

Journalist Robert Rice picks up on the theme raised by Viktor Foerster in the conclusion of the previous article: the need in the European Community for a common policy on immigration in general and asylees and refugees in particular. Reprinted by permission from the Financial Times of London.

TRYING TO STEM THE REFUGEE TIDE AN URGENT NEED FOR ONE POLICY

By Robert Rice

When British Prime Minister John Major warned European heads of state that Europe faced a right-wing backlash unless the European Community took immediate action to stem the tide of im-migration, he touched a raw nerve. Immigration — both legal and illegal — has moved to the top of the political agenda all across the Community. Many politicians are starting to think, and a few to say, that Europe is already full, with an estimated 10 million immigrants, and that the need to harmonize immigra-tion policies is now urgent.

Yet despite general agreement on the need for European cooperation, several member states have already taken unilateral action to tighten their immigration and asylum laws. The British government, which had pushed strongly for cooperation in this area, introduced changes in the United Kingdom's asylum laws to speed up and simplify procedures and tackle the growing problem of asylum abuse. France, announcing measures to crack down on illegal immigrants, said that it intended to deport between 300,000 and 1 million of them. Germany confirmed that it would go ahead with the deportation of between 50,000 and 100,000 illegal immigrants.

There is little doubt that Europe is under strain from the constant growth in the numbers of people seeking asylum and in the rapidly rising costs of processing claims. Refugee organizations such as the office of the United Nations High Commissioner for Refugees have warned that present developments will eventually lead to the collapse of traditional Western asylum systems unless changes are made.

The problem with the present system — based on the 1951 UN Convention Relating to the Status of Refugees — is that it was developed largely from the experience of handling refugees from Eastern Europe between 1950 and 1975. But in the mid-1970s, the focus of the refugee problem began to shift from Europe to Southeast Asia and Africa, largely because of an increase in political oppression and civil wars in those regions. At the same time, recession and rising unemployment in Europe following the 1973 oil crisis prompted governments to impose tougher immigration controls. As the new measures began to bite, the number of asylum applications began to rise.

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In Europe, the number of immigrants fell from 1.2 million in 1973 to between 700,000 and 900,000 a year by 1990. But the number of asylum seekers rose from 14,000 in 1973 to 71,000 in 1983 and to 500,000 in 1990. With present trends, asylum seekers will outnumber conventional migrants within four years. This presents European countries with a political dilemma. Most of them pride themselves on their willingness to provide asylum for genuine refugees — those who, according to the international standard laid down by the UN, are unwilling or unable to return to their country of origin "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion." But the more that asylum becomes a costly form of immigra-tion control, as now appears to be the case across Europe, the more the public support for genuine refugees will fall away. The danger is that govern-ments will be panicked into introducing restrictive asylum rules that will adversely affect genuine asylum seekers.

The bulk of the rise in the overall numbers of asylum seekers can be attributed to the increase in the number of economic migrants. In 1989 alone, 120,000 asylum seekers arrived in the EC from three European states — Poland, Yugoslavia and Turkey — all with high unemployment and poor economic conditions. This problem has been exacerbated by the collapse of the communist regimes of the East. At the same time the number of applicants being granted refugee status continues to decline, while the number whose applications have been rejected but who are allowed to stay on humanitarian grounds is growing. Overall in Europe, it is estimated that 75 percent of applicants who undergo the full asylum procedure after pre-screening at ports of entry stay in the country. Roughly half remain legally, while the other half stay illegally or semi-legally. Meanwhile, the costs of processing these asylum seekers have soared.

So far cooperation on immigration policies within

the EC has been confined to two conventions: the Convention on Asylum, also known as the Dublin Convention, which provides that asylum seekers will be allowed to file their application in only one member state; and the Convention on the Crossing of External Borders, under which member states cooperate systematically in imposing visa requirements on nationals of the same countries and sanctions on those who transport people who do not possess the required visas or travel documents. Both conventions are awaiting ratification but should be in place by the end of 1992. In addition, the Schengen Agreement, which has been signed by some EC members, provides for uniform principles to be applied by its members in controlling their external borders. Such a policy is causing great concern among refugee agencies, who worry that the net effect will be to obstruct those in real need of asylum. Governments may assert that people who need protection can apply for visas, but in practice this is often difficult. Many asylum seekers have to flee urgently and cannot wait for a visa.

The real problem is that cooperation among member states is largely meaningless unless and until procedures and criteria for determining refugee status within the community are harmonized. At the moment, inconsistencies within the EC mean that an asylum seeker who may be recognized as a refugee in one member state may be refused such recognition by another. The fear among refugee agencies, however, is that such harmonization could lead to some of the more restrictive policies and practices being applied across the community. Whose approach will be followed: Britain's, France's, Germany's?

If governments are serious about retaining an efficient and fair system, they need to consult with the non-governmental agencies concerned with the protection of human rights and refugees before they finalize any arrangements. At the moment, there are no signs of this. ■