Responses to mixed migration in Europe

Implications for the humanitarian sector

Network Paper

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Cover photo: Syrian refugees come ashore in Lesvos, Greece.
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Introduction

For years nationals from outside the European Union (EU) have sought to enter the EU by irregular means, outside the regulatory norms of sending, transit and receiving countries. Since early 2015, however, the number of refugees and migrants entering (and trying to enter) the EU irregularly has increased dramatically, presenting the EU and its member states with profound organisational and political challenges and confronting the formal humanitarian sector with tests that it has struggled, and often failed, to meet.

Between January 2015 and September 2017, over 1.5 million refugees and irregular migrants arrived in Europe by sea. At least 9,600 died or went missing trying to make the crossing.[1] During the peak months from July 2015 to March 2016, over 1m arrived in the space of nine months – principally in Greece, but also in Italy and to a much lesser extent Spain. The influx presented a humanitarian challenge arguably on a scale Europe had not faced since the immediate aftermath of the Second World War. In many key respects the response to that challenge, by states, regional institutions and the international humanitarian system, failed, and for long periods the basic material and protection needs of many refugees and irregular migrants were not met. For this to have happened in Europe – widely regarded as the birthplace of modern humanitarianism – with its high income and well-developed infrastructure, is both astonishing and shaming.

Under EU asylum rules, the primary responsibility for the care and protection of refugees and irregular migrants lies with the national authorities in the countries they arrive in. The reasons why these rules and standards broke down or were not adhered to are complex, but at their root lies a lack of solidarity between EU members. As the UN Secretary-General put it in August 2015, this was 'a crisis of solidarity, not a crisis of numbers'.[2] Some international humanitarian agencies headquartered or based in EU member states attempted to address the many gaps and failings in state provision, but with some notable exceptions the response was slow and patchy, raising many questions about the effectiveness of international humanitarian agencies when trying to respond in their 'home' or 'own' region, rather than in Africa, Asia or elsewhere. The evident failings of responsible institutions and agencies galvanised volunteers and grassroots groups from across Europe, and indeed many other countries. In many respects, the scale of the response by civil society has been as telling as the failings of the authorities and established humanitarian agencies.

This Network Paper seeks to disentangle and explain *from a humanitarian perspective* what has happened in Europe since 2015, and the potential implications for the humanitarian sector more widely.[3] The paper starts with an overview of key events in the period 2015–17 (Chapter 1). Whilst the focus is on 2015 and early 2016, developments later in 2016 and during the first nine months of 2017 are also considered. The main elements of the European asylum and migration architecture which framed and shaped these developments are presented in Chapter 2, while Chapter 3 looks at the response in key individual states. The responsibilities of humanitarian agencies in this context are then considered in Chapter 4, together with the factors contributing to the slow and patchy response, and the reasons why so many refugees and irregular migrants in EU countries continue to endure conditions that are well below the minimum standards expected of a humanitarian response. Chapter 5 looks at the response by volunteers and grassroots groups from across Europe, exploring the challenges they have faced and the evolving nature of their relationship with formal humanitarian actors. The final section draws the key points together by asking what this experience tells us about the limits of humanitarian action as practiced by traditional humanitarian actors, and the role of civil society actors in the provision of assistance and protection.

1 IOM Missing Migrants project: https://missingmigrants.iom.int/region/mediterranean.

2 Ban Ki-Moon, 'Statement Attributable to the Secretary-General on Recent Refugee/Migrant Tragedies', 28 August 2015, https://www.un.org/sg/en/content/sg/statement/2015-08-28/statement-attributable-secretary-general-recent-refugeemigrant.

3 This Network Paper builds on a special issue of *Humanitarian Exchange* magazine on 'Refugees and Vulnerable Migrants in Europe' (no. 67, September 2016).

Chapter 1
## Overview: arrivals and key events since 2015

Over the period January 2015 to the end of September 2017, over 1.5m refugees and irregular migrants arrived in Europe by sea. Almost 70% made landfall in Greece through the Eastern Mediterranean Route (principally from Turkey to the Aegean Islands, with a much smaller number from Lebanon and Egypt). Of the remainder, 29% arrived in Italy through the Central Mediterranean Route (principally from Libya, with smaller numbers from Tunisia and Egypt), and 3% arrived in Spain through the Western Mediterranean Route (principally from Algeria and Morocco). As Figure 1 shows, the peak months were between June 2015 and March 2016, when 964,000 refugees and irregular migrants arrived in Greece.

The home countries of the arriving refugees and irregular migrants, the factors influencing their initial decision to leave their homes and the routes and duration of their journey differed widely. At the risk of oversimplifying a complicated and nuanced reality, the key facts are that two-thirds of arrivals into Europe in 2015 and 2016 were from just three countries – Syria, Afghanistan and Iraq. By far the largest nationality arriving in Europe by sea in those two years, at just over 40% of the total, were Syrians displaced by the conflict convulsing their country since 2011. Many had experienced multiple displacements within Syria, and had spent months or years in formal and informal refugee camps and urban areas in Turkey, Lebanon and other neighbouring countries. According to the UN High Commissioner for Refugees (UNHCR), for many the decision to move in 2015 was strongly influenced by the lack of any prospect of a resolution to the conflict, combined with growing impoverishment in their host countries and cuts in food assistance.[4] Faced with the likelihood of living for years without full refugee status and protection, having to work in the informal, low-wage economy and struggling to get their children into formal education, many opted instead to pay smugglers to get them and their families to Europe.[5]

For the Central Mediterranean Route the picture is more complex, with three broad groups involved: those with

Figure 1 Monthly sea arrivals in Greece, Italy and Spain, January 2015 to September 2017
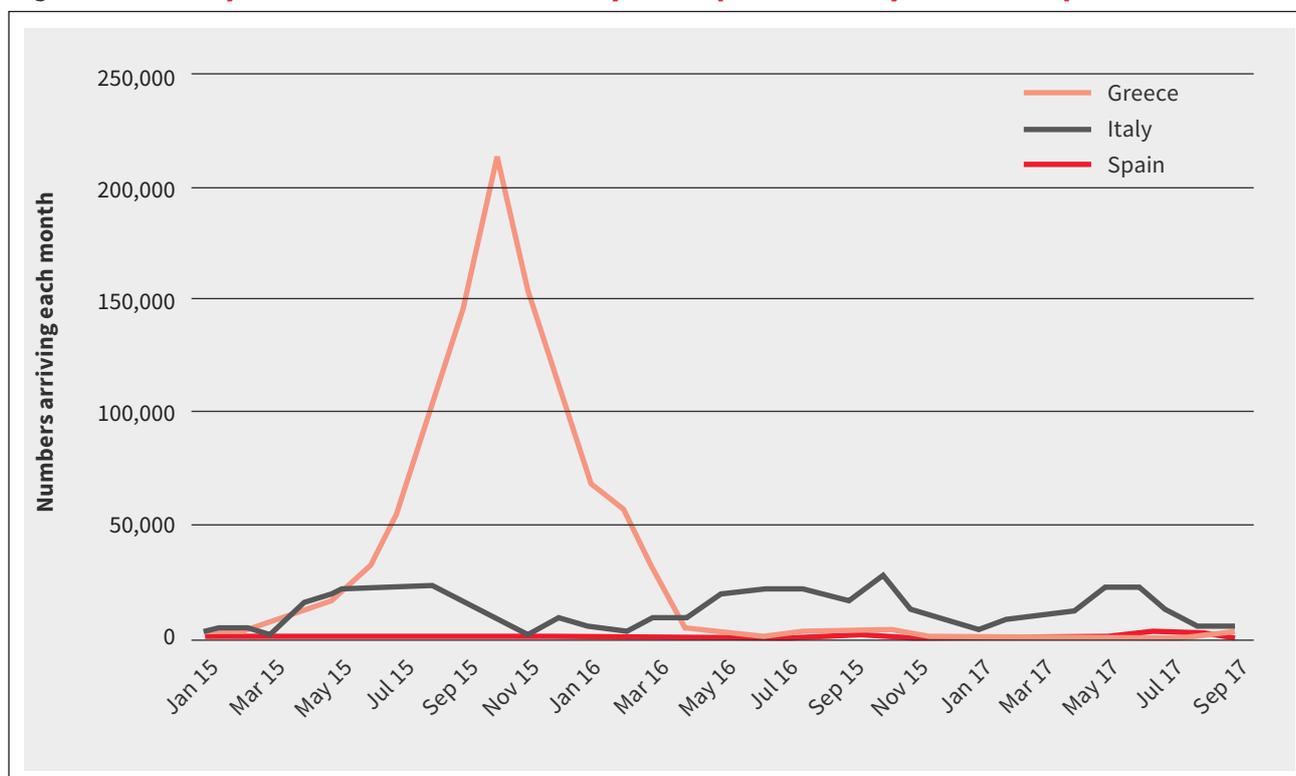
Source: UNHCR Mediterranean Data Portal

4 Filippo Grandi, 'Protecting Refugees in Europe and Beyond: Can the EU Rise to the Challenge?', Speech at the European Policy Centre, Brussels, 5 December 2016.

5 Heaven Crawley et al., 'Understanding the Dynamics of Migration to Greece and the EU: Drivers, Decisions and Destinations', MEDMIG Research Brief 2, September 2016.

protection claims; those fleeing instability or violence in their countries of origin who may not qualify for refugee status but would still be vulnerable or at risk if they returned; and those leaving their countries of origin in search of greater economic opportunity.[6] Over the 21-month period from January 2016 to September 2017, the most significant countries of origin were Nigeria (17%), Eritrea (9%), Guinea (7%), Côte d'Ivoire (7%), The Gambia (6%) and Mali, Senegal and Sudan (5%).[7]

These flows along the Eastern Mediterranean and Central Mediterranean routes were both 'irregular' (made without the necessary authorisation or immigration documents and often without passports or identity papers) and 'mixed' in that they were made up of people moving though some combination of force, choice and agency (see Box 1). The lack of legal and safe routes to asylum in the EU lay at the root of why so many refugees and migrants were forced to travel irregularly. The introduction of mandatory visas, carrier sanctions (whereby transport companies are obliged to control migrants' documentation at the point of embarkation, and to deny boarding to undocumented migrants) 'safe countries of origin' lists (whereby nationals from specified countries are deemed not to be at serious risk of persecution) and the extension of Europe's migration control regime into an expanding 'buffer zone' of neighbouring transit states, meant that all but the few who were accepted through the EU's refugee resettlement scheme had no choice but to enter as irregular migrants via increasingly dangerous sea and land crossings. It is a common paradox that, as the demand for asylum increases in countries affected by instability and conflict, so the options for achieving it invariably close down – a situation well illustrated by the drastic fall in the number of EU 'Schengen' visas issued to Syrians, from over 30,000 in 2010 (before the start of the conflict in Syria) to almost zero in 2013.[8]

Most people arriving in Greece headed north, along the Western Balkans route (through Macedonia, Serbia, Hungary, Croatia and Slovenia) and, if they arrived in Italy, up through Italy, Austria, Switzerland and France. Refugees pioneered routes across the Greek–Macedonian border, through Serbia and Hungary and onwards into Austria, Germany and Sweden, sharing detailed information on routes via social media.[9] As knowledge of the route spread back to Syrians in Turkey and even in Syria itself during 2015, so the flow of refugees and migrants crossing to the Greek islands increased. In late June 2015, recognising the scale of the clandestine flow of refugees and migrants, the Macedonian parliament voted to provide three-day visas to allow them to move legally through the

Box 1 Mixed migration

The term 'mixed migration' came into use around 2000 as researchers and analysts recognised a blurring of, or continuum between, 'forced' and 'voluntary' migration. A range of factors contribute to mixed migration, including:[10]

- The links between poverty, economic dislocation, weak states, human rights abuse and conflict in countries of origin, which produce closely related causes of both forced and voluntary migration, with people moving for a combination of reasons that will often include persecution and violence, poor livelihood prospects and opportunities and personal circumstances.
- People's motivations change during the course of their journey, so that someone who may have started out as a 'voluntary' migrant may experience severe human rights abuse in a transit country, causing them to flee to another country to seek protection. This has been the case for many West African migrants detained in appalling conditions in Libya.
- As legal migration becomes more restricted, so both 'voluntary' and 'forced' migrants are driven to resort to agents and smugglers in order to cross borders, and so become intermingled.

country. In August 2015, the German government announced that it would not be sending Syrian asylum applicants back to the European country where they had first landed (principally Greece), as required by the Dublin III protocol (see Chapter 2). This was widely interpreted as a declaration that Syrian refugees were welcome in Germany, and made the country the first-choice destination for Syrians who might otherwise have aimed for other European countries, such as Sweden, which at the time was offering indefinite asylum to Syrians.[11] Other EU states responded to the flow of refugees and migrants by imposing controls and changing admission criteria. In September 2015, Hungary built a 175-kilometre razor-wire barrier along its border with Serbia, followed by a second along its border with Croatia when the stream of refugees shifted from Serbia into Croatia and then back into Hungary. Refugees and migrants adapted to such changes by diverting to other, easier routes, or by backing up at particular crossings in the hope that the crossing point would be opened or the numbers allowed through would be increased.

6 Liska Wittenberg, *Managing Mixed Migration: The Central Mediterranean Route to Europe*, International Peace Institute, April 2017.

7 During 2017 Bangladesh became the third most significant country of origin.

8 European Union Fundamental Rights Agency, *Legal Entry Channels to the EU for Persons in Need of International Protection: A Toolbox* (Brussels: EUFRA, 2015).

9 One Facebook page in April 2015 was titled in Arabic 'The Safe and Free Route to Asylum for Syrians'. Patrick Kingsley, *The New Odyssey: The Story of Europe's Refugee Crisis* (London: Guardian Books, 2016).

10 Nicholas Van Hear et al., *Managing Mobility for Human Development: The Growing Salience of Mixed Migration*, Human Development Research Paper 2009/20 (New York: UNDP, 2009).

11 Philip Oltermann and Patrick Kingsley, '"It Took on a Life of Its Own": How One Rogue Tweet Led Syrians to Germany', *The Guardian*, 25 August 2016; Allan Hall and John Lichfield, 'Germany Opens Its Gates: Berlin Says All Syrian Asylum-seekers Are Welcome to Remain, as Britain Is Urged to Make a "Similar Statement"', *The Independent*, 24 August 2015.

Figure 2 Asylum applicants by country, 2015

Country	Applicants
Germany	476,649
Hungary	177,135
Sweden	162,877
Austria	88,160
Italy	84,085
France	79,914
Turkey (DGMM)	64,109
Netherlands	58,880
Switzerland	39,523
UK	38,800
Belgium	35,476
Bulgaria	20,391
Spain	14,780
Greece	13,197
Poland	12,190
Ireland	3,276
Cyprus	2,265
Malta	1,693
Serbia	548
Croatia	152
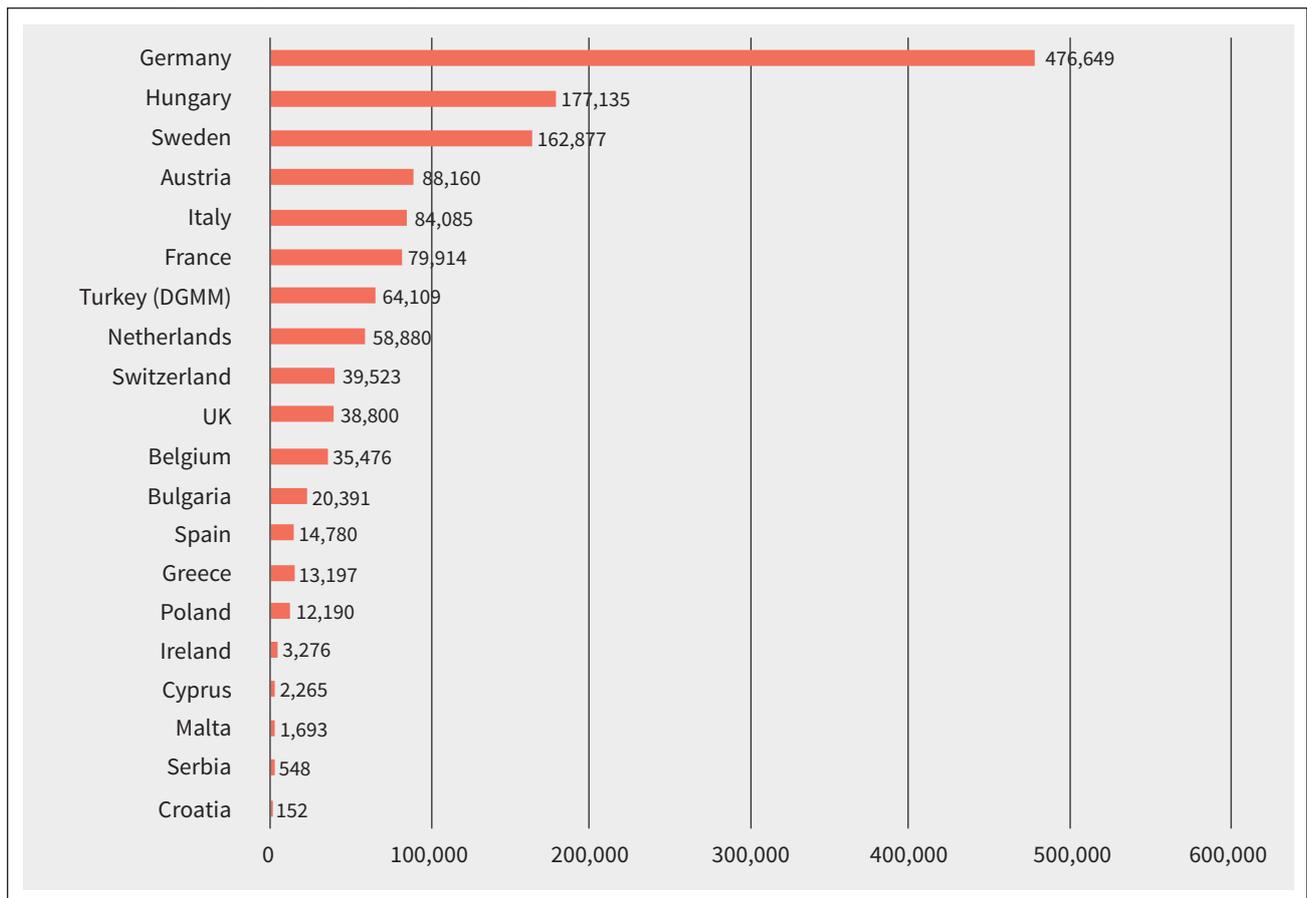
Source: ECRE, *Wrong Counts and Closing Doors: The Reception of Refugees and Asylum Seekers in Europe*, Asylum Information Database (AIDA) (Brussels: European Council on Refugees and Exiles, 2016).

Images of a drowned Syrian boy, Alan Kurdi, published in the world's media in September had a profound (but temporary) impact on public attitudes towards refugees and migrants, in Europe and internationally. The European Commission and some EU member states (along with Canada) proposed new initiatives and schemes to admit more refugees and respond to their needs. EU governments approved a plan to relocate 66,000 refugees from Greece and Italy to other EU countries over the following 12 months.[12] Other measures included the creation of 'hotspots' to provide a platform for integrated support by the Commission, the European Asylum Support Office (EASO), the EU border agency Frontex and the EU's law enforcement agency Europol to 'frontline' member states experiencing high numbers of arrivals at particular points along their borders. The first such 'hotspot' became operational at Moria camp on Lesvos in October 2015, and subsequently four more were opened in Greece and four in Italy. EU leaders also agreed a 17-point plan of action on the Western Balkans Route, including confirmation of the principle that entry could be refused to third-country nationals choosing not to apply for asylum in that country.[13]

In parallel with these efforts to manage the flow of refugees and irregular migrants reaching Greece and moving up through the Balkans, the EU was also developing a policy of 'externalising' its migration management efforts by working with third countries to discourage or prevent migrants from reaching the EU in the first place. Led by Germany, discussions between the EU and Turkey began in October 2015 over ways of reducing the flow of refugees and migrants from Turkey to Greece. The talks led in March 2016 to a statement on an EU–Turkey Joint Action Plan, whereby Turkish authorities would do more to stem the flow of refugees and migrants and would take back refugees and migrants arriving in Greece after 18 March whose claims for asylum in Greece had been rejected. For each failed asylum-seeker returned to Turkey, one Syrian refugee would be accepted into the EU. In return, Turkey would receive up to €6 billion in payments to a Facility for Refugees by 2018, and the EU would provide for visa-free travel to Europe for Turkish

12 This was in addition to 40,000 that had been approved in July, and the plan included a further 54,000 that would be relocated in the second year of the programme. The plan was approved by majority vote, with the Czech Republic, Slovakia, Hungary and Romania opposing it but being outvoted. 'EU Ministers Force Through Refugee Quota Plan', *Financial Times*, 22 September 2015. By September 2016, one year after the plan was approved, only 5,651 asylum-seekers had been relocated from Italy and Greece to other European countries. See https://fullfact.org/europe/eu-refugee-relocation.

13 'Press Release: Meeting on the Western Balkans Migration Route. Leaders Agree on 17-point Plan of Action', Brussels, 25 October 2015.

citizens.[14] The statement was strongly criticised by UNHCR and other human rights and humanitarian organisations.[15] Its status has been subject to legal challenge, and in February 2017 the General Court of the EU declared that 'the EU–Turkey statement, as published by means of Press Release No 144/16, cannot be regarded as a measure adopted by the European Council, or, moreover, by any other institution, body, office or agency of the European Union, or as revealing the existence of such a measure that corresponds to the contested measure'.[16] Despite this contested and ambiguous status, the EU is using the principal elements of the EU–Turkey statement as a template for agreements with other transit countries, including Libya and Egypt.

Coincident with the EU–Turkey statement, the €2.85bn Emergency Trust Fund for Africa (EUTF), agreed at the Valletta Summit of European and African heads of state and government in November 2015, is designed to address 'the root causes of irregular migration' through the 'flexible, speedy and efficient delivery of support to foster stability and contribute to better migration management' in three regions seen as central to Europe's migration challenge: North Africa, the Sahel and Lake Chad and the Horn of Africa. The bulk of the Fund's resources are going to job creation and economic development, support to basic services, 'migration management' and conflict prevention, human rights and rule of law.[17] Under EUTF-funded assisted voluntary return and reintegration (AVRR) programmes, by September 2017 11,000 irregular migrants had been returned to their home countries from Niger and Libya.[18]

In June 2016, the EU agreed a Partnership Framework with Third Countries promising aid and trade deals for key origin and transit countries that cooperated with the EU's efforts to reduce migration flows, alongside 'negative incentives' for governments that did not cooperate. A crackdown on migrant smugglers began in Niger in mid-2016, and a similar crackdown is expected in Mali.[19] Niger in particular has been cited as 'emblematic of what can be achieved under the Partnership Framework: the EU and Member States have closely coordinated their actions and cooperation, together with Nigerien authorities. Border controls and action against trafficking in human beings have been stepped up leading to

the arrest of smugglers and a significant increase in Assisted Voluntary Returns of migrants from Niger to countries of origin'.[20] The EU has established an EU Common Security and Defence Policy (CSDP) field office in the Nigerien city of Agadez to provide local security forces with equipment and training on 'migration, intelligence and arrest techniques'. Funding has also been provided to the International Organization for Migration (IOM) to open three transit centres to help migrants make 'better informed migration decisions', and to support the IOM's AVRR programme.

These institutional arrangements took shape amid hardening public and official attitudes towards refugees and migrants across Europe. A series of terrorist attacks in Paris on 13 November were linked to the flow of refugees and migrants, and lax border controls were blamed for allowing some of the perpetrators to travel from Syria to France. In Germany, a spate of sex attacks in Cologne on New Year's Eve 2015 was initially (and wrongly, as it turned out) blamed on refugees. In November 2015 Macedonia, Serbia and Croatia began to restrict passage through their borders, allowing only asylum-seekers from Syria, Iraq and Afghanistan to cross. The following March, Macedonia, Croatia and Slovenia announced that they had closed their borders to all refugees, including from Syria, Afghanistan and Iraq. In large part due to these increasingly restrictive policies, the number of arrivals in Greece fell steadily: from a daily average of over 6,360 in October 2015, sea arrivals in Greece fell to 1,918 a day in January and February 2016. The combination of the complete closure of the Macedonian border and the implementation of the EU–Turkey statement in March 2016 resulted in a further significant drop in the numbers arriving in Greece.[21] Within the space of a few weeks, the situation in Greece had moved from that of a transient population generally passing through the country to a static population of approximately 50,000 refugees and irregular migrants effectively stranded in the country.

With the sharp fall in the numbers of refugees and irregular migrants arriving by sea in Greece, international attention shifted to Italy, where sea arrivals, mostly departing from Libya, averaged 14,500 a month during 2016 and the first half of 2017. With its much longer sea crossing, the Central Mediterranean route is significantly more dangerous than the much shorter crossing between Turkey and the Greek Aegean Islands. Between January 2016 and September 2017, 7,900 people perished crossing the Mediterranean, 91% of them on the Central Mediterranean Route.[22] One in 40 of those attempting the crossing in 2016 died in the process.[23]

14 European Commission, 'EU–Turkey Statement: Questions and Answers', Brussels, 19 March 2016, http://europa.eu/rapid/press-release_MEMO-16-963_en.htm.

15 IRIN 'UNHCR Expresses Concern over EU–Turkey Plan', http://www.unhcr.org/uk/news/latest/2016/3/56dee1546/unhcr-expresses-concern-eu-turkey-plan.html.

16 General Court of the European Union, Cases T-192/16, T-193/16 and T-257/16 NF, NG and NM v. European Council, Order of 28 February 2017, http://bit.ly/2lWZPrr.

17 EU Emergency Trust Fund for Africa Factsheet: https://ec.europa.eu/europeaid/eu-emergency-trust-fund-africa-factsheet_en.

18 'Partnership Framework on Migration: Joint Management of Migration Shows Positive Results', European Commission Press Release, 6 September 2017, http://europa.eu/rapid/press-release_IP-17-3091_en.htm.

19 'Europe Slams Its Gates Imperilling Africa — and Its Own Soul', *Foreign Policy*, June 2017.

20 *Ibid.*

21 Thomas Spkijkerboer, 'Fact Check: Did the EU–Turkey Deal Bring Down the Number of Migrants and of Border Deaths?', *Border Criminologies*, 28 September 2016, https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/09/fact-check-did-eu.

22 Missing Migrants: https://missingmigrants.iom.int/region/mediterranean.

23 UNHCR, 'Desperate Journeys', February 2017, http://www.unhcr.org/uk/news/updates/2017/2/58b449f54/desperate-journeys-refugees-migrants-entering-crossing-europe-via-mediterranean.html.

Following the drowning of 336 irregular migrants off the Italian island of Lampedusa in October 2013, the Italian government launched *Operation Mare Nostrum*, a naval and air operation to rescue irregular migrants in international waters. Over a 12-month period more than 150,000 irregular migrants were rescued and landed in Italy.[24] In November 2014 *Operation Mare Nostrum* was superseded by the more modest *Operation Triton*, managed by Frontex and covering only areas close to the Italian coast. In an effort to improve the coverage of the search and rescue operations, vessels operated by NGOs and volunteer groups began conducting their own operations in international waters north of Libya in summer 2014, providing 'a crucial contribution to mitigating the loss of life at sea'.[25] By September 2016, nine NGOs (MOAS, MSF, Sea-Watch, See-Eye, Proactiva, SOS Méditerranée, Jugend Retet, the Boat Refugee Foundation and Save the Children) were operating 11 vessels.[26] NGO- and volunteer-run vessels accounted for a quarter of all those rescued in 2016 and a third in the first three months of 2017.[27]

In May 2015 the EU Council agreed to establish a military operation in the Southern Central Mediterranean (EUNAVFOR MED, also known as *Operation Sophia*). In June 2016 its remit was extended to include the provision of funding and training to the Libyan Coast Guard, whose vessels were believed to be involved in the capture and return to Libya of smugglers' vessels and their migrant passengers. The capability of the Libyan Coast Guard was further enhanced by the provision of patrol boats by the Italian government in June 2017. Around the same time, Italy also provided funds to the Libyan government to pay militias controlling the coastline (and thus the lucrative migrant trade) around Sabratha,[28] effectively turning 'migrant smugglers into migrant interceptors'.[29] These measures appeared to have an almost immediate impact, as in July 2017 the number of refugees and migrants arriving in Italy fell sharply, from 27,899 in June to 9,765 in August.

In August 2017, Libya declared an unspecified 'Rescue Zone' in the Mediterranean and warned that NGO vessels would be excluded from this area.[30] Libyan Coastguard vessels were increasingly involved in confrontations with NGO vessels attempting to rescue migrant boats in distress, and interceptions that had previously taken place within Libyan territorial waters now extended into international waters. Following a spate of confrontations in August 2017, MSF, Save the Children and several other groups halted their search and rescue operations. The German NGO Sea-Watch followed suit after an incident in October 2017, in which at least four migrants died when Libyan Coastguard officials boarded a crowded boat during a rescue operation by the NGO. Sea-Watch is planning to bring charges against the Libyan Coastguard.[31] Possibly as a result of efforts to close down the Central Mediterranean route, arrivals in Spain through the Eastern Mediterranean route increased from 1,308 in May 2017 to 3,213 the following August, an increase of 145%.

The treatment of migrants, asylum-seekers and refugees in Libya has been a cause for concern for over a decade.[32] Estimates of the number of migrants currently in Libya range from 700,000 to a million, held in some 48 detention centres. While the majority are run by the government, around a dozen are thought to be under the control of criminal gangs.[33] UNHCR, IOM and international NGOs are prevented from accessing some government centres.[34] Conditions in many centres are appalling, and detainees, including children, are subject to torture, extortion, sexual violence, food deprivation and forced labour.[35] The UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, has been outspoken in his criticism of the Libyan authorities, and of the EU for its support to the Libyan Coastguard. Speaking in September 2017, Al Hussein charged that people being returned to detention centres were being held arbitrarily, and faced 'torture, rape and other serious human rights violations' in 'clear breach of the international law prohibition of "non-refoulement"'.[36] The following November he described the situation of migrants in Libya as 'an outrage to the conscience of humanity', and the EU's policy of assisting the Libyan Coastguard to intercept and return migrants in the Mediterranean as 'inhuman'.[37]

24 IOM, 'IOM Applauds Italy's Life-Saving Mare Nostrum Operation: "Not a Migrant Pull Factor"', 31 October 2014, https://www.iom.int/news/iom-applauds-italys-life-saving-mare-nostrum-operation-not-migrant-pull-factor.

25 E. Cusumano, 'Emptying the Sea with a Spoon? Non-governmental Providers of Migrants Search and Rescue in the Mediterranean', *Marine Policy*, 75, 2017.

26 *Ibid.*

27 Human Rights Watch, 'EU: Shifting Rescue to Libya Risks Lives', 19 June 2017, https://www.hrw.org/news/2017/06/19/eu-shifting-rescue-libya-risks-lives.

28 'Backed by Italy, Libya Enlists Militias to Stop Migrants', Associated Press, 29 August 2017, https://www.apnews com/9e808574a4d04eb38fa8c688d110a23d/Backed-by-Italy,-Libya-enlists-militias-to-stop-migrants.

29 Giulia Lagana, quoted in 'Deeply Talks: Fallout from EU Migration Obsession Rocks Libya', 17 October 2017, https://www.newsdeeply.com/...efugees+Deeply&utm._

30 The Maritime Executive, 'Libya Excludes NGO Vessels from "Rescue Zone"', August 2017, https://maritime-executive.com/article/libya-excludes-ngo-vessels-from-rescue-zone.

31 See https://sea-watch.org/en/sea-watch-is-pressing-charges-against-libyan-coast-guard.

32 See Human Rights Watch, 'Stemming the Flow: Abuses Against Migrants, Asylum Seekers and Refugees', 12 September 2006.

33 IOM Libya Brief, https://www.iom.int/countries/libya.

34 UK House of Lords, 'Operation Sophia: A Failed Mission', European Union Committee, 2nd report of Session 2017–19, July.

35 UN HCHR/UNSMIL, *Detained and Dehumanised*, 13 December 2016.

36 'Returned Migrants Are Being Robbed, Raped and Murdered in Libya', Opinion by Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, 8 September 2017.

37 'UN Human Rights Chief: Suffering of Migrants in Libya Outrage to Conscience of Humanity', 14 November 2017, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22393&LangID=E.

Chapter 2
The European asylum and migration framework

Since the Amsterdam Treaty of 1999, responsibility for asylum and migration policy has been shared between the EU and its member states. Member states are responsible for the implementation of asylum and migration policy, and for ensuring that their national legislation is compliant with both EU law and international agreements. A Common European Asylum System (CEAS) sets common standards through a package of regulations and directives. The four main EU legal instruments comprising the CEAS are:

- The 2011 Qualification Directive, which clarifies the grounds for granting international protection.
- The 2013 Asylum Procedures Directive, which provides common procedures for granting and withdrawing international protection.
- The 2013 Reception Conditions Directive, which lays down minimum standards for the reception of asylum-seekers.
- The 2013 Dublin Regulation ('Dublin III'), which establishes the criteria and mechanisms for determining the member state responsible for examining an application for asylum, so as to eliminate applications in more than one country.

To support the Dublin Regulation, an EU-wide database, EURODAC, was established in 2003 to record the fingerprints of asylum-seekers and irregular migrants aged 14 years and over. EASO was created in 2011 to support member states in efforts to implement a more consistent and fairer asylum policy.

The Common European Asylum System

Several points can be made about the CEAS to help explain why the response to the refugee and migrant influx by the EU and many of its member states was so inadequate. First, it is still a work in progress: all of the current elements of the CEAS only became fully applicable in July 2015, at the very point when the scale of arrivals was creating a humanitarian crisis in Greece and along the Balkans route. Even now, in 2017, proposals for its reform presented by the European Commission in May and July 2016 are very much under debate.[38]

Second, while the CEAS establishes common minimum standards for the EU's 28 member states, it certainly does not represent a *harmonised* set of standards, and there are wide variations in interpretation and implementation and in national practices on a range of issues affecting refugees

and irregular migrants. For instance, as a result of the basic principle that member states may introduce or retain more favourable provisions, Sweden was able to grant immediate permanent residence to Syrian refugees in 2015, even though EU law merely requires the granting of residence for three years. Refugees are also allowed to work immediately upon applying for asylum, in Germany after three months, in the Netherlands after six months and in France after nine months. There are also wide variations in what are called 'recognition rates' for asylum applicants from different countries, so that in 2015 across the EU+ countries (the 28 EU members plus Norway and Switzerland) recognition rates of Iraqi applicants ranged from 21% to 98%, and for Afghans from 14% to 96%.[39] There are also wide variations between member states in the reception conditions that they provide for asylum-seekers. Although the Reception Conditions Directive refers to various conditions required for asylum-seekers, including housing, food, clothing, financial allowances, healthcare, employment and education, in practice these are implemented in widely differing ways between different countries, and even in different localities within the same country.[40]

The failure of some member states to ensure adequate reception conditions and their failure to properly harmonise asylum and reception policies may be attributed to the intentional use by many governments of poor reception conditions as a deterrence strategy. 'Rather than welcome, settle and integrate the new arrivals, EU member states have largely sought to drive them away from their borders through an escalation of restrictive migration policy designed to stop people coming in the first place.'[41] In a 2012 interview, the then UK Home Secretary Theresa May stated of planned immigration legislation that 'The aim is to create here in Britain a really hostile environment for illegal migration'.[42] In the context of negative public attitudes towards refugees and irregular migrants there is very little political will or incentive to 'harmonise upwards'.[43] One consequence is that 'infringement proceedings' are regularly brought by the

38 See for example European Council of Refugees and Exiles (ECRE), 'ECRE Comments on Commission Proposals for Reform of the Common European Asylum System', October 2016, http://www.asylumineurope.org/news/07-10-2016/ecre-comments-commission-proposals-reform-common-european-asylum-system.

39 EASO Annual Report, cited in Maarten den Heijer, Jorrit J. Rijpma and Thomas Spijkerboerjer, 'Coercion, Prohibition, and Great Expectations: The Continuing Failure of the Common European Asylum System', *Common Market Law Review* 53(2016), p. 607-642.

40 ECRE Asylum Information Database (AIDA), *Wrong Counts and Closing Doors: The Reception of Refugees and Asylum Seekers in Europe*, March 2016.

41 Jessica Hagen-Zanker and Richard Mallett, *Journeys to Europe: The Role of Policy in Migrant Decision-Making*, ODI Insights, 2016.

42 'Theresa May Interview: "We're Going to Give Illegal Migrants a Really Hostile Reception"', *The Telegraph*, 25 May 2012.

43 Helen Dempster and Karen Hargrave, *Understanding Public Attitudes towards Refugees and Migrants*, ODI Working Paper 512, 2017.

Commission against member states not adhering to the common minimum standards. Another is that most member states face constant legal challenges to their asylum and reception policies and provisions. Many of the gains that have been achieved in the protections and provisions for refugees, asylum-seekers and irregular migrants are the result of such legal challenges.[44]

Third, the Dublin system places undue pressure on countries at the periphery, such as Greece and Italy. The Dublin Regulation sets out a hierarchy of criteria used to determine which member state is responsible for processing an application for protection (asylum), including family considerations (presence of a family member in a particular member state), recent possession of a visa or residence permit in a member state and whether the applicant has entered the EU irregularly or regularly, and if irregularly in which member state they first arrived. While refugees and migrants entering the EU irregularly are under no legal obligation to apply for asylum in the member state in which they first arrive, the Dublin Regulation provides for asylum-seekers to be returned to the state of arrival to process their application, unless their application qualifies for consideration in another member state as a result of family connections or the recent visa/residence criteria. The operation of the Dublin Regulation therefore simultaneously disregards the preferences of asylum-seekers and refugees (who would probably want to claim asylum in member states such as Germany and France where economic opportunities are greater), and places significant pressure on those states at the periphery of the EU that are the first arrival point for the vast majority of refugees and irregular migrants and, at least in the case of Greece, are poorly equipped to cope.[45] Given significant differences in the likely outcome of their asylum claims, their ability to find work and enter the labour market and likely reception, it was hardly surprising that only a small proportion of those arriving in Greece and Italy actually applied for asylum in those countries. Of the 856,723 people who reached Greece by sea in 2015, only 13,197 (about 1.5%) applied for international protection in Greece.[46] In Italy, of the 42,323 Syrians and 34,329 Eritreans who arrived in 2015 only 505 Syrians (1.2%) and 480 Eritreans (1.4%) applied for asylum in Italy.[47]

Recognising the dramatic imbalance in the relative burden shared by both the countries of first entry and the destination countries and those other member states that fall into neither category, in September 2015 EU Interior Ministers meeting in the Justice and Home Affairs Council approved a temporary plan to relocate 120,000 asylum-seekers over two years from Italy, Greece and Hungary, the so-called 'frontline states', to all other EU countries (except Denmark, Ireland and the United Kingdom, which have opt-outs). The decision was taken by majority vote, with the Czech Republic, Hungary, Romania and Slovakia voting against and Finland abstaining. Subsequently, Poland joined other members of the Visegrád Group (the Czech Republic, Hungary and Slovakia) in opposing the mandatory reallocation of refugees between member states. In Hungary the issue of whether the country should accept a mandatory allocation of just 1,294 refugees was even put to a national referendum (see the section on Hungary below). By September 2016, after just 4,500 refugees had been relocated, European Commission president Jean-Claude Juncker admitted that 'solidarity cannot be forced'.[48] The Commission's attempt to achieve solidarity and burden-sharing in the EU's approach to the crisis had failed.

Finally, the CEAS's Reception Conditions Directive refers to asylum *applicants* and not to irregular migrants who have yet to *apply* for asylum. In effect, this means that, while many of those undertaking onward movement from Greece and Italy in 2015 and early 2016 would most likely have qualified for international protection as refugees, until they actually applied for asylum and formally entered an asylum procedure they remained 'irregular migrants' in a legal sense. As such, they lacked the effective protection of any defined national or international framework guaranteeing respect for their fundamental rights and any associated assistance or support from state authorities. In short, as long as refugees and irregular migrants do not apply for asylum, there is no clear legal obligation for a state to support and protect them.[49] Refugees and migrants who are present on a country's territory but who, for whatever reasons, have not initiated an asylum application therefore occupy a grey zone where their rights are ambiguous. While international refugee law provides a clear normative and legal framework for identifying and protecting refugees, there is no regime of specific rights or institutions governing irregular migrants. Irregular migrants are protected under international human rights law, but in practice they do not usually have access to the fundamental protections they are entitled to.[50]

44 Andrew Geddes and Peter Scholten, *The Politics of Migration and Immigration in Europe*, Second Edition (London: Sage, 2016).

45 Minos Mouzourakis, *'We Need to Talk about Dublin': Responsibility under the Dublin System as a Blockage to Asylum Burden-sharing in the European Union*, Working Paper 150 (Oxford: Refugee Studies Centre, 2014).

46 ECRE/AIDA, March 2016.

47 Interior Ministry report on the reception of migrants and refugees in Italy, cited in MSF, 'Out of Sight: Asylum Seekers and Refugees in Italy: Informal Settlements and Marginalization', 2016.

48 EU Observer, 'EU Buries Migration Dispute for Now', 20 October 2016, https://euobserver.com/migration/135576.

49 Marie-Benedicte Dembour and Marie Martin, 'The French Calaisis: Transit Zone or Dead-end?', in Marie-Benedicte Dembour and Tobias Kelly (eds), *Are Human Rights for Migrants? Critical Reflections on the Status of Irregular Migrants in Europe and the United States* (Oxford: Routledge, 2011).

50 Alex Betts, 'Towards a "Soft Law" Framework for the Protection of Vulnerable Irregular Migrants', *International Journal of Refugee Law*, 22(2), 2010.

Chapter 3
National frameworks and responses

Since the 1980s many states have 'introduced a range of policies to deter or prevent migrants and refugees from arriving at their territory or accessing their asylum system … the wide range of deterrence measures implemented today should be collectively understood as a dominant paradigm for international refugee policy'.[51] In August 2017, the Special Rapporteur of the Human Rights Council on extrajudicial summary or arbitrary executions concluded that 'In a global environment where refugees and migrants are demonized, and their movements criminalized, countries around the world have designed policies based on deterrence, militarization and extraterritoriality which implicitly or explicitly may tolerate the risk of migrant deaths as part of an effective control of entry'.[52]

Faced with a sharp increase in the numbers of refugees and irregular migrants, EU member states deployed a wide range of responses. Some were, at least for a period, welcoming, and involved the mobilisation of significant state resources. Others were much less welcoming and in some cases actively hostile methods were used to manage, control, deter and prevent the arrival of refugees and irregular migrants. This section describes the experience in five EU countries (Greece, Sweden, Germany, Hungary and France) and Serbia – a country on the western Balkans route that is an EU Candidate country in the process of negotiating accession to the EU.

Greece

With its 200km land border with Turkey and numerous Aegean islands just a short sea crossing from the Turkish mainland, the geography of Greece makes it by far the easiest route for refugees and irregular migrants trying to reach Europe from the Middle East, parts of North Africa and countries further afield, such as Afghanistan. Tough immigration policies in Spain and Italy, coupled with Spanish and Italian agreements with North African countries to limit the flow of irregular migrants in the early 2000s, also encouraged flows towards Greece. By 2010, 90% of all apprehensions for unauthorised entry into the EU were taking place in Greece.[53]

The financial crisis in 2007–2008 caused a serious economic downturn in Greece and prompted severe austerity measures, including tax increases and spending cuts, leading to a sharp increase in unemployment and deepening hardship. The policies adopted by the Greek government to manage asylum-seekers and irregular migrants were developed in this context, and inevitably their implementation was affected by it. The measures adopted, funded in part by the EU, included limited regularisation programmes to legalise certain types of irregular migrants; tighter border controls and the apprehension and detention of irregular migrants; the construction of a 10km fence along that part of the border with Turkey that does not run along the natural barrier of the Evros River; strengthened border management forces; and programmes of voluntary and forced return. The detention policy was particularly controversial. It was suspended following the election of the left-wing Syriza government in January 2015, and the new government began emptying detention centres the following March, despite their being no plan to provide for accommodation elsewhere. The government's policy seemed to be to avoid massive congestion on the islands by allowing refugees and irregular migrants to move across to the mainland before heading for destinations further north.

By late 2015 Greece was coming under increasing pressure from the European Commission and other member states to improve its border control, reception and asylum processing systems. In addition to setting up the 'hotspots', the capacity of the Greek Asylum Service was increased with support from EASO and Asylum Support Teams seconded from other member states. One result was that the proportion of refugees and irregular migrants being fingerprinted (in accordance with the Schengen Rules) increased from 8% in September 2015 to 78% in January 2016.[54]

With the closure of Macedonia's border with Greece in March 2016, an estimated 50,000 refugees and irregular migrants were effectively 'stuck' in Greece, placing enormous strain on the country's ability to provide support and shelter, particularly in Athens and Thessaloniki and at the makeshift camp at Idomeni on the Greek side of the border crossing point. In May 2016 the Greek authorities closed Idomeni camp and transported the estimated 8,500 refugees and irregular migrants residing there to some 30 newly established sites across the mainland, including disused warehouses and stadiums and former military camps. Many of the sites were either unsuitable or inadequately prepared, and for months their inhabitants were obliged to live in tents in conditions that were below the Sphere minimum standards, and in

51 T. Gammeltoft-Hansen and N. Tan, 'The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy', *Journal on Migration and Human Security*, 5(1), 2017.

52 'Unlawful Death of Refugees and Migrants', Note by the Secretary-General, 15 August 2017, https://reliefweb.int/report/world/unlawful-death-refugees-and-migrants-report-special-rapporteur-human-rights-council.

53 Charablambos Kasimis, *Greece: Illegal Immigration in the Midst of Crisis*, Migration Policy Institute, 8 March 2012.

54 *Greece: State of Play Report*, COM (2016), Annex 2, 2 October 2016, https://perma.cc/SF2A-LA4P.

some cases unsafe.[55] The unusually severe winter of 2016–17 left tented camps buried in snow, with water supplies and toilets frozen and long periods without power.[56] Over time the number of sites on the mainland was rationalised and refugees and migrants were moved into more secure accommodation with improved standards, but the process was painfully slow.

On the Aegean islands, meanwhile, the situation has in many respects worsened. Implementation of the EU–Turkey statement has meant that new arrivals are kept 'under restriction of liberty' at the hotspot facilities on the five islands of Lesvos, Chios, Samos, Kos and Leros, until they are registered and processed. With inadequate reception capacity and arrivals by sea averaging over 3,000 a month during the summer of 2017, numbers have built up, resulting in 'appalling living conditions for many asylum-seekers in overcrowded and unsafe accommodations', with 'many being deprived of care and support that is only available on the mainland'.[57] At the Reception and Identification Centre on Samos, 1,900 people, including 600 children, pregnant women and people with serious medical conditions and disabilities, were crammed into an area meant for 700.[58] Past trauma has combined with overcrowding, poor conditions, lack of adequate services and uncertainty about the future to produce high rates of mental illness, leading MSF in October 2017 to call the situation a 'mental health emergency'.[59]

Sweden

In 2015, 156,110 applications for asylum were made in Sweden, more than double the number in 2014. A third of applicants were Syrian.[60] At the peak in October 2015, 11,000 asylum-seekers were arriving each week, putting the Migration Agency's normal arrangement of accommodating asylum-seekers in flats rented by municipalities under significant strain. The agency had to make temporary use of sports halls and short-term contracts with hotels, campsites and holiday villages as temporary accommodation centres. Inevitably, reception standards were often lower than those provided by regular accommodation.[61] The vast majority of successful asylum applicants received permanent residence permits until July 2016, when a new temporary law altered residence arrangements. Under the new

provisions, a small number of refugees to whom Sweden has granted formal refugee status were given three-year residence permits, and the majority were given subsidiary protection status, with the right to remain for 13 months, extendable for another two years if their grounds for protection still pertained. By the end of 2016 accommodation problems had eased, and for most arrangements had returned to normal.[62] During the year an increasing number of asylum-seekers took up a government scheme in place since 2013 offering grants to those who returned voluntarily to their country of origin. The bulk of those taking up the scheme were Afghans and Iraqis whose chances of a successful application were low; in 2016, the number of Iraqis cancelling their asylum applications exceeded the number of new asylum claims by Iraqis.[63]

Germany

An estimated 890,000 asylum-seekers arrived in Germany in 2015, and a further 280,000 in 2016 (1.17m in total). Such was the strain placed on registration and processing systems that many of those arriving in 2015 had to wait until 2016 before formally applying for asylum, with the result that 745,000 applications were made in 2016, compared to 476,000 in 2015. By the end of 2016 some 434,000 applications were still pending and nearly 174,000 had been rejected.[64] In early 2016, the Federal Office for Migration and Refugees (BAMF) reduced the numbers granted refugee status and began making increased use of subsidiary protection status. Consequently, while nearly 96% of Syrians had been granted refugee status in 2015, this dropped to 41% in 2016.

Using a quota system, each German state was expected to take roughly 1% of their population, so an area with a population of 100,000 had responsibility for around 1,000 asylum-seekers. On the whole the German public welcomed refugees and asylum-seekers, and they were provided with wide-ranging assistance and language support.[65] While the scale of arrivals strained the initial reception capacity of some states and local authorities, in the majority of cases local authorities were able to cope adequately. The larger cities resorted to emergency accommodation arrangements such as gyms, containers, warehouses, office buildings and tents. In Berlin, 3,300 asylum-seekers were being housed in gyms at the end of 2016, and by February 2017 several hundred were still living in an emergency facility at the former Templehof airport.[66]

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55 UNHCR, *Regional Refugee and Migrant Response Plan for Europe January to December 2017*, 2016.

56 MSF, cited in AIDA, *Country Report Greece*, 2016.

57 Izza Leghtas, *Like a Prison: Asylum-seekers Confined to the Greek Islands*, Refugees International, 2017.

58 'UNHCR Urges Action to Ease Conditions on the Greek Islands'. Summary of what was said by UNHCR spokesperson Cécille Pouilly, 8th September 2017.

59 MSF, 'Confronting the Mental Health Emergency on Samos and Lesvos: Why the Containment of Asylum Seekers on the Greek islands Must End', 2017.

60 EASO, *Annual Report on the Situation of Asylum in the European Union 2015* (Brussels: EASO, 2016).

61 AIDA, *Country Report: Sweden* (Brussels: ECRE, 2015).

62 *Ibid.*

63 'Sweden Sees Record Numbers of Asylum Seekers Withdraw Applications and Leave', *The Independent*, 25 August 2016.

64 AIDA, *Country Report: Germany 2016 Update* (Brussels: ECRE, 2017). The 174,000 included nearly all applicants from Albania, the majority from Russia and Nigeria and a significant proportion (between 22% and 40%) from Afghanistan, Iraq and Iran.

65 Ulrike Hamann and Serhat Karakayali, 'Practicing Wilkommenskultur: Migration and Solidarity in Germany', *Intersections: East European Journal of Society and Politics*, 2(4), 2016.

66 AIDA, *Country Report: Germany 2016 Update*, p. 61.

Hungary

In considerable contrast to Sweden and Germany, the Hungarian government led by Prime Minister Viktor Orban sought to restrict access for refugees and asylum-seekers, as well as stirring up xenophobic sentiment against them.[67] In February 2015, the government launched a campaign demonising refugees and migrants and portraying the issue as one of the main challenges facing Hungary.[68] The following July Hungary's asylum legislation was amended so that Serbia was regarded as a safe third country (not the position of UNHCR or the Hungarian High Court), with the result that those trying to enter Hungary from Serbia (accounting for 99% of asylum-seekers) could be rejected without any consideration of their protection needs.[69] The country's borders with Serbia and Croatia were fortified, and on 15 September the frontier with Serbia was closed to asylum-seekers altogether. Crossing into Hungary was made a criminal offence punishable by up to ten years' imprisonment.

Legal amendments introduced in July 2016 allow the government to push back refugees and asylum-seekers apprehended within 8km of the border with Serbia and Croatia without registering their data or allowing them to submit an asylum claim. Between July and September 2016 over 19,000 refugees and irregular migrants were prevented from entering or were escorted back to the Serbian border. Many were physically abused by 'personnel in uniform'.[70] Between March 2016 and February 2017, MSF treated 106 people (22 of them unaccompanied minors) for injuries allegedly caused by Hungarian border patrols.[71] Regular entry into Hungary is still possible via so-called 'Transit Zones' adjacent to the two main crossing points along the Serbian border at Roszke and Tompa, and at Beremend and Letenye along the Croatian border. However, crossings are very heavily restricted. Since January 2017, only five people a day have been allowed to enter the Transit Zones and go through a status determination process. Those wanting to enter Hungary legally are forced to wait in makeshift shelters constructed from UNHCR blankets. No food or shelter is provided by either the Serbian or Hungarian authorities. After months of advocacy by MSF and other organisations UNHCR was allowed to set up toilets at Roszke and Tompa.[72] In February 2017, the government announced plans for the mandatory detention of all asylum-seekers, including

children, for the entire duration of the asylum procedure. Although condemned by UNHCR and many other organisations as contrary to EU and international law, the measure was approved by the Hungarian parliament in March 2017, and by the end of the month two camps surrounded by razor wire had been set up to receive refugees and asylum-seekers.

Hungary voted against the EU relocation plan approved in September 2015, and refused to accept its quota allocation of 1,294 refugees. The government portrayed the plan as an attempt to 'redraw Hungary's and Europe's ethnic, cultural and religious identity, which no EU organ has the right to do'.[73] Although in a national referendum called by the government in October 2016 an overwhelming majority of voters rejected the EU's migrant quota, turnout was below the 50% threshold necessary to make the poll valid, leaving both sides claiming victory.[74] Hungary, along with Slovakia, challenged the legality of the relocation plan, but in September 2017 the European Court of Justice (ECJ) found that the decision imposing the quota system was valid.

Serbia

Between the start of 2015 and the end of March 2016, more than 920,000 refugees and migrants – mainly from Syria, Afghanistan and Iraq – passed through Serbia on their way to Hungary and Croatia. In the summer of 2015, the government opened a temporary reception centre at Presevo to register refugees and migrants entering Serbia from Macedonia, and to provide humanitarian assistance. Another 11 centres were opened during the second half of 2015. Following the closure of the Western Balkans route in early 2016, some 7,500 refugees and irregular migrants became stranded in Serbia, with additional numbers arriving during the course of the year, obliging the authorities to open further centres. By the end of 2016, more than 7,000 refugees and irregular migrants were residing in Serbia, the majority of them (around 82%) in camps along the border as they waited their turn to be admitted into Hungary. Up to 2,000, including an estimated 300 children, were living in derelict buildings in Belgrade at the end of 2016. The severe winter of 2016–17 brought considerable hardship to refugees and irregular migrants in Serbia and along the Balkan route, and several are believed to have died of hypothermia.[75]

Italy

Irregular migration by sea from Libya to Italy is not a new phenomenon – in 2009, the two countries agreed a treaty

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67 Daniel Howden, 'The Manufacture of Hatred: Scapegoating Refugees in Central Europe', Refugees Deeply, 14 December 2016, https://www.newsdeeply.com/refugees/articles/2016/12/14/the-manufacture-of-hatred-scapegoating-refugees-in-central-europe.

68 Hungarian Helsinki Committee, 'Building a Legal Fence: Challenges to Hungarian Asylum Law Jeopardise Access to Protection in Hungary', Information note, 7 August 2015.

69 Hungarian Helsinki Committee, 'No Country for Refugees: New Asylum Rules Deny Protection to Refugees and Lead to Unprecedented Human Rights Violations in Hungary', Information note, 18 September 2015.

70 AIDA, *Country Report: Hungary 2016 Update* (Brussels: ECRE, 2017), p. 17.

71 MSF, 'Challenging the EU's Alternative Facts', 2017.

72 AIDA, *Country Report: Hungary 2016 Update*, p. 16.

73 Quoted in 'Hungarian Referendum on EU Migrant Quotas', *New Europeans*, 2 October 2016, https://neweuropeans.net/event/1452/hungarian-referendum-eu-migrant-quotas.

74 Patrick Kingsley, 'Hungary's Refugee Referendum Not Valid after Voters Stay Away', *The Guardian*, 2 October 2016.

75 Lizzie Dearden and Niamh McIntyre, 'Refugees Freezing to Death Across Europe After "Continued Failure" on Crisis Leaves Thousands At Risk', *The Independent*, 11 January 2017.

establishing joint naval patrols intended to reduce the number of irregular migrants arriving in Italy. However, the overthrow of Colonel Muammar Gadaffi in 2011 led to a power vacuum and an extended period of instability. Smuggling networks stepped up their operations, and the numbers arriving in Italy increased sharply, with over 216,000 arrivals in 2014.

Italy does not have a uniform reception system for refugees and irregular migrants. Fifteen centres at the principal ports of disembarkation provide first aid and identification upon arrival, although arrivals can be detained for days or weeks while their fingerprints are taken and individuals are classified as asylum-seekers or economic migrants. People deemed to be economic migrants are given a week to leave the country, while people identified as asylum-seekers are accommodated in primary reception facilities operated by the Ministry of Interior, or in temporary reception facilities run by prefectures. In theory, asylum-seekers should be transferred to secondary reception facilities once they have made their asylum applications, but capacity is limited (23,822 at the end of 2016, equivalent to 14% of the total), and most remain in primary reception facilities for 6–18 months, and often leave only once refugee status has been obtained or their claim has been rejected.[76] NGOs have reported that many of the centres run by the prefectures have inadequate safety and hygiene standards.[77] Catholic or voluntary associations also provide accommodation for an unknown number of refugees and irregular migrants. According to a survey by MSF in the second half of 2015, between 6,000 and 8,700 people were being housed in 35 informal settlements around the country, in parks, town squares, underpasses and wooded areas.[78]

France

In 2015, just over 50,000 asylum applications were made in France, of which three-quarters were rejected. The following year the number of applications increased to just over 85,000, while the proportion rejected came down to 67%.[79] In July 2015 substantial reforms were made to the French asylum system, including the centralisation of the reception system within the French Office of Immigration and Integration (OFII), which was given the authority to grant, suspend, refuse or withdraw accommodation; and the introduction, in November 2015, of simplified procedures for the provision of accommodation.

Once asylum-seekers have registered their claim, they receive certification allowing them to remain in France until the

end of the asylum procedure, or their transfer to another EU member state under the Dublin procedures. There are 303 reception centres for asylum-seekers across France, providing accommodation for 34,000 people, plus another 17,800 places provided through a decentralised emergency reception scheme. At the end of 2016, some 3,000 irregular migrants were living in informal camps in Paris. In a survey conducted by the Refugee Rights Data Project in January 2017, one in five of the 342 people interviewed reported experiencing physical violence at the hands of the police, and one in three had been tear-gassed at least once. Charities and grassroots groups providing food, hot drinks, clothes and blankets to refugees and irregular migrants have also been dispersed by the police.[80]

Calais has been a congregation area for irregular migrants and refugees trying to reach the UK since at least the 1980s. The principal method for trying to gain entry to the UK, where most plan to claim asylum, is by hiding in trucks crossing the English Channel by ferry or via the Channel Tunnel.[81] Over the years, makeshift informal camps have been developed, demolished and developed again. In January 2015 a centre was opened to provide water, electricity, meals and shelter for the 2,500 or so people sleeping rough around Calais. The following April the French police corralled refugees and irregular migrants into an area of waste ground that came to be known as the Jungle. By the summer of 2015, attempts by migrants to halt traffic in order to climb onto lorries heading to the port become more overt, causing delays and making the Jungle and the issue of how to respond to the situation there headline news in the UK. At the end of July then British Prime Minister David Cameron spoke of a 'swarm' of people wanting to come to the UK. French police regularly used tear gas and batons to drive migrants away from roads and made raids, often violent, into the camp.

By mid-2015 the population of the Jungle had grown to around 3,000. Conditions were very poor: an environmental health assessment by British academics from Birmingham University reported 'migrants … living in perilous conditions, which are significantly contributing to their ill-health and injury … shortcomings in shelter, food and water safety, personal hygiene, sanitation and security are likely to have detrimental long-term health consequences for the camp's residents'. According to the assessment, the situation in Calais 'amounts to a humanitarian crisis and requires far greater resource than has been provided to date by state agencies … Conditions in the camp do not meet standards recommended by UNHCR, WHO or the Sphere project'.[82] Nevertheless, the population of the camp continued to expand, reaching between 7,000 and

76 European Council, 'Report of the Fact-finding Mission to Italy by Ambassador Tomáš Boček, Special Representative of the Secretary General on Migration and Refugees, 16–21 October 2016', Information Documents SG/Inf(2017)8, 2017.

77 AIDA, *Country Report: Italy 2016 Update* (Brussels: ECRE, 2017).

78 MSF, 'Out of Sight: Asylum Seekers and Refugees in Italy'.

79 By comparison the UK received 30,600 applications in 2016, with a rejection rate similar to France's at 66%.

80 RRDP, 'Life on the Streets: Data Relating to Refugees and Displaced People in Paris', 2017.

81 Dembour and Martin, 'The French Calaisis'.

82 Surindar Dhesi Arshad Isakjee and Thom Davies, *An Environmental Health Assessment of the New Migrant Camp in Calais* (Birmingham: University of Birmingham, 2015).

9,000 by mid-2016. In October 2016, a large, well-trailed police and government operation removed many of the refugees and irregular migrants to some 240 Reception and Orientation Centres (CAOs) around France, and the camp was demolished. In the days before the demolition operation a large number of refugees and irregular migrants are believed to have left the camp and made for Paris, or small makeshift camps elsewhere in northern France. According to the government, one year on from the demolition 70% of those who sought asylum after being transferred to a CAO had been granted international protection, and the CAOs have now been integrated into the French reception system.

An estimated 700 refugees and irregular migrants were living in and around Calais in October 2017, in sand dunes or in forested areas in an attempt to evade the police, who dismantle any structures, destroy any tents or shelters and 'routinely use pepper spray on child and adult migrants while they are sleeping or in other circumstances in which they pose no threat [and] … regularly spray or confiscate sleeping bags, blankets, and clothing, and have sometimes used pepper spray on migrants' food and water, apparently to press them to leave the area'. A survey by the Refugee Rights Data Project in October 2017 found that 'the treatment of refugees and displaced people is characterised by excessive use of police force, a chronic lack of available information about asylum laws, substandard living conditions and an inadequate response to the safeguarding needs of unaccompanied minors in displacement'.[83] As of June 2107, French NGOs including Médecins du Monde, Utopia 56 and L'Auberge des Migrants, as well as British grassroots groups such as the Refugee Community Kitchen and Refugee Youth Services, have been authorised to provide assistance within strictly limited geographical and time constraints.[84]

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83 Human Rights Watch, 'France: Police Attacking Migrants in Calais Government Ignores Widespread Reports of Ill-Treatment', 26 July 2017, https://www.hrw.org/news/2017/07/26/france-police-attacking-migrants-calais.

84 M. Neuman and C. Torre, 'Médecins Sans Frontières: "Calais Has Become a Cage in a Jungle"', https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/07/medecinssans, 2017.

Chapter 4
The humanitarian response

One of the many distinctive features of the response by established international humanitarian actors[85] to the arrival of refugees and irregular migrants in Europe since 2015 is the dearth of published evaluations for programmes that have absorbed hundreds of millions of euros. A rare example is the evaluation commissioned by the Start Network of the £16m provided by the UK Department for International Development (DFID) to 17 international NGOs through the Network's European Refugee Response (EER) between late October 2015 and April 2016.[86] Although the evaluation concluded that needs were 'broadly covered', other assessments have been much more critical. Many observers conclude that, with a small number of honourable exceptions, and leaving aside strong protection-focused advocacy by several international NGOs, the overall response by the established humanitarian sector to the material needs (food, water, shelter and health) of refugees and irregular migrants in Europe has been inadequate and unsatisfactory.[87]

The initial response

As the Aegean Island bearing the brunt of arrivals into Greece in 2015 and early 2016, much has been written about the international response on Lesvos. It is generally accepted that much of the water, food and healthcare provided during the critical months of July, August and September 2015 came from local, independent and subsequently international volunteer groups. Although some international agencies had begun programmes, it was not until October 2015 that the international response really began to catch up with the scale of need. While some agencies announced a presence on Lesvos in August, in some cases this related to assessment missions rather than actual operations. Operational UN capacity in Greece was limited to UNHCR, which was playing a supportive role to the national authorities; few international NGOs were formally registered in Greece, and the need to register contributed to the delay in some of the larger humanitarian NGOs getting mobilised. Experienced humanitarian personnel

arriving on Lesvos and other islands expected to find humanitarian coordination mechanisms already in place, and were surprised that this was not the case.

Several factors lay behind the inadequate initial response.[88] Severe austerity measures, political turbulence and elections in Greece resulted in a lack of political leadership, ownership and accountability in respect of the humanitarian response across all parts of the Greek government. During the critical period between July and October 2015 no clear lead agency or other national response structures were established. Delays in sending additional police to the island to assist with the registration process led to a huge backlog, with an estimated 40,000 people waiting to be registered in September. At the regional level, the EU lacked an appropriate instrument to directly address the humanitarian needs of people affected by disasters in member states. Regulations relating to the Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) did not allow ECHO to operate inside the EU. For reasons which are not clear it was not until February 2016, at least six months (and arguably eight to nine months) after the situation in Greece had assumed clear humanitarian dimensions, that steps were taken to enable ECHO to operate in the EU. On 19 February the European Council called for the Commission to develop proposals to 'put in place the capacity to provide humanitarian assistance internally in order to support countries facing large numbers of refugees and migrants'.[89] The Commission's proposal for emergency financial support was adopted by the Council on 15 March and, following a needs assessment to determine funding priorities, the first allocation of €83m was made to UNHCR, the IFRC and six INGOs on 19 April.[90]

Official aid through bilateral donors was also slow to arrive. In the case of DFID, funding channelled through the Start Network of international humanitarian NGOs only began reaching agencies in late November.[91] Although the International

85 The term 'established humanitarian actors' is used here to differentiate between international agencies and NGOs that regularly respond to humanitarian needs and are central to the international humanitarian sector, and more locally based humanitarian actors, including local churches, grassroots groups and individual volunteers.

86 Francois Grunewald et al., 'European Refugee Response', Groupe URD/ Start Network, 2016; Emily Whitehead, 'The Start Network European Refugee Response: Trialling a Collaborative Approach to a Regional Crisis', *Humanitarian Exchange*, 67, September 2016.

87 See for example Pamela DeLargy, 'Refugees and Vulnerable Migrants in Europe', *Humanitarian Exchange*, 67, September 2016; Bayard Roberts, Adrianna Murphy and Martin McKee, 'Europe's Collective Failure to Address the Refugee Crisis', *Public Health Reviews*, 37:1; MSF, 'Obstacle Course to Europe: A Policy-made Humanitarian Crisis at EU Borders', MSF, December 2015.

88 John Borton et al., 'Humanitarian Europe? Report on a Roundtable Meeting on the Humanitarian and Policy Responses to the 2015 Refugee and Migrant Movements through Lesvos, Greece and into the European Union', February 2016, http://odihpn.org/resource/humanitarian-europe-responses-to-the-2015-refugee-and-migrant-movements-through-lesvos-greece.

89 Official Journal of the European Union 16.3.2016 Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union.

90 Laetitia de Radigues and Ludovico Gammarelli, 'Applying the European Commission's Humanitarian Expertise to Respond to Needs Inside Europe', *Humanitarian Exchange*, 67, September 2016.

91 The Start Network comprises 39 NGOs working on crisis response and preparedness. It channels and administers funds from institutional funders through the Start Fund and 'collaborative response' mechanisms (https://startnetwork.org).

Rescue Committee submitted an alert to the Start Fund at the end of July, after an assessment of the situation in Lesvos earlier that month, funds could not be approved due to guidelines stating that funding could not be used in OECD countries.[92] Over the summer of 2015, UK-based humanitarian NGOs considered mounting an appeal through the Disasters Emergency Committee (DEC) to raise funds directly from the UK public, but decided not to do so. It is understood that the decision not to mount an appeal stemmed from a combination of a fear of competition between fundraising for assistance for refugees and migrants reaching Europe and support for ongoing humanitarian programmes elsewhere, the limited public response to earlier individual fundraising efforts by DEC member agencies and the fact that some DEC members felt that they lacked the capacity in Europe to usefully absorb significant sums of money.[93]

Competing pressure from other crises was another factor in the slow response. In the early summer of 2015, many formal humanitarian agencies were preoccupied with the emergencies in and around Syria and in Yemen. For some of these agencies, the scale of the developing needs in Europe and the assumption that European governments were able and willing to respond did not justify the diversion of resources or attention from these operations. The mobility of refugees and irregular migrants posed another challenge to humanitarian actors more used to responding to the needs of static populations. Over time agencies had some success in adapting to this challenge by focusing resources and support at bottleneck sites such as ports, border crossings and reception centres, or by placing response teams alongside refugees and irregular migrants, for instance on ferries or trains.[94] Others developed systems for relaying information about people's needs on to the next destination so that they could be assisted more effectively.[95]

The response to 'stranded' refugee and migrant populations

With the closure of the Balkan route in early 2016 and the implementation of the EU–Turkey deal in March 2016, tens of thousands of refugees and irregular migrants became stranded in Greece and in countries along the Western Balkans Route. Although significant funds were provided to the Greek government and to UNHCR and its implementing partners (including €192m from ECHO),[96] coordination and implementation of this assistance was poor. Despite plans to upgrade tents and shelters to cope with the anticipated freezing conditions during the winter of 2016–17, when heavy snow fell in January 2017 large numbers of refugees and asylum-seekers were still living in tents on the Aegean islands and on the Greek mainland. Several refugees and asylum-seekers died from hypothermia and from fires and carbon monoxide poisoning associated with unsafe heating arrangements.[97] Analysis by Refugees Deeply attributes many of the coordination and implementation problems in the provision of adequate shelter to bureaucratic delays and personality clashes within the Ministry of Interior's Directorate General of Migration Policy and Integration. On several occasions, proposals by aid agencies to upgrade shelter provision in camps were apparently rejected by the Directorate General, which proposed more expensive provision.[98]

Established humanitarian agencies also struggled to provide effective assistance in the unofficial settlements dotted around northern France and Paris, across Italy in cities such as Turin, Trieste, Padua and Rome,[99] in Belgrade and near the border between Serbia and Hungary. By their nature informal camps develop spontaneously, are not officially recognised or designated by the authorities (which in most cases would prefer that they did not exist) and to a significant degree are the product of policies of deterrence and nationality-based approaches to asylum that discriminate against certain nationalities and drive them out of formal reception systems. Conditions in informal settlements are often appalling, with inadequate shelter, food, water, hygiene and sanitation. People living in such conditions are often subject to frequent forcible relocations by the police, and violence and abuse are commonplace.[100] With a few exceptions, notably MSF and Médicins du Monde (MDM), traditional humanitarian agencies rarely served these temporary and unofficial settlements; instead, grassroots groups played a critical role in the provision of assistance. In the Jungle, for example, NGOs including MDM provided basic health services and ACTED provided some basic infrastructure, such as gravel paths and water and tap stands, but much of the food, shelter and other basic social services was provided by volunteers and grassroots groups.

92 Whitehead, 'The Start Network European Refugee Response'.

93 Borton et al., 'Humanitarian Europe?'.

94 Gareth Walker, 'Local, Dynamic, Flexible: Healthcare Provision in the Refugee Response', *Humanitarian Exchange*, 67, September 2016.

95 Amelia Stonescu, 'Applying Information Management Tools to Detect and Address Vulnerabilities in the Context of Mixed Migration', *Humanitarian Exchange*, 67, September 2016.

96 ECHO, 'EU Emergency Support for Refugees and Migrants in Greece: 1 Year On', 2016, http://ec.europa.eu/echo/news/eu-emergency-support-refugees-and-migrants-greece-1-year_en.

97 Refugees Deeply, 'The Refugee Archipelago: The Inside Story of What Went Wrong in Greece', 2016, https://www.newsdeeply.com/refugees/articles/2017/03/06/the-refugee-archipelago-the-inside-story-of-what-went-wrong-in-greece.

98 *Ibid*.

99 MSF, 'Out of Sight: Asylum Seekers and Refugees in Italy'.

100 See for example Refugee Rights Data Project, 'Hidden Struggles: Filling information Gaps Regarding Adversities Faced by Refugee Women in Europe', 2016; Alecandre Le Clève, Evangeline Masson-Diez and Olivier Peyroux, 'Neither Safe nor Sound: Unaccompanied Children on the Coastline of the English Channel and the North Sea', *Humanitarian Exchange*, 67; 'Hungary: Widespread Violence against Migrants and Refugees at Border', 8 March 2017, http://www.doctorswithoutborders.org/article/hungary-widespread-violence-against-migrants-and-refugees-border.

Despite these difficulties, established international humanitarian actors did make a significant contribution to the material assistance needs of stranded populations in Greece and elsewhere. Many projects were undertaken to improve shelter provision and WASH facilities in camps, to refurbish buildings and to provide food and non-food items. Some agencies provided safe spaces for carers and children, while others sought to address the information needs of refugees.[101] Several agencies operated cash assistance programmes providing prepaid debit cards. For instance, in partnership with the Serbian Ministry of Labour, Mercy Corps provided 5,600 refugees in Serbia with cards providing €210 for families and €70 for individuals.[102]

The humanitarian response and humanitarian 'soft law'

Writing in 2006, Hugo Slim identified the NGO/Red Cross Code of Conduct, the Humanitarian Charter and the Sphere Minimum Standards in Disaster Response as three critical

Box 2 Key commitments

Pertinent principles within the NGO/Red Cross Code of Conduct are Principle 1: 'The Humanitarian imperative comes first'; and Principle 2: 'Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone'.

Pertinent sections of the **Humanitarian Charter** include:

 'We affirm the primacy of the humanitarian imperative: that action should be taken to prevent or alleviate human suffering arising out of disaster or conflict, and that nothing should override this principle. As local, national and international humanitarian agencies, we commit to promoting and adhering to the principles in this Charter and to meeting minimum standards in our efforts to assist and protect those affected'.[103]

'By adhering to the Core Standards and minimum standards, we commit to making every effort to ensure that people affected by disasters or conflict have access to at least the minimum requirements for life with dignity and security, including adequate water, sanitation, food, nutrition, shelter and healthcare. To this end, we will continue to advocate that states and other parties meet their moral and legal obligations towards affected populations. For our part, we undertake to make our responses more effective, appropriate and accountable through sound assessment and monitoring of the evolving local context; through transparency of information and decision-making; and through more effective coordination and collaboration with other relevant actors at all levels, as detailed in the Core and minimum standards'.

Within the **Core Humanitarian Standard on Quality and Accountability** (launched in 2014 and so devised nearly eight years after Slim's article), the most pertinent of the CHS's nine commitments are:

'Commitment 1. Communities and people affected by crisis receive assistance appropriate and relevant to their needs.

Commitment 2. Communities and people affected by crisis have access to the humanitarian assistance they need at the right time.

Commitment 4. Communities and people affected by crisis know their rights and entitlements, have access to information and participate in decisions that affect them'.[104]

The **European Consensus on Humanitarian Aid** was endorsed in December 2007 by the presidents of the European Commission, the Council of the European Union and the European Parliament. It has been described as 'the key political reference document on the European Union's approach to humanitarian aid'.[105]

The following paragraphs of the European Consensus are particularly pertinent:

'Para 8. The objective of EU humanitarian aid is to provide a needs-based emergency response aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity wherever the need arises if governments and local actors are overwhelmed, unable or unwilling to act. EU humanitarian aid encompasses assistance, relief and protection operations to save and preserve life in humanitarian crises or their immediate aftermath, but also actions aimed at facilitating or obtaining access to people in need and the free flow of assistance. EU humanitarian assistance is provided in response to man-made crises (including complex emergencies) and to natural disasters as needed'.

'Para 11. The principle of humanity means that human suffering must be addressed wherever it is found, with particular attention to the most vulnerable in the population. The dignity of all victims must be respected and protected'.

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101 Whitehead, 'The Start Network European Refugee Response'.

102 'Mercy Corps Pilots Refugee Cash Assistance Program in Serbia', 3 February 2016, https://www.mercycorps.org.uk/press-room/releases/mercy-corps-pilots-refugee-cash-assistance-program-serbia.

103 The Sphere Project, *The Humanitarian Charter and Minimum Standards in Humanitarian Response* (Rugby: Practical Action Publishing, 2011).

104 The Core Humanitarian Standard: https://corehumanitarianstandard.org/the-standard.

105 European Commission, 'Implementation Plan of the European Consensus on Humanitarian Aid', 2015, http://ec.europa.eu/echo/who/humanitarian-aid-and-civil-protection/european-consensus_en.

documents that 'have almost come to operate as "soft law" in the NGO community … they form an important – possibly vanguard – movement of a distinct interpretation of the humanitarian ethic based on rights and … increasingly on duties'.[106] Box 2 presents the pertinent provisions of these three key documents, together with the Core Humanitarian Standard on Quality and Accountability and the European Consensus on Humanitarian Aid.

The discrepancy between the commitments made in these documents and what happened on the ground in 2015 and 2016 – and has continued to happen in many parts of Europe since – is striking. While agencies undoubtedly faced many challenges in responding to the needs of refugees and irregular migrants, the fact that some were able to act more effectively than others and provide assistance in unofficial camps of mixed migrants while others were not able to, or chose not to, suggests varying levels of commitment to upholding and adhering to humanitarian 'soft law'. Pamela DeLargy questions why 'Agencies with long experience negotiating

humanitarian access in places like Sudan, Myanmar or Syria seemed to have no idea how to negotiate with the mayor of Calais'.[107] It is quite conceivable that large humanitarian NGOs were reluctant to work in unofficial camps such as the Calais Jungle because of the negative media attention that they would inevitably attract from sections of the UK media that were (and remain) hostile to refugees and migrants. The possibility that being seen to work in such locations might also jeopardise their relationship with aid donors within the same governments that were calling for such camps to be closed might also have played a role in agency decisions. As DeLargy puts it: 'if an agency is dependent on, say, UK government funding, it might not be a good idea to be seen to be helping out in Calais'.

106 Hugo Slim, 'Claiming a Humanitarian Imperative: NGOs and the Cultivation of Humanitarian Duty'; see also Julie Mertus and Jeffrey W. Helsing (eds), *Human Rights and Conflicts: Exploring the Links Between Rights, Law and Peacebuilding* (Washington DC: US Institute of Peace Press, 2006).

107 Pamela DeLargy, 'Refugees and Vulnerable Migrants in Europe.

Chapter 5
Filling the (many) gaps: the response by civil society actors

Civil society actors have been campaigning for years against the treatment of refugees and irregular migrants in Europe. Set up in 1999, for example, No Borders is a loose network of activists running camps near detention centres in various parts of Europe. It also monitors police actions and Frontex operations against refugees and irregular migrants. In Greece, Welcome to the EU (W2EU) was formed in 2009. With links to the No Borders movement, its mission is to provide independent information for refugees and migrants coming to Europe. In Germany, Borderline-Europe – Human Rights Without Borders was formed in 2007 to conduct independent investigations of human rights violations at the EU's external borders and advocate for greater respect for the rights of refugees and irregular migrants.

Groups providing accommodation and support to refugees and asylum-seekers had also been a feature of the volunteer landscape in many European countries for well over a decade prior to 2015. In the UK, for instance, the Boaz Trust was set up in Manchester in 2004 to help destitute asylum-seekers in the city. The No Accommodation Network was established in 2006 to provide support and accommodation for refugees and migrants. The Sanctuary movement in Sheffield, set up in 2005, encourages ordinary Britons to demonstrate solidarity with and provide support to refugees. In 2007, with the support of the city council and local organisations and voluntary groups, Sheffield became the UK's first City of Sanctuary, marking it as a city that takes pride in the welcome it offers people in need of safety. Since then, the City of Sanctuary movement has spread and there are currently over 90 initiatives in towns and cities across the UK and Ireland.[108] The Flüchtlinge Willkommen (Refugees Welcome) movement, started by a young German couple who took a refugee into their home in 2014, links private individuals willing to provide a room to asylum-seekers needing accommodation. It has since spread to more than 20 countries.[109]

The growth of volunteer and grassroots groups in 2015

Events over the summer of 2015 saw thousands of volunteers and hundreds of grassroots groups form spontaneously to provide humanitarian assistance to the large numbers of refugees and irregular migrants entering Europe. Identifying all the voluntary grassroots groups that have been established to respond to the needs of refugees and irregular migrants is a challenging task. Groups can form at a very local level and can be difficult to detect until they formally register as a charity or association. It can also be difficult to gauge the monetary value of the material assistance provided, in part because much of it comprised donated, used or second-hand clothing and equipment that was not given a monetary value. Estimating the value of the time contributed by volunteers is an even more challenging proposition because it requires information on hours worked and the monetary value of those hours, which might range from low-skilled tasks such as sorting clothes and loading trucks to highly skilled contributions by doctors, lawyers, logisticians, accountants and other professionals. Even so, the scale of this upwelling of 'citizen humanitarianism' was remarkable, and says much about the popular reaction to the often hostile and callous way in which many governments responded to the influx.

On Lesvos, local people provided water, food, showers and places to sleep to refugees and asylum-seekers several months before international NGOs began to appear. In 2010 local people in the village of Molyvos in the north of the island established a group to provide assistance to refugees from Turkey. The collective became more organised in early 2015, with volunteers working in shifts providing food and water to arriving refugees. As the numbers passing through the town increased in August 2015 a car park outside a night club was turned into a volunteer-run transit site. The following October the collective formally established itself as a non-profit organisation called the Starfish Foundation.[110] Fishermen rescued numerous people from unseaworthy and overloaded boats, and local residents organised a watch system to spot boats leaving Turkey, to give reception teams advance notice of their likely landing point. Volunteers and grassroots groups such as the Lighthouse Project played a key role in beach rescues and supporting arriving boats. Once landed, local people drove new arrivals to the registration point at Moria, some 50–70km from the landing points on the north shore, in defiance of anti-smuggling laws that made it illegal to offer transport to unregistered refugees and asylum-seekers.[111] The extraordinary efforts of the people of Lesvos were subsequently recognised in the international accolades given to local groups and organisations, including the 2016 Olof Palme Prize, won jointly by the mayors of Lesvos and Lampedusa in Italy; the 2016 Nansen Refugee Award, given to the Hellenic Rescue Team and Efi Latsoudi, who set up Pikpa camp (now Lesvos Solidarity); and the Raoul Wallenberg Prize, awarded by the Council of Europe to the volunteer-run local NGO Agkalia.

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108 See https://cityofsanctuary.org/about.

109 '"Airbnb for Asylum Seekers" Started by German Couple Spreads around the World – and the UK Could Be Next', *The Independent*, 2 November 2015.

110 Emma Eggink and Melinda McRostie, 'The Starfish Foundation: A Local Response to a Global Crisis' *Humanitarian Exchange*, 67, September 2016.

111 Patrick Kingsley, 'Greek Island Refugee Crisis: Local People and Tourists Rally Round Migrants', *The Guardian*, 9 July 2015.

In Rome, the sight of refugees and irregular migrants arriving from Sicily and southern Italy sleeping on the streets, in parks and in derelict buildings, with no support from local or national authorities, prompted a group of volunteers to set up the Baobab Experience in June 2015 to provide basic assistance. Members of the public and shop owners contributed food, medicine, sanitary items and other donations and priority needs were posted on Facebook.

Volunteer groups were also active in the Jungle in Calais; one, L'Auberge des Migrants, was until 2015 the principal assistance provider in the camp. In the UK, a Facebook post written by a young Englishwoman describing what she had seen during a visit to Calais was shared over 60,000 times in the space of a few days. In response to the post, vanloads of clothes were donated and over £130,000 was raised. The post prompted others around the country to visit Calais or set up groups in their local areas to collect clothes, food, tents and camping equipment.[112] One group, Derbyshire Refugee Solidarity, formed in the summer of 2015, organised aid convoys to take donated items to the warehouse in Calais operated by L'Auberge des Migrants. With the registered charity Muslims in Need, Derbyshire Refugee Solidarity also sent containers of donated goods to Syria.[113] Help Refugees, a group formed by three well-connected friends in London towards the end of August 2015, has gone on to become the UK's largest grassroots group, supporting or partnering with 38 other organisations (including NGOs) working in refugee camps in Greece and in camps and settlements in France, Italy, Turkey, Syria and Lebanon. The group played a central role in organising the construction and provision of 1,500 insulated shelters in Calais and funding 7,000 hot meals a day at the camp at Idomeni in northern Greece.[114] Another British grassroots group, Jungle Canopy, provided 140 second-hand caravans funded through local schools, churches and associations in the UK.[115]

In Germany, volunteers played a crucial role in supporting the government and municipal agencies. 'Refugee helpers' (*flüchtlingshilfe*) acted as welcome groups greeting arriving refugees with water and food at railway stations during the peak months in late 2015; provided clothing, furniture and household goods; ran German-language courses and children's play groups; and provided legal advice and bureaucratic support.[116] The head of one volunteer group in Bavaria estimated that, in late 2015, there were approximately 6,000 local groups comprising 30–40 volunteers each.[117]

Research published in the newspaper *Süddeutsche Zeitung* in 2016 estimated that up to 8m Germans (10% of the population) had helped refugees in one way or another during 2015.[118] Although the sexual assaults in Cologne on New Year's Eve 2015, the terrorist attacks in Paris and Nice and the December 2016 Christmas market lorry attack in Berlin have had an impact on public and political attitudes towards the large number of refugees and asylum applicants in Germany, and there is evidence that there has been a decline in the level of volunteering, some 7m Germans were still volunteering in some way at the end of 2016.[119]

Characteristics of volunteer and grassroots groups

One striking characteristic of grassroots groups supporting refugees and asylum-seekers is that the majority of volunteers are female.[120] In 2016, under the title 'Young, Feminine, Educated – Refugee Helpers in Numbers', the *Süddeutsche Zeitung* reported that 72% of volunteers were female. Comparable studies of grassroots groups in the UK have yet to be undertaken, but many volunteers would concur that roughly three out of four volunteers are female. The literature on compassion and volunteering behaviour does point to differences between the genders, but whatever the factors contributing to the preponderance of women in grassroots groups, it is a reality that many volunteers are juggling childcare and family responsibilities alongside their involvement in grassroots groups.[121] It is not uncommon to see images posted on Facebook showing young mothers driving vans loaded with donated clothing accompanied by young children in car seats.

Other research points to the 'fragility and instability' of grassroots groups. Work by MSF-Belgium has found that, 'while the principal strength of many civil society initiatives is their flexibility, informality, commitment and self-organisation, fragility and instability are an inherent part of their make-up – in effect two sides of the same coin'. Staffing is typically 'fluid and unpredictable' and funding 'unpredictable and often precarious'. Volunteer work supporting refugees and vulnerable migrants, at times in very difficult circumstances, can also take a toll on volunteers' physical and mental health.[122] These results resonate with the existing literature

112 John Borton, 'The Humanitarian Impulse: Alive and Well among the Citizens of Europe', Humanitarian Exchange, 67, September 2016.

113 Lucy Kay, 'Derbyshire Refugee Solidarity: Supporting Refugees and Asylum Seekers', Information Note, June 2016.

114 See http://www.helprefugees.org.uk/what-we-do.

115 Dave King, founder of Jungle Canopy, personal communication, 13 March 2017.

116 Perla Trevizo, 'German Volunteers Surmount Refugee Backlash', *Coda*, 30 December 2016, https://codastory.com/migration-crisis/integration-issues/volunteers.

117 Raffael Sonnenschein, 'Next Generation Humanitarian Response? Volunteer Groups and the Refugee Crisis', Conference held at the MSF Training Centre, Brussels, 15 November 2017.

118 Katharina Brunner and Antonie Rietzschel, 'Jung, weiblich, gebildet – Flüchtlingshelfer in Zahlen', *Süddeutsche Zeitung*, 24 August 2016.

119 Trevizo, 'German Volunteers Surmount Refugee Backlash'.

120 Brunner and Rietzschel, 'Jung, weiblich, gebildet'.

121 Amy Blackstone, 'Doing Good, Being Good, and the Social Construction of Compassion', *Journal of Contemporary Ethnography*, 38(1), 2009; H. Taniguchi, 'Men's and Women's Volunteering: Gender Differences in the Effects of Employment and Family Characteristics', *Nonprofit and Voluntary Sector Quarterly*, 35(1), 2006.

on the voluntary sector more generally. For instance, the UK Community Development Foundation ascribes the following positive attributes to community sector groups and, in almost all cases, these accord closely with grassroots groups assisting refugees and irregular migrants. The positive attributes are: flexible; needs-based; holistic; trusted; connected; value for money; and committed.[123] Interestingly, the Foundation also identifies the limitations of the community sector, and here too these closely accord with the issues faced by grassroots groups assisting refugees and irregular migrants – principally accountability; lack of influence; and uneven coverage.

Accountability issues may arise where community groups are operating largely in isolation, and risk becoming exclusive and unaccountable to local people or to the people they are trying to help. Lack of influence may also be a result of operating in isolation, or where community groups are preoccupied with 'the doing' and their particular concerns, rather than trying to understand the wider context and developing the links necessary to achieve a collective voice. While this may be a fair criticism of many grassroots groups supporting refugees and irregular migrants, which have tended to be preoccupied with getting the next truckload of supplies despatched, several have successfully combined concrete action with advocacy and lobbying for change at the political level. In the UK, for instance, Help Refugees, Calais Action, Care4Calais and others have led and supported public campaigns, undertaken parliamentary lobbying and provided close support to initiatives such as the Dubs Amendment, which requires the UK government to provide protection to up to 3,000 unaccompanied minors who arrived in Europe before March 2016.[124]

A focus on local issues can lead to uneven coverage, with some areas enjoying more community activity and some less. The extent to which this applies to grassroots groups supporting refugees and asylum-seekers is however debatable. Grassroots groups have been established across the UK including in areas that would normally be seen as deprived. In terms of operational areas, the flexibility of grassroots groups has tended to enable them to identify areas that were poorly covered and relocate their activities accordingly. A number of grassroots groups shifted their activities from Lesvos to Idomeni in early 2016, and subsequently to the camps established following the closure of Idomeni in May 2016. Others relocated to Serbia in the winter of 2016–17.

Activities and roles

Reflecting the numerous gaps in provision by states and established humanitarian agencies, the range of roles volunteer and grassroots groups played was extremely wide. On Lesvos, volunteers monitored the approach and arrival of incoming dinghies and boats in a system set up by a British resident and his family, and volunteers and grassroots groups such as the Lighthouse Project played a key role in beach rescues on the island. Local and international volunteers provided food and water to refugees and irregular migrants on their arrival on the Aegean islands and throughout much of their journey northwards. Grassroots groups including Khora, Bristol Skipchen, Hot Food Idomeni and Help Refugees provided 7,000 hot meals a day at the camp in Idomeni, 2,000 on the island of Samos and two meals a day for refugees arriving on Chios.

In the Jungle, volunteers and grassroots groups supplied tents, many of them collected from music festivals in the UK by groups such as Aid Box Convoy (now Aid Box Community). The British group Jungle Canopy provided second-hand caravans with funds raised by schools, churches and Women's Institute groups.[125] In all, 140 caravans were delivered to the Jungle. Another group, Help Refugees, put out a social media call in late September for carpenters, builders and potential donors of timber and insulation materials. By May 2016, 1,500 shelters had been built and installed.[126] In an attempt to inform policy, the UK-based Refugee Rights Data Project (RRDP) has published 11 surveys on conditions in Calais, Dunkirk, small informal settlements in northern France, Paris, Greece and Berlin, on female refugees in Europe and on the situation of refugees and irregular migrants at a key crossing point between Italy and France. A volunteer-run Facebook page – Phone Credit For Refugees And Displaced People – aims to put refugees in touch with people around the world who can provide them with direct and practical support in the form of phone credit top-ups. Established in February 2016, by March 2017 the group had provided 22,000 top-ups worth £400,000. After an initial focus on Calais and northern France, coverage has expanded to refugees and irregular migrants in Belgium, Italy, Greece, Serbia, Croatia, Lebanon, Jordan, Syria and Afghanistan.[127] Many grassroots groups (and humanitarian agencies) set up phone charging facilities and free wifi services to refugees and irregular migrants from Lesvos and other Aegean islands and at key points such as border crossings right through to their destination countries. In the Calais camp, Refugee Info Bus, a small grassroots group, installed power, wifi and laptops in a converted truck, enabling people to communicate with loved ones and access legal and human rights information.

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122 Elodie Francart, 'Responding to the Needs of Refugees and Vulnerable Migrants in Europe', *Humanitarian Exchange*, 67, September 2016.

123 The Community Development Foundation also ascribes the attribute of 'expert' to community sector groups by virtue of their often being formed around strongly felt or experienced issues such as a particular health condition or social hardship. Whilst many grassroots groups supporting refugees and irregular migrants may well include former refugees and migrants, the majority of volunteers would not claim a particular expertise in refugee or migration experiences or issues.

124 Although approved by the UK parliament in May 2016, the UK government capped the scheme at 350 children in February 2017. In a vote in the House of Commons the following month a proposal to restart the scheme was rejected.

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125 King, personal communication, 13 March 2017.

126 Interview with Josie Naughton, co-founder of Help Refugees, 20 May 2016. See also Benedict O'Boyle, *Mud, Sweat and Tear Gas: Volunteering in the Calais Jungle*, insight2foresight publishing.

127 James Pearce, founder of Phone Credit for Refugees, personal communication, 13 March 2017.

The relationship between grassroots groups, government authorities and humanitarian agencies

In a context of state policies that deliberately create environments that are hostile to refugees and irregular migrants as part of broader policies of deterrence, it is unsurprising that the relationship between state authorities and volunteers and grassroots groups aiding refugees and irregular migrants has often been fraught, and there are numerous examples of the criminalisation of assistance to refugees and irregular migrants. In several European countries it is illegal to provide transport for people who have entered irregularly or who do not have a visa. In Hungary, the police and the military have the authority to search private homes if they suspect someone of harbouring illegal migrants.[128] In France, facilitating the 'illegal entry, movement or residence of a foreigner' carries a jail term of five years and a fine of €30,000.[129] In January 2016, the authorities on Lesvos arrested five Spanish and Danish volunteers working for search and rescue teams and charged them with attempted human trafficking/smuggling. They were subsequently released after a period of detention and the payment of warranties.[130]

Legal specialists operating on a gratis or volunteer basis have played a vital role in challenging the policies and practices of EU member states. In the UK, the group Safe Passage UK (a partnership between Doughty Street Chambers, Bhatt Murphy Solicitors, Islington Law Centre and Citizens UK) was formed after a group of volunteers discovered that large numbers of unaccompanied minors in the camp in Calais had family members in the UK, but were having to resort to irregular means in their attempts to join them. In January 2016 Safe Passage won an important legal victory in reuniting three Syrian boys and a dependent older brother with their families in the UK when the courts ordered that the Dublin III processes be set aside. The case consumed 1,400 pro bono legal hours.[131]

Generalisations about the relationship between established humanitarian agencies and grassroots groups are risky, as much depends on the context in which they encounter each other and work, if not together, then at least alongside each other. In many contexts and locations in 2015, volunteers and grassroots groups had been responding for significant periods of time before the more established humanitarian agencies set up effective operations. This inevitably led to feelings among the volunteers that they had been 'covering' for agencies that were 'late'. Among volunteers working in Calais there was frequent disdain for the larger international NGOs and their claims to be 'humanitarian' agencies. On Lesvos, volunteers worked for weeks and even months without effective support from larger humanitarian agencies. One Greek volunteer who worked with local groups on the island for four months spoke of her surprise that, once NGOs began operating, most of the frontline work continued to be done by volunteers. She felt that some NGOs had come across as arrogant, effectively saying 'we are here now and we are going to operate everything', even though local people had been providing many services as best they could for months before the NGOs appeared. She felt that communication with the local population and existing volunteers had been poor.[132] An international volunteer working for the Starfish Foundation in another part of the island recalled that 'Among volunteers, I sometimes sensed dissatisfaction with criticism of their work from the professionals, who sometimes failed to recognise that the systems in place were born in the midst of a crisis', and had developed precisely because the large NGOs had been absent'. She felt that, where there was friction between professionals and volunteers, this was mainly a result of volunteers' eagerness to respond to needs rapidly, while professionals worked on setting up systems that would enable an efficient response in the long term.[133] The fact that volunteers were unpaid, and many were drawing on their own funds, was often felt to have gone unacknowledged by salaried agency staff.

Where established humanitarian agencies and grassroots groups worked in the same locations, stark differences in the funding levels of agency projects and the roles being undertaken by grassroots groups could also be a source of tension. Where agencies might have wanted to subcontract grassroots groups to undertake particular activities, this was often not possible because they were not established organisations with which contracts could be entered into. Another source of irritation expressed by grassroots groups were the working hours of agency staff, which often saw them withdraw from camps at the end of the day, leaving the volunteers and grassroots groups to deal with any incidents during the night, such as new arrivals to the camp or medical emergencies.[134]

There were also positive encounters. In one example, the opening of the transit camp by the Starfish Foundation in a nightclub car park outside Molyvos provided a physical space that had until then not been available in the town. This allowed established NGOs to provide Starfish with logistical support

128 'Risking Arrest, Thousands of Hungarians Offer Help to Refugees', National Public Radio, 29 September 2015, http://www.npr.org/sections/parallels/2015/09/29/444447532/risking-arrest-thousands-of-hungarians-offer-help-to-refugees.

129 'France Prosecuting Citizens for "Crimes of Solidarity"', Al Jazeera, 25 January 2017, http://www.aljazeera.com/indepth/features/2017/01/france-prosecuting-citizens-crimes-solidarity-170122064151841.html.

130 'Is Greece Right to Rein In Refugee Volunteerism?', IRIN News, 19 January 2016.

131 See http://safepassage.org.uk/what-we-do.

132 Maria Karpodini, Presentation to a roundtable meeting on the humanitarian and policy responses to the 2015 refugee and migrant movements through Lesvos, Greece, and into the European Union, 9 December 2015, http://odihpn.org/resource/humanitarian-europe-responses-to-the-2015-refugee-and-migrant-movements-through-lesvos-greece.

133 Eggink and McRostie, 'The Starfish Foundation'.

134 Sumita Shah, Administrator of the Athens Volunteers Information and Co-ordination Group Facebook page, personal communication, 27 May 2016.

and to develop systems to cope with the more than 3,000 refugees and irregular migrants passing through the town each day. As well as this logistical support and expertise, established NGOs provided training for Starfish's volunteers and helped with grant writing, reporting systems and evaluation procedures. The Danish Red Cross provided training for Starfish's newly formed board, and psychological support to volunteers.

For their part, agency personnel working in contexts where volunteers were operational for only short periods of time found the lack of continuity in staffing frustrating. The French NGO Solidarités International, which undertook a water and sanitation programme in the Jungle between June and November 2015, felt that a lack of staffing continuity had been a key difficulty in working with grassroots groups at that stage in the evolution of the camp.[135] Obstacles to contracting grassroots groups that were not established charities or organisations made it difficult for NGOs to remunerate volunteers for the work they were doing, even when it was recognised as indispensable to the objectives of NGO projects.

At least one major NGO recognised the important role being played by volunteers and grassroots groups and the need to improve cooperation with them. In late 2015, MSF Belgium launched a 'Civil Society Networking Project' to map grassroots groups across Europe to enable MSF teams to link up with them where this was considered appropriate. The project supported MSF teams working in Idomeni camp and elsewhere in Greece, enabling them to work more effectively with volunteer groups.[136] However, few other agencies appear to have invested in this sort of initiative.

The evolution of grassroots groups

The EU–Turkey deal, the demolition of the Jungle and the closure of borders along the Western Balkans route have contributed to a discernible lessening of the energy and impetus within the grassroots community, and a small number of groups in the UK have decided to wind up their activities. However, it would be quite wrong to see this reduction in numbers and energy as signalling the demise of the grassroots community that sprang up across Europe in 2015. The reality is that the vast majority of grassroots groups are still going and still responding to the needs of refugees and irregular migrants.

Although there may be instability at the level of individual groups, there is significant stability and continuity within the grassroots community as a whole. Some UK groups are 'graduating' to full charitable status, which involves the creation of governance structures and adherence to financial management and other practices stipulated by the UK Charity Commission. In effect, these groups represent a fresh cohort of NGOs, and it will be interesting to see how they develop and the extent to which they come to resemble more established NGOs working on refugee and asylum issues. Several groups are consciously increasing their efforts to help refugees and asylum-seekers in the UK itself. The British government's Syrian Vulnerable Persons Resettlement (SVPR) scheme, which plans to bring 20,000 Syrians to the UK over a five-year period from camps in the countries neighbouring Syria, is gaining ground, and by the end of June 2017 8,535 people had been granted humanitarian protection under the SVPR.[137] Many counties and towns across the UK are hosting Syrian families that have arrived through the scheme. Although the numbers are tiny in comparison with Germany, local grassroots groups in the UK are becoming increasingly involved in welcoming and supporting families as they settle in their new homes and seek to integrate into the community.

A key question in relation to grassroots groups helping refugees and asylum-seekers is the extent to which they represent a mobilised and politicised section of the population. Although many grassroots groups were formed with humanitarian motivations, volunteers have become all too aware of the inhumane policies of some EU member states, and of the hostility being shown towards refugees and asylum-seekers by parts of the mainstream media and large swathes of the population across Europe. Many volunteers have become more politically aware and politicised by their involvement in grassroots groups. The extent to which such groups can be linked up and brought together to form a politicised movement remains to be seen. Many groups collaborate on logistics (jointly filling containers for instance) and campaigning on topical issues such as the Dubs Amendment. As yet it is unclear, in the UK at least, whether such groups are open to closer collaboration to create a more coordinated movement.

In Germany there is evidence that refugee organisations and groups recognise their power in a context where the federal and state governments are dependent on their support for the implementation of programmes to integrate huge numbers of Syrians and other refugees. In Bavaria, refugee helper organisations and groups participated in a 24-hour 'strike' in October 2016 by withdrawing their voluntary labour in protest at the increasingly xenophobic rhetoric being used by some Bavarian politicians. A threatened second strike in February 2017 resulted in representatives of refugee groups being invited to meet the state authorities.[138] The group has since formed a Federal Association of Volunteers under the banner of Unser Veto (Our Veto) and currently has over 8,000 members spread across two-thirds of all German counties.[139]

135 Folkert Jongsma, former Field Coordinator for Solidarités International Calais, speaking at a RedR Refugee Response Coordination Workshop, London, 5 October 2016.

136 Elodie Francart with John Borton, 'Improving Engagement and Collaboration between Volunteer Groups and NGOs: MSF Belgium's Civil Society Networking Project', *Humanitarian Exchange*, 67, September 2016.

137 UK National Statistics, Immigration Statistics Summary, 24 August 2017, https://www.gov.uk/government/publications/immigration-statistics-april-to-june-2017/summary-of-latest-statistics.

138 Raffael Sonnenschein, Integrationshilfe LLäuft e.V., personal communication, 15 November 2016.

139 Unser Veto: https://www.unserveto.de.

Conclusion
Implications for the future of humanitarian action

The sharp increase in the number of refugees and irregular migrants arriving in Europe in 2015 and early 2016 means that migration now occupies a central role in political discourse across Europe, and the continued arrival of refugees and migrants will probably ensure that it remains so for years to come. It has also thrown up a number of challenges for humanitarian action in the continent widely seen as the birthplace of modern humanitarianism. Established humanitarian actors found it difficult to respond effectively to new challenges in a context that was unfamiliar despite, or perhaps because, it was so 'close to home'. The inflexibility of humanitarian systems and actors operating in the context of traditional OECD donor countries was exposed, as was the reliance of many agencies on state funding for humanitarian action at any significant scale. Initial assumptions that Europe, with its high income and well-developed infrastructure, would be able to cope with the challenges of a million or more refugees and asylum-seekers were, in too many cases, proved wrong. The response by established humanitarian actors was late, patchy and inadequate for tens of thousands of refugees, asylum-seekers and irregular migrants whose basic needs were not met and who were not provided with adequate protection. Fortunately, across Europe citizens responded to fill many of the gaps in assistance and protection left by states and by established humanitarian agencies.

The events of 2015 and early 2016 have seen political attitudes towards refugees and migrants take a marked shift to the right, and in many cases policies of deterrence have hardened and become actively hostile, often in contravention of the spirit, if not the letter, of the 1951 Refugee Convention. This significantly changed context in Europe raises difficult questions for the established humanitarian sector. These questions include:

- What is the sector's role in ensuring that the material and protection needs of refugees and migrants are met within the compromised humanitarian space that now exists in Europe?
- What is its role in challenging policies that create or contribute to conditions for refugees and migrants that are hostile and in too many cases inhumane, in Europe but also increasingly in countries outside Europe to which these policies are being projected, such as Libya?
- How does it want to relate to the large numbers of 'citizen humanitarians' and 'refugee helpers' across Europe who provided, and continue to provide, material assistance and protection for refugees and asylum-seekers in areas where such provision from states or traditional humanitarian actors is absent?

The questionable legal basis of the EU–Turkey statement and Europe's unwelcoming and often harsh policies towards those refugees and irregular migrants who are able to reach Europe and evident shortcomings in meeting their humanitarian needs is not going unnoticed in other parts of the world. Countries hosting significant, long-term refugee populations are increasingly challenging Western policies of encouraging refugees to stay in neighbouring countries when so few rich states take part in UNHCR's resettlement programmes intended to relieve the burden on hosting nations.[140] A 2016 study of European and Australian policies concluded that 'In Jordan and Kenya it is likely that European policies have fuelled existing public discontent over refugees by highlighting to politicians and the public that these countries are doing more than their fair share in response to global refugee numbers'.[141]

While it is important to recognise that the capacity of the international humanitarian sector is severely stretched by the massive operations in and around Syria, in Iraq and Yemen and now with the threat of severe food insecurity across much of East Africa and the Sahel, it is also important that the humanitarian sector responds effectively, and is seen to respond effectively, to humanitarian needs in Europe. Failure to do so jeopardises the 'soft law' commitments made by humanitarian agencies, and thereby the credibility of the sector. While several humanitarian agencies are challenging policies towards refugees and irregular migrants through their advocacy work, this does not appear to be matched by efforts to ensure that the authorities act to meet pressing humanitarian needs in the numerous temporary and informal settlements dotted around Europe. The fact that the affected population across Europe is small in comparison with the situations in Syria, Yemen, Iraq and East Africa does not exempt established humanitarian agencies from their commitments under the NGO/Red Cross Code of Conduct, the Humanitarian Charter and the Core Humanitarian Standards on Quality and Accountability (CHS). Currently, only a small number of agencies are trying to address needs in such settlements. In large part, the established humanitarian sector appears to have vacated this space.

As 'humanitarian space' is reduced in Europe, so the moral basis of European claims for that space to be maintained and defended in other parts of the world is weakened. The loss of moral leadership on refugee protection and

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140 'South Africa, Show Up Europe's Dirty Anti-refugee Deal', *Mail and Guardian*, 18 May 2016, http://mg.co.za/article/2016-05-18-00-south-africa-show-up-europes-dirty-anti-refugee-deal.

141 Karen Hargrave and Sara Pantuliano, *Closing Borders: The Ripple Effects of Australian and European Refugee Policy*, HPG Working Paper (London: ODI, 2016).

humanitarianism more generally in Europe risks downgrading the moral responsibility to protect refugees and provide basic humanitarian assistance everywhere. If the leading international sponsors of refugee protection are muted and of limited effectiveness when it comes to fulfilling their own obligations, why should others provide refuge and assistance, and why should humanitarian agencies be given the space and recognition to provide assistance anywhere?

Given the capacities, energy and creativity of grassroots groups, it would seem self-evident that there is much to be gained through greater collaboration between traditional humanitarian agencies and the numerous grassroots groups active in Europe. It remains to be seen whether such collaboration will emerge. In the absence of specific initiatives aimed at bringing grassroots groups and the established humanitarian sector together, it is likely that the significant opportunity that currently presents itself will be missed. As well as MSF's Civil Society Project (see above), there have been several attempts to bring established agencies and volunteers and grassroots groups together to discuss shared interests.[142] However, such meetings have so far been one-off events and with limited resources put into them, so follow-up has also been limited. A more concerted process of engagement is needed if the current opportunity is not to be squandered. In 2016, the Grand Bargain committed to a global, aggregated target of at least 25% of humanitarian funding going through local and national responders as directly as possible by 2020. This is now being carried forward under the banner of 'localisation', and there is currently much discussion and work within the humanitarian sector around how this will be achieved, and the ramifications of such a major shift in the routing of resource flows.[143]

Grassroots responders played a significant role in the European response and yet, as so often elsewhere, their contribution is being overlooked by, and poorly integrated within, the response of the established international humanitarian sector. Europe could provide a perfect opportunity for the established humanitarian agencies to 'walk the talk' on localisation. International agencies and NGOs could partner with, and support, local responders including volunteers and grassroots groups; international agencies could offer their expertise in logistics, scaling-up programmes, training and perhaps support for core funding. For their part, volunteers and grassroots groups could offer their experience on the provision of round-the-clock, individualised care and support and the creative use of social media in building a supporter base and mobilising community funding.

The challenge of mixed flows of refugees and irregular migrant populations needing humanitarian assistance is a global one. The established humanitarian sector needs to adapt, be creative and step outside of its comfort zone if it is to successfully respond to the challenge.

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142 Examples include the 'Next Generation Humanitarian Response' workshop in Brussels in November 2016, organised by the Humanitarian Logistics Association as a side event to the AidEx meeting (see http://www.volinha.eu/humanitarian-volunteering-next-generation-response/); and a UNHCR-organised meeting 'Building The Next Generation of Volunteers' in Geneva in October 2017. For a volunteer perspective on this meeting see 'What Happened When Calais Action Spoke at the UNHCR, 7 October 2017, http://calaisaction.blogspot.co.uk/2017/10/what-happened-when-calais-action-spoke.html.

143 'The Grand Bargain: A Shared Commitment to Better Serve People in Need', 23 May 2016; Ben Parker, 'Is the Grand Bargain a Big Deal? A Deal to Sort Out Emergency Funding Meets with a Mixed Response', IRIN, 24 May 2016, http://www.irinnews.org/analysis/2016/05/24/grand-bargain-big-deal.

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