EU parliament agrees to strengthening of Fortress Europe

Dietmar Henning, Martin Kreickenbaum
26 June 2008

On June 18, the European Union parliament adopted by a large majority the "Directive on common standards and procedure in the member states for the return of illegally residing citizens." The new law, also known as the Returns Directive, had been passed by the European Union Council of Ministers for Justice and Internal Affairs two weeks previously.

The directive, which permits the mass arrests and deportations of immigrants without residency status, was passed despite vigorous international protests from refugee federations, human rights organizations and the heads of state of Venezuela, Ecuador and Bolivia. The vote by EU deputies was 369 in favour, 197 opposed and 106 abstentions.

The many requests for modifications to the directive were rejected by EU deputies, meaning that the harmless sounding "Returns Directive" comes into effect immediately and has to be incorporated into national law by all EU member states over the next 24 months.

The directive makes it possible for EU countries to detain immigrants without proper residency papers for up to six months. The immigrants affected are usually those who have fled from the world's poorest countries in order to escape poverty, hunger and suppression. No formal judicial resolution is required for an arrest, which can be authorised by a state authority. Only at a later stage is a judge called upon to confirm the legal status of the arrest. According to an EU parliament press release, detention can also be prolonged up to 18 months if the detainee does not cooperate or if there are delays in the handing over of necessary documents by "transit states."

In line with the new legislation, the arrest of those whose only "crime" is to lack proper residency papers is possible when a suspect refuses to leave the EU country in question within 30 days of being ordered to do so by the police.

This makes clear that the sole aim of any detention of immigrants is to prepare them for deportation. The clause stating that deportation is only a "realistic prospect" when it can be actually carried out is not worth the paper it is written on. Allegedly this clause is intended to prevent drawn-out deportation procedures aimed at forcing immigrants to leave. In fact, the directive actually increases pressure on immigrants because deportation becomes virtually inevitable, with detainees liable to deportation not only to their countries of origin but also to so-called transit countries with which the EU has agreed repatriation measures.

Deported immigrants also face additional penalties such as a five-year ban on re-entry. A ban on entry can be prolonged in the case of a "serious danger for public order, public security or national security."

Supporters of the new law have pointed out that for the first time it stipulates a "European minimum standard" for "illegal persons," including special rights for families and children. The directive calls, for example, for attention to be paid to the "interests of children." However, similar international UN directives regarding the treatment of children have existed for some time but have done nothing to prevent authorities in European countries from, for example, detaining at airports children who are travelling alone. At the same time the arrest of children is expressly allowed in the EU directive.

In a statement on the directive, the refugee organization Pro Asylum noted that "the sad chapter of arrests of children and young people in numerous member states will not end, but in fact such violations of children's and human rights will be expanded." For the first time unaccompanied children and young persons can be now be deported completely legally.

Other formulations in the directives have been left deliberately vague, enabling legislators and authorities in individual EU countries to implement their own restrictive regulations. It has been left up to individual countries to decide whether the immigrant confronting deportation is to be allowed legal support or assistance towards legal costs. This clause ensures that immigrants are stripped of any guarantee of legal aid against deportation.

The directive calls for detained immigrants to be imprisoned separately from other categories of prisoners, but this in itself does not represent any improvement to existing practice. In a number of EU countries prisoners are systematically intimidated and beaten by police or prison personnel. Depression, hunger strikes and suicide are a sad fact of life in the more than 220 EU detention centres with provision for more than 30,000 persons. The intensified measures arising from the new law will inevitably mean a further drastic expansion of this network of detention centres across Europe.

In addition, the new law also includes an "emergency clause," which allows states to disregard the directive in the event of any "unforeseeable overloading of the capacities of the detention institutions." That means states that pursue an especially vigorous deportation policy can lock up immigrants and their families in normal prisons—without any legal justification and for an indefinite period.

Following nearly seven years of deliberation the new directives were submitted to the EU parliament on June 5 by the EU interior ministers and for the first time EU members of parliament were able to participate in a vote on such measures.

What has been praised as an example of the democratisation of the decision-making process in the European Union is in fact an intensification of the laws against refugees carried out behind locked doors and with the exclusion of the public—this despite fierce protests and demonstrations by human rights organizations outside the European parliament in Strasbourg.

The directive was passed by a large majority in the European parliament. While the majority of social-democratic EU deputies voted against the measure the fraction of German Social Democratic Party deputies led by Wolfgang Kreissl Dörfler voted alongside most Christian Democrats and liberals in favour of the anti-refugee legislation.

The driving force behind the most restrictive measures contained in the directive was the German government, which had insisted in the Council of Ministers that detention of refugees be extended to a maximum of six

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months rather than three. While in France the maximum detention period cannot currently exceed 32 days, immigrants can be detained for up to 18 months in Germany. In nine other EU countries, among them the Scandinavian countries, Britain and the Netherlands, the duration of detention is unlimited. By special agreement Britain, Ireland and Denmark are not bound to the maximum duration of 18 months.

Peter Altmaier (Christian Democratic Union, CDU), an undersecretary at the German Interior Ministry, bluntly summed up the aim of the new directives. In early June he told *Spiegel-Online*: "In line with the desire of Germany we have ensured that in future we can more easily deport those who we want to get rid of."

It was also a German EU deputy—Bavarian deputy Manfred Weber (Christian Social Union, CSU)—who during the past two to three years led the discussions for intensified legislation with the Slovenian EU council presidency and the EU interior ministers. Weber told the media of the numerous protests he had received: "We have received post from all over Europe telling us what bad people we are." However, he added, he could say with a good conscience that "With this directive Europe has defined itself as a realm of values."

The directive makes very clear the nature of this "realm of values." Sixty years after the United Nations Universal Declaration of Human Rights, these latest draconian measures against immigrants make clear that European governments and the European parliament are fundamentally opposed to the interests and democratic rights of the poorest layers of society.

The European values of which Weber speaks have more in common with partition, deportation and exploitation. In his justification of the directive, Weber directly deals with the working conditions of immigrants without residency status. "Illegal workers are the slaves of the 21st century and are at the beck and call of employers," he said. "We must end this slavery." According to Weber, the directive frees immigrants from the burden of living unlawfully because state authorities are either forced to legalise or deport them.

What a perverse form of logic! The miserable fate of these citizens is to be countered by arresting and locking them up prior to their precipitous deportation, often under conditions of mortal danger for the deportee. Weber's argument is also factually incorrect: No European country has committed itself to strengthening the rights of illegal immigrants or legalising them. In fact, more rigorous laws against immigrants only serve to increase their dependence on exploitative employers and landlords. In the long run the latest EU measures will serve to cement the practice of immigrant slave labour in Europe.

This is the intended consequence. According to estimates there are 3 million to 8 million people living illegally in Europe. Most of them entered Europe legally, with a tourist visa for example, and then stayed on. Many others, however, are refugees whose applications for asylum were rejected due to the restrictive immigration policies in the European Union and who then took refuge to evade deportation. They are no different from "legal" migrants, apart from the fact that they lack residency and work permits and are therefore denied any social and democratic rights.

Millions work in the building industry, agriculture or service industries, particularly in the cleaning industry, catering and hotels. More recently the number of immigrant workers has increased in private households. Their wages are usually well below contracted rates and very often they are irregularly paid and sometimes not at all. Lacking any rights, they do not dare to challenge abuse on the part of their employer.

Unemployment and casual labour are a fact of life for many immigrants under conditions where any illness can quickly become life-threatening, since a mere visit to the hospital without health insurance is enough to alert the authorities and risk deportation. Unable to attend school, the children of illegal immigrants cannot attain any professional qualification.

This is the ugly underside of globalisation. Global production enables the employer to constantly depress wages by playing off workers in various countries against one other. For some domestically based economic sectors such as the construction industry and agriculture, however, this is not possible. In such sectors wages are depressed by employing millions of undocumented workers as cheap labour. Hundreds of thousands have already been arrested across Europe and deported. Now this procedure is to be stepped up. The increased pressure on this layer of workers will then serve to worsen the working and living conditions of the population as a whole.

Some media outlets declared that the large majority in favour of the new directive was "surprising." It is, however, anything but surprising. For a number of years all European governments, albeit nominally "left" or "right," have been sharpening up immigration and asylum laws. European Union justice commissioner Jacques Barrot said that about 2 million immigrants planned to enter the European Union annually. It was therefore necessary to expand the possibility of legal migration. What he calls for, however, is the type of so-called "circular migration" favoured by French President Nicolas Sarkozy (Union for a Popular Movement, UMP) and German Federal Interior Minister Wolfgang Schäuble (CDU). Under such a system, immigrants are obliged to leave the country following the expiration of their work permit after two or three years.

Sarkozy, who takes over the presidency of the EU in July, has his own plans for a restrictive "immigration pact." Sarkozy wants to intensify border controls, universalise criteria for asylum, i.e., make asylum even more difficult than it is at present, and prevent the legalization of illegal immigrants already residing in Europe.

For its part the EU Commission also has proposals for the further partitioning of Europe from the rest of the world. It has just published plans for an "integrated asylum policy" and proposes investing more money for "regional protection programs" in transit countries to prevent refugees entering the European Union.

There can be no doubt that thousands of migrant workers will pay dearly for the new EU directive. Their lives are threatened either in their own homelands or at the militarily secured borders of the European Union when they try to flee abroad. The shameful toll of deaths at Europe's borders over the last 15 years officially stands at more than 12,000. These will certainly not be the last.

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