You're categorising all asylum seekers entering the EU as "irregular migrants" - this is mostly true now, but that is because the notionally existing legal routes for asylum seekers to enter have been practically minimised or closed down by EU m/s governments and the EC and EuCo.

Transit zone asylum procedures are prevented in most cases by extra requirements for transit visas for people from countries of origin which indicate they are highly likely to be intending to seek asylum - this is a policy clearly intended to prevent asylum seekers from approaching the border in order to seek protection, which I view as contrary to Art.33 of the 1951 Refugee Convention.

Application of Art.25 CCV visas by most EU m/s is extremely minimal. Only France is really open to these applications, as far as I know. That is morally unacceptable.

To make it practically almost impossible to approach the EU frontier to seek asylum -legally- and then to blame asylum seekers for entering illegally and constantly relying on the excuse of "combating smuggling" to effectively penalise asylum seekers contrary to Art.31 of the 1951 Refugee Convention is legally and morally unacceptable.

The EU's current system of policies and legal practice wrt. asylum seekers is so seriously undermining the values and principles the EU was founded on - recognition, not 'granting', of universal and inalienable human rights, based on recognizing human dignity as intrinsic, which are ultimately human ethical responsibilities to other human beings which proximally our representative States' obligations by law, are being undermined to an extent that it may actually cause the EU to collapse from the inside, due to the loss of moral cohesion. A mere trading bloc could not have lasted as long as the Council of Europe then the EEC then the EU have so far lasted.

I have heard two European Commission officers at the Greek Asylum Service conference on 9th March 2016 talking quite candidly about the reasoning behind the European Council and the Commission's change in direction on asylum policies. That the "Liberal" politicians and governments were scared witless of the neo-fascist insurgency and imagined yet again that appeasement and compromise would save their position. Appeasement never works with fascists.

As ECRE pointed out based on social scientific survey data in June 2017, the Commission is still reacting to a larger than life projection of the size of the neofascist problem and their instrumentalisation of the mass influx of refugees to use it to attack 'Liberal' politicians (I am ".." 'liberal' because I believe liberal really means valuing and acting to promote the freedom of others, and that is the opposite of how they have in fact acted.)

**EUROPEAN POLITICIANS ARE BOWING TO A PHANTOM**

**European Council Conclusions on the CEAS reform: Wrong signal at the wrong time, OP-ed by Kris Pollet, ECRE Senior Legal & Policy Officer**

Just over one year since the Commission presented its controversial package on the reform of the legal framework of the Common European Asylum System, the European Council has once more discussed the state of play on the legislative process with the aim of providing further guidance to the Justice and Home Affairs Ministers on the future design of the CEAS.
The outcome leaves much to be desired, both from a solidarity and a refugee protection perspective.

It is no secret that the solidarity question as part of the Dublin reform remains one of the key stumbling blocks for the co-legislators. Fundamental disagreement between States as to the meaning of solidarity in the framework of a common system has created a deadlock in Council. Various attempts of the Presidencies to reconcile the opposing views of Member States in the debate on the reform of Dublin have failed. Endless rounds of high level talks have produced little more than a common understanding on the need to strike a fair balance between solidarity and responsibility and to explore possible solutions to alleviate the burden on EU Member States of first entry. As the Commission proposal does not fundamentally depart from the key principles underlying the existing Dublin system, the same conflicting interests of Member States in the operation of the system prevent any progress.

Unsurprisingly but sadly, it appears easier to build consensus on establishing more effective ways to deflect protection responsibilities to third countries than it is to agree on sharing responsibility for refugee protection within the EU. Preventing the need for triggering intra-EU solidarity measures by increasing the scope of the safe third country concept is considered a much safer bet for the EU leaders than trying to untie the Gordian solidarity knot as part of the Dublin discussions.

The call to amend the legislative proposals on the table and bring the safe third country concept in line with “effective requirements arising from the Geneva Convention and EU primary law” in order to prevent new crises, is crucial and not to be misunderstood. Skilfully worded – who could oppose aligning EU law with the Refugee Convention? - the conclusions in reality aim at further lowering the requirements for applying the safe third country concept application even below the Commission proposal, which already tampers with the criteria laid down in the current Asylum Procedures Directive.

It hints in particular at removing the requirement under the existing asylum acquis of a sufficient connection between the applicant and the safe third country concerned on the basis of which it would be reasonable for that person to go to that country and apply there. The main argument used by those favouring deletion is that no such requirement can be derived from the Geneva Convention and therefore not necessary to include in EU law but such reasoning disregards too easily that the concept itself has no clear legal basis in refugee law either.

The implications would potentially be huge as it would allow Member States to dismiss applications and consequently remove applicants to any third country willing to accept them, even if he or she has never transited through this country or has no link whatsoever with it. National courts have interpreted the sufficient connection criterion broadly and have in practice rejected mere transit of an applicant through a third country or even belonging to an ethnic group present in the third country as constituting such connection per se.

Admittedly, other criteria such as respect for the principle of non refoulement and access to an asylum procedure and the possibility to find protection in the safe third country would still have to be fulfilled. However, here too the Commission proposes a lower standard than what is currently required under the Asylum Procedures Directive. It suggests that Member States would be obliged to reject claims as inadmissible, and therefore refrain from examining the
merits of the claim, on the basis that applicants can obtain protection in accordance with “substantive standards of the Geneva Convention” or “sufficient protection”.

This would in theory allow countries such as Italy to reject applicants who have arrived through Libya and remove them to any other third country meeting the reduced safety criteria and prepared to take them over. It could potentially also prepare the ground for external processing of claims in the medium term. Although both options do not seem very realistic in the current context, if the price is right some countries might be tempted.

Less than a year ago EU Member States committed in the New York Declaration to “a more equitable sharing of the burden and responsibility for hosting and supporting the world’s refugees, while taking account of existing contributions and the differing capacities and resources among States”. The European Council conclusions undermine this commitment and send the wrong signal at the wrong time. Redefining the safe third concept as suggested will not only undermine access to protection of refugees in the EU. It may also encourage third countries to replicate such definition and contribute to shrinking protection space globally at a time when forced displacement has reached historic proportions.

In this regard it is reassuring that the EP rapporteur takes the opposite view and proposes to strengthen the fundamental rights guarantees relating to the application of the safe third country concept by maintaining the requirement of a sufficient connection with the third country concerned and the possibility to obtain protection in accordance with nothing less than the Geneva Convention. It is hoped that other political groups in the European Parliament will take the same view and do what is necessary to avoid the EU from taking the path of outsourcing protection responsibilities and jeopardising the global protection regime.


The phantom or idol of European ethno-nationalism which the Commission continues pressing for more human blood sacrifices to is not only a phantom of mistaken proportions but its apparent size was an astroturfed "grassroots" campaign by the Kremlin regime's Active Measures campaign to support their neofascist / Neo-Eurasian allies in Europe and to undermine 'Liberal' politicians and governments, especially Angela Merkel. To compromise with them, even much more than proportionally to their real polling size, is utterly stupid. This will turn into war within Europe again if the trajectory is not changed.

The EC's policy statements very often use a style of euphemistic jargon which I believe have become the model for EU m/s governments increasing habit now of bold blatant dishonesty, i.e. große Lüge tactics, when talking about refugees, asylum seekers and human rights. This is a very dangerous path.

About the Family Reunification Directive 2011 - it is inadequate in that it limits eligible family members far too strictly and in an unreasonable way for refugee families who really need family unity even more than the rest of us do. Grandparents, uncles and aunts who have been travelling or living in the same family unit, siblings over 18 who are part of the same family unit and have not been living independently since fleeing their home countries, should also be included in family members eligible for family reunification. States should be obliged to process applications much faster. When refugees accepted in Europe can show that they
were not properly informed of Dublin family reunification procedure and so missed the opportunity to apply for it before getting residence permits so that they cease to be eligible for family reunification under Dublin procedures and only under Family Reunification Directive 2011 procedures in which States can set more onerous requirements such as minimum income of the resident family, they should be able to appeal and get their cases dealt with under the same conditions as Dublin, i.e. without the extra requirements. States such as Germany which are developing a habit of dishonestly misapplying asylum statuses (only granting Subsidiary Protection to people who obviously have Refugee Status) in order to block refugees' family reunification rights or delay them for two years should be publicly condemned for this dishonesty and abuse and severely penalised by the Commission and-or by the European courts.

Yours sincerely

Kester Ratcliff