Asylum crisis won’t go away

Friday’s ruling by the European Court of Human Rights that Greece is not a safe country of asylum should come as no surprise to immigration ministers in the EU (“Ex-pulsion of asylum-seekers to Greece ‘illegal’”, European Voice, 21 January).

As the court’s ruling makes clear, the elephant in the room is the Dublin II regulation means that every member state can refer asylum seekers to a third country. The regulation permits EU states (as well as Switzerland, Norway and Iceland) to return a country asylum seekers to the first EU country they reach without first assessing their claims. It assumes that every member state provides refugees with equal access to asylum and maintains the same reception standards. But this assumption is false.

UNHCR, the UN refugee agency, has described the situation in Greece for migrants and asylum-seekers as a “humanitarian crisis”. Of the 30,000 first asylum applications Greece considered in 2010, just 11 were approved. The backlog stands at around 50,000 cases.

A presidential decree adopted in November restores a flawed appeal system abolished in 2009 and may help reduce the backlog. It is, though, unlikely to improve poor decision-making or provide meaningful access to asylum.

Greece adopted a new asylum law this month, which should improve the process for asylum decisions and appeals, but it may take more than a year to put it into effect.

Neither the decree nor the new law will immediately address the appalling detention conditions faced by migrants and asylum-seekers, the cycling in and out of detention facilities, and migrants who cannot be removed for legal or practical reasons, or the lack of protection for unaccompanied minor children who continue to be detained with adult strangers or left to fend for themselves on the streets.

With more than three-quarters of those who enter the EU irregularly by land crossing the Greek border from Turkey, the Dublin II regulation means that an EU country ill-equipped to assess asylum claims or to treat migrants humanely has to manage a disproportionate number of arrivals. The regulation has led to a similarly unfair burden for Malta and other external border states.

And when and if Greece improves its asylum system and detention conditions to the extent that the Dublin II returns from other EU states can safely resume, it will quickly find itself back at square one, facing an ever-increasing number of claims. That is likely to be accompanied by over-crowding and delays of decision-making once again.

The EU and member states recognise this. But the solutions offered to date have focused on keeping migrants and asylum-seekers from entering Greece in the first place. In November, Frontex, the EU’s external border agency that border states to guard borders, Greek border with Turkey.

In December, Greece announced plans to build a fence along a part of that border. And Turkey is under pressure to prevent migrants and asylum-seekers from entering Greece and to take back those who manage to cross the border. These initiatives call into question EU member states’ commitment to the right to seek asylum.

If the European Union is serious about that right, it needs to look again at the Dublin II regulation.

That is tough politically. The status quo suits non-frontline states. Recent efforts by the European Commission to pursue modest reforms of Dublin II that would allow for temporary suspension of transfers in cases of mass in-migration have faltered in the face of opposition from as many as two-thirds of member states. Until and unless the Dublin II regulation is fundamentally reformed, the asylum crisis in Greece will not go away. And a common EU asylum system that guarantees the right to seek asylum will remain an aspiration.

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How long was Ceauşescu’s shadow?

In your Entre Nous about the new head of the EU’s Asia policy, Vlăduţ Icompat Büh- ra, you noted that he joined the Romanian foreign service (through an internal exam in- tegration) “during the darkest years of Ceauşescu’s rule”. It is also worth noting how close Romanian relations with China was.

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After Nicolae Ceauşescu returned to China in 1977, he researched what potential the country had as a “mini-cultural revolution”, a crackdown on Romania’s artists and intelligentsia. The year Icompat-Büthra entered Ceauşescu’s service – 1978 – was arguably the zenith of Ro- mania’s friendship with China (at least in symbolic terms), also worth noting how close Romanian relations with China was.

Icompat-Büthra operated as a diplomat. What did Icompat-Büthra think of Tiananmen? Did he think that Ceauşescu himself should have been more like the Chinese in the brutality of his efforts to suppos the Romanian uprising in 1989? Was he asked such questions before he was given his new post?

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