

27. European Parliament: [Permanent relocation scheme and list of safe countries of origin: state of play](#) (1.12.15, pdf):

"The Civil Liberties Committee discussed the permanent relocation mechanism with the Commission, which presented its proposal to MEPs, and the Council, which briefed the committee on the state of play in discussions among member states. The European Asylum Support Office (EASO) also presented the "State of play of relocation operations in the hot spots".

The EU common list of safe countries of origin was also discussed with the Commission and Council. The EASO presented the situation in the Western Balkans while FRA spoke on fundamental rights considerations."

Comment: the creation of a "permanent relocation mechanism" looks highly unlikely and the "state of play of relocation operations in the hotspots" shows that this is just not happening (see: Statewatch Compilation: Commission statistics ongoing: [State of Play: Measures to Address the Refugee Crisis](#))

28. **European Commission orders infringements procedures against Greece, Italy, Hungary and Croatia**

- [Implementing the Common European Asylum System: Commission escalates 8 infringement proceedings](#) (pdf):

"The Commission is today urging **Greece, Croatia and Italy** to correctly implement the Eurodac Regulation ([Regulation \(EU\) No 603/2013](#)), which provides for effective fingerprinting of asylum seekers and transmission of data to the Eurodac central system within 72 hours....

The Commission is also urging Greece and Malta to communicate the national measures taken to fully transpose the Asylum Procedures Directive ([Directive 2013/32/EU](#)), which sets out common procedures for granting and withdrawing international protection, and the Reception Conditions Directive ([Directive 2013/33/EU](#)), which deals with access to reception conditions for asylum seekers while they wait for examination of their applications."

- [Commission opens infringement procedure against Hungary concerning its asylum law](#) (pdf):

"Firstly, regarding the asylum procedures, the Commission is concerned that there is **no possibility to refer to new facts** and circumstances in the context of appeals and that Hungary is **not automatically suspending decisions in case of appeals - effectively forcing applicants to leave their territory** before the time limit for lodging an appeal expires, or before an appeal has been heard....

Secondly, regarding **rights to translation and interpretation**, the Commission is concerned the Hungarian law on fast-tracked criminal proceedings for irregular border crossings **does not respect provisions of the Directive on the right to interpretation** and translation in criminal proceedings, which ensures that every suspect or accused person who does not understand the language of the proceedings is provided with a written translation of all essential documents, including any judgment....

Thirdly, on the fundamental right to an effective remedy and to a fair trial under Article 47 of the Charter of Fundamental Rights of the EU, there are concerns as to the fact that under the new Hungarian law dealing with the judicial review of decisions rejecting an asylum application a personal hearing of the applicants is optional. **Judicial decisions taken by court secretaries** (a sub-judicial level) lacking judicial independence also seem to be in breach of the Asylum Procedures Directive and Article 47 of the Charter."

29. EU: Council of the European Union: [European Council \(17 and 18 December 2015\) - Draft conclusions](#) (LIMITE doc no: 13593-15, pdf). The opening section on Migration largely states the obvious [and may be changed nearer the meeting]:

"The European Council discussed the migration and refugee crisis. Despite the hard work in recent months the level of implementation of some of the decisions taken is insufficient. The unprecedented influx of migrants puts the Schengen and asylum acquis under severe pressure... [and]

"rapidly address deficiencies in the functioning of hotspots... ensure registration and take measures to discourage refusal of registration... implement relocation decisions more rapidly.. ensure the actual return of people not authorised to stay..significantly enhance the control at the EU's external borders... It should rapidly examine the Commission proposals of 15 December on a European Border and Coast Guard, the Schengen Borders Code, resettlement, and travel documents for returns..."

30. Complete Guide: [European Commission: 15 December 2015: "Package": register, control and return refugees](#)

COMMENTARIES & CRITIQUES

1. [Bulgaria: Pushbacks, Abuse at Borders - Halt Summary Returns, Beatings, Robbery of Asylum Seekers](#) (Human Rights Watch, link):

"Bulgarian law enforcement officials summarily return asylum seekers and migrants to Turkey, often after stealing their belongings and subjecting them to violence.

In research in six countries between October and December 2015, Human Rights Watch interviewed 45 asylum seekers and migrants from Afghanistan, Syria, and Iraq who described 59 incidents of summary returns from Bulgaria to Turkey between March and November. Twenty-six people said they had been beaten by police or

bitten by police dogs. All but one said they were stripped of their possessions, in some cases at gunpoint by people they described as Bulgarian law enforcement officials, then pushed back across the border to Turkey."

2. [MSF: Obstacle Course to Europe: A policy-made humanitarian crisis at EU borders](#) (pdf)

"The report spells out that Europe cannot continue to count on the deadly sea crossing, fences and poor reception conditions to act as a 'filter of deterrence'. The current narrative and policies cannot hold. As instability continues to rage across Syria, Libya, Iraq and Afghanistan, the EU and European governments must shift their current policies and provide a humane and humanitarian response to refugees and migrants desperately seeking its protection and assistance."

3. [Press release by Roma Thüringen concerning the group deportation of December 16, 2015 - Every deportation is a crime](#) (The Voice, link): "For several weeks, mass deportations of Romanies and other refugees from so-called 'safe countries of origin' have been taking place. The fact that these countries are not safe, in particular for Romanies and other minorities, which been proven by Romany organisation as well as other NGOs many times. Even the notification of a violent abduction to other countries that people have fled from is a threat to their very existence. This holds true all the more for the actual execution of such a violent deportation by the German police. Every deportation is a crime and not tolerable."

4. UPDATE: Frontex tweeted to Statewatch (9.1.16): "Frontex categorically denies this report. Officers deployed by Frontex do not conduct checks of volunteers, NGOs." See: [Statewatch Twitter](#) (link)

WHAT HAS THIS GOT TO DO WITH FRONTEX? POLICING VOLUNTEERS: [Greek Police, Frontex to 'check' volunteers on islands receiving migrants](#) (ekathimerini.com, link): "The Greek Police and Frontex are to carry out checks on non-governmental organizations and volunteers on islands of the northern Aegean which have been receiving large numbers of migrants, sources have told the Athens-Macedonia News Agency.... The broader checks will seek to determine that people declaring themselves as volunteers are working for an accredited organization. The aim is to restore a sense of security on the islands, police source said, not to prevent the work of the NGOs."

and see: [Greek police and Frontex to begin ID checks of NGOs, volunteers in North Aegean islands](#) (amna, link): "08/ 01/ 2016 Last update: 18:43: Greek Police on Friday announced the launch, **in collaboration with the EU border agency Frontex**, of round-the-clock ID checks of volunteers and members of non-governmental organisations currently operating on various eastern Aegean islands as part of efforts to assist Middle Eastern refugees landing on the isles after leaving Turkey.... [a source said] that **volunteers working on the coast will be asked to produce a police ID card** and to name the organisation they are with, at which point police officers will check to see if the specific NGO is accredited.:" [emphasis added]

Also: [Greek Police to do ID Checks on Volunteers Helping Refugees](#) (Greek Reporter, link) which adds: "It is not our intention to offend the volunteers or the NGO staff and their work but only **to stress the presence of the police along the coast and at the points where migrants and refugees generally alight**," a senior police officer told the Athens-Macedonian News Agency.... "The entire process, if everything checks out, will end there," he added, saying the aim was to bolster a sense of security among island **residents, who had become alarmed by recent reports concerning the hundreds of NGO workers and volunteers who were currently on the islands and were interfering in refugee management issues without any kind of monitoring or control.**" [emphasis added]

Comment: "working for an accredited organization" means working for an organisation which the state (whether EU or Greek) approves of.

5. **Less democracy, xenophobia, resentment: bad times for refugees.** OM interviews Zygmunt Bauman: [Bauman: "Walls against migrants are a victory of terrorism"](#) (thanks to Open Migration, pdf)

"To win their war, fundamentalist terrorists can safely count on the collaboration of their shortsighted enemies". Suspension of the basic rules of democracy, resentment towards foreigners, the vicious circle between political propaganda and xenophobia, nation-states unable to face a significant phenomenon as migrations. The refugee crisis, before and after the attacks in Paris, is the "litmus test" of a global crisis of the West, explains the great sociologist Zygmunt Bauman in this interview with Open Migration. An emergency that will last long and to which Europe has yet to find the proper arguments to answer."

See also: ["Migrants arriving in Italy are mostly economic" Incorrect](#) (openmigration.org, link)

6. Lesbos, Greece: [Who Made These Decisions?](#) (Eric Kempson video, link) Remove NGOs and you will get fewer refugees...

7. Statwatch Analysis: [The Reform of Frontex: Saving Schengen at Refugees' Expense?](#) (pdf) by Steve Peers, Professor of Law, University of Essex:

*"Overall, the proposals are flawed, in two contradictory ways: they simultaneously seek to do **too much in the area of border controls** (where the Frontex proposal exceeds EU powers and is politically unprincipled) and **too little in the area of asylum** (since there is no significant attempt to address humanitarian or protection needs within the EU). In short, they seek to save the Schengen system, at the expense of refugees."*

8. European Association for the Defense of Human Rights (AEDH): [Migrant rights are not for sale!](#) (pdf)

"8.6 billion euros! This is the sum the European Union has committed to spending to keep migrants as far as possible from its borders.

5 billion euros so that 4.4 million Syrians – whose need for international protection cannot be denied – remain in Turkey, Syria, Jordan and Lebanon, instead of being welcomed in Europe.

3.6 billion euros so that Africans, from Eritrea, Sudan, Nigeria, Niger and others; Kosovars; Afghans and Turks encounter obstacles blocking their path to Europe, holding them in detention and even sending them back to the countries from where they fled violence. So that third, or "partner" countries turn them back, deport them and sometimes even arrest migrants that the European Union does not want to allow inside its borders.

8.6 billion euros so that the EU can keep its hands clean, sparing European feelings from seeing migrants die before arriving on their shores."

9. Lesbos, Greece: International Rescue Committee: [A warm, safe welcome for refugees landing on Lesbos](#) (link) says: *"The International Rescue Committee is preparing to open a reception center in northern Lesbos, often the first stop for thousands of exhausted refugees seeking safety in Europe. Built along the island's coast, the site – "Windy Ridge" – is just steps from the beach where thousands of refugees from warring countries arrived this year. "* [emphasis added]

This is not the view of local civil society volunteers who have been helping refugees the whole year long in Lesbos and who question the building of a camp in "a valley in the middle of nowhere": See: [Eric Kempson](#) (link)

and [Eric Kempson - Again](#) (link): It is alleged that employees of the International Rescue Committee are telling civil society volunteers - who have been working for months welcoming refugees as they arrive in the EU - to "get off the beach" because they are now in charge.

10. EU: [Frontex Return flights](#) up to 22.12.15 (Statwatch document, pdf)

- Since September 2015, 683 people have been deported in joint Frontex flights from 18 Member States. This consisted of 16 flights to six destinations: Albania, Armenia, Nigeria, Pakistan, Kosovo and Georgia.

- According to the total number of people returned by Member State, Germany and Italy ranked highest for returning the most between September and December 2015. This is followed by Greece, Austria and Spain.

11. [Migration: Global Report on Journalism's Biggest Test in 2015: Press release](#) (link):

"An international report on media and the global migration and refugee crisis, issued today to coincide with International Migrants Day (December 18), says journalists often fail to tell the full story and routinely fall into propaganda traps laid by politicians.

The report, Moving Stories, is published by the Ethical Journalism Network and reviews media coverage of migration in the European Union and in 14 countries across the globe.

"Around the world media coverage is often politically led with journalists following an agenda dominated by loose language and talk of invasion and swarms," said Aidan White, EJN Director. "But at other moments the story is laced with humanity, empathy and a focus on the suffering of those involved."

From the **Ethical Journalism Network**: [Full report](#) (link) includes:

[The View from Brussels: Missed opportunities to call the European Union to account](#) by Tony Bunyan.
[Bulgaria - A study in media Sensationalism](#) by Rossen Bossev and Maria Cheresheva
[Italy - A charter for tolerant journalism: Media take centre stage in the Mediterranean drama](#) by Yasha Maccanico
[United Kingdom - How journalism plays follow-my-leader in the rhetoric of negativity](#) by Zak Suffee.

See: [Moving Stories: International Review of How Media Cover Migration](#) (Huffington Post, link)

12. Red Cross EU: [Migration to the EU: a perilous and difficult journey](#) (Press release, link) and [Recommendations from the National Red Cross Societies in the European Union and the International Federation of Red Cross and Red Crescent Societies](#) (pdf)

"This position paper proposes concrete steps that can be taken by the EU and its Member States to reduce risks along migratory routes and address some of the increasing vulnerabilities stemming from these perils. Some of the key dangers faced by migrants along migratory routes to Europe are analysed in the Red Cross EU Office (RCEU) publication Perilous journeys(2). These include: limited access to rights and services; arbitrary arrests and detention; violence and human trafficking; family separation and the loss of family links; as well as increasingly dangerous journeys to reach and cross the EU's external borders."

13. Migreurop: [18 December 2015: Calais Declaration: We must refuse the encampment of foreign citizens and the closure of borders](#) (pdf) and [French](#) (pdf):

"The situation which Calais has experienced for nearly 20 years (the Sangatte camp "closed" in 2002 had opened in 1999) is symptomatic of the policies which the European Union has been advocating with blind persistence: hence, the planned "hotspots" and "processing centres" will unfailingly translate, if they are effectively implemented, into the creation of immense detention centres in Italy and in Greece, but also in Niger and Turkey. «Encampment», as far away as possible from the glances of civil societies, is the final objective of the European Union's migration policies: by relentlessly sorting migrants, it thus goes so far as to violate the most basic human rights and to cause the death of numerous third-country nationals.

The Migreurop network deems it important to solemnly reaffirm that respect for rights and human dignity requires the cessation of all forms of detention and ghettoisation of the people exercising their right to leave their countries. Necessary steps towards dignified reception conditions, in the Calais region and beyond, include repealing the Dublin Regulation and any form of border controls (like those promoted by the Le Touquet treaty) introduced for the purpose of transforming them into enclosures, rather than legal and protected points of passage."

14. **Suspend EU-Turkey Action Plan: [Turkey: EU risks complicity in violations as refugees and asylum-seekers locked up and deported](#)** (AI, link):

"Amnesty International is calling on Turkey to end unlawful detentions and deportations. The EU and Turkey should establish effective independent monitoring mechanisms to review human rights compliance of the EU-Turkey Action Plan and the use of EU funds for migration-related detention purposes. Until these measures are in place, implementation of the Action Plan should be suspended." and see:

15. [Dispatches: Masked Men Continue to Attack Migrant Boats on the Aegean](#) (HRW, link):

"He told me that on December 3, he and his family joined 30 other people on a rubber boat in their attempt to reach the Greek islands. About halfway there, they were blinded by a strong light shining on them from a big boat. The migrant piloting their boat tried to evade the larger boat and a small boat when three masked men came at them at such fast speed that he said he thought the boat they were in would capsize.

Mahmoud and other passengers held their babies up so the masked men would take pity on them. But one of the assailants hit the pilot of the boat twice on the head with a truncheon and they disabled the motor by cutting the wires, leaving it to drift. Mahmoud said that some of the passengers tried to communicate in Turkish with the attackers, but that the only language they could understand was the English command to "Stop, stop." After drifting for three hours, a Turkish coast guard boat. rescued them... We are not alone in raising the alarm about vigilante attacks on migrants and asylum seekers; news media have also reported – and [CBS news](#) filmed – unidentified speedboats allegedly interdicting and disabling migrant boats..

16. UNHCR: [Report highlights ongoing issues](#)

The [UNHCR Winter Operations Cell report](#) (pdf) contains an up-to-date round-up on changing policies, practices and crises including 1) Filtering by intended destination country 2) "Bottlenecks" are created as Greece and Macedonia on let refugees from Syria, Iraq and Afghanistan cross the border to go north 3) The Mayor of Kos has set strict conditions before agreeing to the location of a "hotspot" on the island.

DAILY NEWS

[Refugee crisis: latest news from across Europe](#) (23-24.1.16)

[Refugee crisis: latest news from across Europe](#) (22.1.16)

[Refugee crisis: latest news from across Europe](#) (21.1.16)

[Refugee crisis: latest news from across Europe](#) (20.1.16)

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[Refugee crisis: latest news from across Europe](#) (18.1.16)

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[Refugee crisis: latest news from across Europe \(9-10.1.16\)](#)

[Refugee crisis: latest news from across Europe \(8.1.16\)](#)

[Refugee crisis: latest news from across Europe \(6-7.1.16\)](#)

[Refugee crisis: latest news from across Europe \(5.1.16\)](#)

[Refugee crisis: latest news from across Europe \(3-4.1.16\)](#)

[Refugee crisis: latest news from across Europe \(31.12.15-2.1.16\)](#)

[Refugee crisis: latest news from across Europe](#) (28-30.12.15)

[Refugee crisis: latest news from across Europe](#) (25-27.12.15)

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[Refugee crisis: latest news from across Europe](#) (9.12.15)

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The months of inaction by the EU is summed up by this: [Cartoon](#) (thanks to No Borders, pdf)

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