Policy Update October 2018

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Photo: Refugees Welcome Italia

Disembarkation proposals   State of the Union   Refugee reception in Italy

This policy update discusses the legislative proposals, announced in the State of the Union speech, to amend the Return Directive, strengthen legal pathways, and reinforce the EU Border and Coast Guard Agency (EBCG) and the Asylum Support Office (EASO). It also considers the growing scrutiny of "golden visas", also called "citizenship for investment programmes", and comments on the adoption of the ETIAS regulation.

The update also looks at Spain's migration policy and expulsions of migrants to Morocco. In the Closer Look section, Refugees Welcome Italia describes its work supporting a reception system that is under increasing pressure.

Other sections report on the Court of Justice's decisions in the Banger and Ahmed cases, as well as the Court's order to dismiss an appeal concerning the EU-Turkey Statement.

The issue's Special Focus covers different attempts to externalise migration policy, which have been the subject of discussion since the summer. Following the growing criticism of the proposal to build regional disembarkation mechanisms, European leaders made new suggestions. These included processing asylum seekers on ships or strengthening cooperation with Egypt. The discussions on these proposals took place against the backdrop of a humanitarian emergency in the Mediterranean, as search and rescue (SAR) missions continued to be severely compromised.

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SPECIAL FOCUS

Photo: MATTHEW MIRABELLI/AFP

No Solution in Sight for the Mediterranean

`Asylum`   `Immigration Detention`

The situation in the Mediterranean has remained critical throughout the summer. In late September, statistics showed that one in five migrants departing from Libya went missing or lost their lives. In a recent case, 34 migrants were reported to have drowned off the Moroccan coast. NGOs repeatedly warned that there were not enough SAR vessels in the Mediterranean due to the clamp down on their operations. International organisations echoed these warnings. This Special Focus gives an overview of the critical situation of SAR vessels in the Mediterranean and scrutinizes member states' reactions and proposed solutions.

In August, the Aquarius and other ships were refused harbour in Europe while carrying migrants rescued at sea. At the end of that month, Italy only authorised the 177 people on board the Diciotti to leave the vessel ten days after they were rescued, which led to

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widespread condemnation. UNHCR and Human Rights Watch demanded a fast solution to avoid future stand-offs that put human lives at risk. The European Council on Refugees and Exiles (ECRE) called for formalised agreements to avoid such political stalemates and clarify which actors are responsible for disembarkation.

The case of the private Italian vessel Asso Ventotto drew particular attention in mid-August. The ship brought migrants it had rescued back to Libya, which UNHCR and NGOs do not consider a safe haven. It was unclear if the ship had received the instruction to return to Libya from Libyan or Italian authorities, or whether the instructions had come in Libyan territorial waters or on the high seas. The case could constitute a violation of the principle of non-refoulement, the prohibition of collective expulsion and/or the right to life under international law. The situation also raises important questions of jurisdiction over private vessels conducting SAR operations inside and outside of territorial waters.

In another escalation in early September, Gibraltar, followed by Panama, revoked the flag of the Aquarius, preventing the vessel from continuing its SAR operations. This was met with civil society accusations that Panama was responding to "blatant economic and political pressure" from the Italian government. A coalition of NGOs appealed to European governments to give the Aquarius a new flag. In October, the Mediterranea project, supported by Sea-Watch, launched the operations of a new SAR ship, the Mare Jonio. The Mare Jonio is currently sailing under an Italian flag.

States' opposition against SAR operations has mainly been based on the claim that such operations act as a pull-factor. This claim has been challenged by researchers from Goldsmith University, Medecins sans Frontieres (MSF) and the International Institute for International Political Studies (ISPI). ISPI analyses for instance show that NGOs' activities at sea have not influenced the intensity of irregular migratory flows from Libya. The decline in departures from Libya is not due to diminished NGO activity. Rather, it is due to Libyan militias collaborating with Italy and the EU to control departures from Libya.

As the tensions over SAR vessels were rising, Italy's Minister of the Interior Matteo Salvini and other Italian officials threatened to quit or suspend their payments to the EU budget unless there were meaningful discussions on the question of how to share responsibility over refugees. In August, Italy also called for a reform of the EU's naval operation Sophia. It demanded a rotation of EU ports where vessels disembark rescued migrants and threatened to otherwise leave the mission. The initiative was not received well by EU officials, with High Representative Federica Mogherini stating that this "was not a matter of pledging ports" at an EU Informal Defence Ministers meeting at the end of August.

Meanwhile, renewed attempts to externalise migration controls were discussed as a potential solution to member states' divisions. At the European Council Summit in June, leaders had outlined proposals for regional disembarkation platforms and controlled centres. In late July, the Commission issued two non-papers and corresponding factsheets on these concepts. According to these first documents, also discussed in the previous EPIM Policy Update, regional disembarkation platforms or mechanisms outside of EU territory would disembark migrants that had been previously intercepted at sea in third countries; and establish post-disembarkation processes that would reduce onward movements and avoid so-called "pull factors". The controlled centres would be established to process migrants disembarked on EU territory, with the aim of achieving a "truly shared regional responsibility", according to the Commission.

The proposals were scrutinised and criticised extensively by civil society for their unfeasibility and likely incompatibility with human rights safeguards. The UN High Commissioner for Human Rights condemned the move to outsource responsibility, calling it

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"disturbing". ECRE similarly warned that it would go against states' commitments in the New York Declaration to move towards a more equitable sharing of responsibility. A series of comparative reports by policy experts on the offshore processing of asylum claims concluded that it would be "politically, legally and operationally unfeasible and ineffective".

The discussions on these concepts did not progress much in autumn. Instead, new policy ideas were advanced. The Italian and Austrian defence ministers for instance proposed processing refugees on ships, an idea which had already been suggested by Italy in 2016. It was strongly condemned by NGOs at the time. Academics and NGOs now reiterated the extreme difficulties of ensuring appropriate safeguards and providing access to translators, legal counsel and appeals processes. In addition, they highlighted the risk of violating international law by unnecessarily extending asylum seekers' time at sea. As a further policy suggestion, considered during the informal EU Council Summit in Salzburg on 19 and 20 September, member states looked into increased cooperation with Egypt on migration control. This will be discussed further during an EU-Arab League Summit scheduled for February 2019. NGOs and experts were quick to warn about "closing an eye to the human rights abuses being perpetrated in Egypt" and legitimising harmful regimes. This follows on to earlier criticisms on cooperation between the EU and Egypt in this area which has been condemned for fuelling Egypt's systemic use of detention and deportation in order to create a "dead end for refugees and migrants". Lastly, in October, Austria and Denmark released a vision paper calling for a halt to irregular migration into Europe. The paper states that only those who cannot find asylum closer to their home state should be resettled in Europe. Others should obtain protection in the region with European economic assistance. The proposal was criticised for its "enforcement first, legal admissions later" approach, which risked limiting opportunities for protection.

The EU Council Summit on 18 October made little progress on these issues, and member states' divisions remained unsolved. A sustainable way forward for migration in the Mediterranean that complies with human rights and international law has yet to be found.

POLITICAL DEVELOPMENTS

The State of the Union's Migration Proposals

Asylum   **Inclusion**

In his State of the Union Speech, Commission President Jean-Claude Juncker presented four proposals on migration. Most importantly, the Commission doubled down on earlier commitments to significantly expand the border guard by 2020, and proposed a recast of the Return Directive. Both proposals are discussed in more detail in the legislative section below.

Juncker also presented a proposal to expand the [European Asylum Support Office](#) (EASO) and transform it into an EU Asylum Agency (EUAA). A 2016 [proposal](#) for Regulation on the EUAA had seen a provisional agreement between the Parliament and the Council, but its adoption is pending in light of ongoing discussions on the entire reform of the Common European Asylum System (CEAS). The new proposal amends the 2016 proposal with targeted reviews.

In this new [proposal](#), the agency would gain more responsibility to assist member states operationally with asylum procedures and appeals, as well as procedures under the Dublin Regulation. Furthermore, the agency would cooperate more closely with the European Border and Coast Guard Agency (EBCG), particularly in the deployment of migration management support teams. These operations would take place at the request of, or in agreement with, the member state, and while remaining under the host state's authority. These changes to the agency's mandate would require a EUR 1.25bn budget under the Multiannual Financial Framework (MFF) for 2021-27. EASO has previously come under fire for overreach in its operations and disregard for human rights. The [European Centre for Constitutional and Human Rights](#) has highlighted a lack of safeguards, transparency and accountability in interviews with asylum seekers conducted by the agency in the Greek hotspots.

The State of the Union speech also touched on the enhancement of [safe and legal pathways](#) to Europe. However, whereas [NGOs](#) have long called for the expansion of legal channels, the proposal offered few concrete steps. The announcement referenced the EU Blue Card for highly skilled workers. The ongoing revision of the [EU Blue Card Directive](#) is currently pending a position from the Council before negotiations can proceed. With regard to resettlement, the proposal largely repeated earlier commitments and called on member states to uphold them. While resettlement remains a [vital tool](#), there is a significant and widening gap between global protection needs and the availability of resettlement schemes. [UNHCR](#) has warned that a projected 1.4 million refugees will need to be resettled in 2019. The Commission proposal also fails to mention other legal pathways that could help expand the protection space, such as student scholarships or private sponsorship programmes. NGOs and UN agencies have repeatedly highlighted the [benefits](#) of such pathways in relation to integration and self-development prospects, as well as the potential to maximise community ownership.

Spain's Migration Policy in the Spotlight

`Asylum` `Inclusion` `Children and Youth`.

Migration routes to Europe have continued [shifting](#) westwards. The [number of arrivals](#) in Spain since January has exceeded 45,000. In response, the [Commission](#) increased the emergency funding allocated to Spain to EUR 30 million. As discussed in the previous [EPIM update](#), Spain was [praised](#) in June for welcoming the Aquarius rescue ship when Italy and Malta denied access to their harbours. However, some regions protested against the rising number of arrivals. The southern region of Andalucía argued that it was receiving a disproportionate number of underage migrants and [called](#) for their return to Morocco.

These calls took place as Spain came [under fire](#) for conducting so-called "devoluciones en caliente", or expulsions without due process to Morocco. In August, it expelled 116 people who had crossed the border into Ceuta back to Morocco within 24 hours of their arrival; in October, 55 people were [expelled](#) from Melilla in similar circumstances. Several [experts](#) and a [coalition of NGOs](#) stressed that this was not enough time to uphold safeguards, identify

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asylum seekers, provide interpreters and translators, and inform individuals of their right to appeal. At the same time, the controversial Tarajal court case was reopened. The case relates to an incident from 2014 in which the Spanish Guardia Civil shot at people attempting to swim into Ceuta, resulting in 14 deaths. Survivors were subsequently returned to Morocco without a legal process. Civil society organisations supported the reopening of the case, hoping it would mark the "end for impunity". Morocco also received criticism for its treatment of migrants. Amnesty International condemned the "cruel and unlawful" crackdown, describing roundups and seizing of migrants before abandoning them further south. Outcries multiplied in September, when a Moroccan woman was killed and others were injured as the Moroccan navy fired at a Europe-bound boat. This raised further doubts about Spain's cooperation with the country. After repeated requests from Spain, El País reported that the EU has committed EUR 140 million in financial support for Morocco's border control measures.

In September, the Council of Europe published a report calling on Spain to guarantee access to a fair asylum procedure and respect non-refoulement in Ceuta and Melilla. It also noted that reception centres in those areas were overcrowded, unaccompanied children had fallen out of the protection system, and there were significant delays in processing asylum applications.

Discussions on Golden Visas

'Golden visas', also called 'residence for investment' or 'citizenship for investment' programmes (CIP), are schemes that enable non-nationals to obtain residence or citizenship in a country by investing in government bonds, the economy or property. The schemes allow applicants to circumvent usual requirements related to language skills, prolonged periods of residency, or employment in the country. In the EU, a number of member states currently enable some form of this practice, including Malta, Austria, Cyprus and others. Questions regarding the competences and legitimacy of CIPs have been the subject of long-standing debate. While there have been precedents of closer involvement of EU institutions, citizenship policies touch on sensitive issues of state sovereignty and remain a largely national competence. Yet, given free movement and other rights derived from complementary EU citizenship, CIPs are highly relevant from an EU law perspective as well.

CIPs also touch on questions about the rights and duties that come with citizenship. They have long been criticised for the potential for corruption and the risk of abuse by individuals with a criminal background, as well as the potential threat to public safety. Transparency International has called on the Commission to "safeguard the integrity of the EU and EU citizenship principles and core values", referring to freedom, security and justice as well as the principle of sincere cooperation between member states. CIPs have also been scrutinised in the context of money laundering and government corruption. Most recently, they were criticised by the OECD in connection to tax evasion. On the other hand, experts have also argued that CIPs can, if executed with transparency and accountability, contribute positively to the economies and societies of the member state. CIP schemes have for instance been credited for contributing to boosting the homes market in cities such as Lisbon.

The European Parliament has put CIP programmes under increasing scrutiny and debated them in a heated plenary session at the beginning of the summer. Following this, Commissioner for Justice Vera Jourova warned that some member states should expect to come under closer scrutiny and should observe higher requirements for their citizenship schemes. She reiterated her concerns about their impact on European security in October in

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an interview to mark the anniversary of Daphne Caruana Galizia's death. The journalist had investigated the Maltese Prime Minister's links to Henley & Partners, a company that pioneered CIPs. The Commission is expected to publish a review of the citizenship schemes by the end of the year.

LEGISLATIVE DEVELOPMENTS

The European Border and Coast Guard Agency

Asylum

A new Commission proposal seeks to strengthen the mandate of the EBCG (Frontex). The proposal would expand the agency from 1,300 to 10,000 operational staff, while increasing its budget to EUR 1.3bn in 2019-20 and to a total of EUR 11.3bn under the next MFF for 2021-27. This would constitute a considerable increase compared to current annual budgets (EUR 302 million and EUR 251 million for 2017 and 2016 respectively). The agency would gain executive powers to, for example, conduct identity checks, authorise or refuse entry at the external border, patrol borders and intercept persons who have crossed irregularly. A much commented on development was the extension of the right to carry weapons to Frontex staff. The proposal would also increase the agency's role in the implementation of return decisions and enable it to act in non-EU countries (not only neighbouring countries) after a prior agreement. In early October, an agreement on Frontex cooperation was reached with Albania, and similar discussions are underway with the Former Yugoslav Republic of Macedonia, Serbia, Montenegro, and Bosnia and Herzegovina.

In response to these developments, experts highlighted potential accountability concerns since the agency's increased mandate has not been matched with more adequate safeguards or scrutiny. They also warned that strengthening Frontex would not be a catch-all solution and that a functioning asylum system with shared responsibilities within and outside of Europe is equally important. The Commission's stated rationale of 'preserving the Schengen area' was also criticised for mistakenly buying into inflated ideas of border security.

The border force proposal was discussed further at the Salzburg informal leaders' summit and the Justice and Home Affairs Council meeting on the 12 October. Several countries, particularly Hungary, the Czech Republic and Slovakia, voiced concerns over national sovereignty and the size of Frontex. In the past, border control measures have been passed

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with fast turnarounds: a previous proposal on enhancing the agency's mandate in 2016 was agreed only ten months after it was first proposed by the Commission. Member states will now similarly try to reach an agreement on the proposal as soon as possible, preferably before the European Parliament elections in May 2019. The urgency was echoed in the conclusions of the European Council summit of 18 October. However, the concerns raised surrounding sovereignty cast doubt on whether that will be possible.

Recast of the Return Directive

`Asylum` `Immigration Detention` `Children and Youth`

The Commission also proposed a 'targeted review' of the Return Directive, aimed at increasing the rate of returns of non-EU nationals to third countries. This is part of an ongoing push to achieve a 70% rate of effective returns by 2020. The new proposal would significantly limit third country nationals' rights. Notably, it would limit the use of voluntary departure by removing the mandatory seven-day window for migrants to depart voluntarily, and even prohibit it in a number of cases. The proposal would expand the grounds for detention, making it obligatory in certain cases, and require national legislation to allow for at least three months of detention. The time limits of six months on detention, with a possible additional twelve months, are unchanged. It would also shorten the maximum period for lodging appeals to five days, and accelerate return procedures at border posts. New criteria to determine the risk of absconding, which would justify harsher treatment and include general criteria like 'illegal entry' or a 'lack of financial resources', have been criticised for being overly broad. The proposal also calls for return decisions to be issued simultaneously with asylum rejections.

NGOs have repeatedly raised concerns about attempts to undermine voluntary departure. They have also emphasised the lasting damage caused by an increased use of detention, particularly for children. The recast of the Directive would exacerbate these concerns. Furthermore, no impact assessment has been conducted on the proposal, prompting questions about its effectiveness and the Commission's willingness to undergo scrutiny. The proposal was discussed further in the context of the European Council summit of 18 October, without concrete progress being achieved. The Council and the Parliament were asked to prioritise reaching agreement on this and other files in the coming months.

Adoption of the ETIAS Regulation

At the beginning of September, the Council adopted the regulation establishing a European travel information and authorization system (ETIAS). The regulation applies to visa-exempt third country nationals who will henceforth have to obtain an authorisation for their trip via an online application. Before being granted a travel authorisation, the application will be processed using EU databases, including the Schengen Information System, the planned Entry/Exit System, the Visa Information System, the Eurodac database, Europol data, and Interpol databases. In case of a 'hit' in any of these databases, the application would be further investigated by ETIAS units. Following this, the applicant could be refused a travel authorisation for the Schengen area. According to the Council, ETIAS could help to improve internal security, prevent so-called "irregular" immigration, protect public health and improve the management of the external border. During the negotiations, the proposal was lauded by the EPP group and the ALDE group as an effective and cost-efficient way to increase security in the EU. Yet, the Greens/EFA criticised the "disproportionate retention of data" and the Fundamental Rights Agency similarly voiced concerns related to the

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collection of, and access to, personal data as well as the time during which the data would be kept on record. Moreover, [experts](#) have found the grounds for refusal obscure, in particular those grounds which involve yet to be developed algorithms and profiling mentioned in the regulation. The European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice, [eu-LISA](#), will start [building](#) the new system. ETIAS is planned to be operational by 2021.

SELECTED ECJ CASE LAW & LEGAL ACTIONS

Asylum   **Mobile EU citizens**

Case [C-89/17](#), Secretary of State for the Home Department v Rozanne Banger, 12 July 2018

The case concerned a South African national, Ms Banger, who is the partner of a British national. The couple moved from South Africa to the Netherlands where Ms Banger was granted a residence card in her capacity as an 'extended family member' in accordance with the [EU Citizens' Rights Directive](#). The Directive requires member states to facilitate the entry and residence of the partner with whom a moving EU citizen has a durable relation. When the couple subsequently moved to the UK, however, Ms Banger was denied a residence card on the basis of UK legislation transposing the Directive. That legislation provided for the rights of spouses or civil partners of UK nationals who return after exercising their free movement rights. However, as the couple was not married, nor in a civil partnership, Ms Banger's application was refused. This refusal was challenged before the CJEU. With reference to its earlier case law, e.g. [Singh](#), the Court first established that the requirement of providing for a facilitated entry of a partner with whom an EU citizen is in a durable relationship also applies when that EU citizen returns to his home state after having exercised free movement rights. The Court further clarified that, while EU law does not require member states to provide a direct right of entry to such partners, it does oblige them to confer a certain advantage on applications they submit. A decision to refuse such a residence must be based on an extensive examination of the applicant's personal circumstances, be adequately justified, and a redress procedure must be available.

Case [C-369/17](#), Shajin Ahmed v Bevándorlási és Menekültügyi Hivatal, 13 September 2018

This case concerns an Afghan refugee, Mr Ahmed, against whom criminal proceedings were brought in Hungary. Against this background, he requested that the Afghan consulate be informed about the outcome of the criminal case. The Hungarian authorities subsequently took the view that it could be inferred from the request for protection that Mr Ahmed had voluntarily sent to the Afghan authorities that the risk of persecution in Afghanistan had ceased to exist. On that basis, they revoked his refugee status. Mr Ahmed then filed a second application for refugee status. This second application was rejected on the basis of a

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exclusion clause in Hungarian law related to the criminal proceedings against him. The exclusion clause concerned cases that involve a serious crime entailing a criminal sentence of five years or more. Mr Ahmed subsequently challenged this decision, arguing that the [Qualification Directive](#), required authorities to assess his case with reference to the seriousness of the crime and on an individual basis. The CJEU confirmed that a decision on the exclusion from international protection could not be automatic but requires an individual assessment. In that light, the Court further found that the Hungarian legislation, which provides that the penalty for a crime is the only criterion to decide the seriousness of said crime, breaches EU law.

Order of the Court: Joined Cases [C-208/17 P to C-210/17 P](#), 12 September 2018

In this order, the Court rejected appeals brought against its orders in three joined cases of [NF](#), [NG](#) and [NM](#) from February 2017 regarding the EU-Turkey Statement. The cases had been raised by an Afghan national and two Pakistani nationals in Greece, who argued that the agreement violated the principle of non-refoulement and the prohibition on collective expulsion. Last year, the Court found that it lacked jurisdiction to examine the legality of the Statement, arguing that it had not been adopted by an EU institution but rather by representatives of member states. The initial ruling in 2017 had been strongly criticised for a number of reasons, including the [designation](#) of the deal as an "EU-Turkey" Statement, and the close [involvement](#) of EU institutions in its implementation. The absence of CJEU jurisdiction has been particularly concerning for civil society, since the agreement has significant human rights [implications](#). Three appeals against this order were filed. Among other claims, they argued that the Court had failed to state reasons and disregarded questions of fact and evidence. In September 2018 the Court, however, dismissed these appeals as manifestly inadmissible. The appeals were found to not be coherently structured nor to adequately identify legal flaws in the order's reasoning.

Other relevant case law

[Case C-585/16](#) Serin Alheto v Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite, 25 July 2018

[Case C-216/18](#) PPU LM, 25 July 2018

[Case C‑527/16](#) Salzburger Gebietskrankenkasse, Bundesminister für Arbeit, Soziales und Konsumentenschutz, 6 September 2018

[Case C‑68/17](#) IR v JQ, 11 September 2018

[Case C-180/17](#) X, Y v Staatssecretaris van Veiligheid en Justitie, 26 September 2018

[Case C-175/17](#) X v Belastingdienst/Toeslagen, 26 September 2018

[C‑422/18 PPU](#), Order of the Court, FR v Ministero dell'interno – Commissione Territoriale per il riconoscimento della Protezione Internazionale presso la Prefettura U.T.G. di Milano, 27 September 2018

[Case C652/16](#) Nigyar Rauf Kaza Ahmedbekova, Rauf Emin Ogla Ahmedbekov v Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite, 4 October 2018

[Case C‑56/17](#) Bahtiyar Fathi v Predsedatel na Darzhavna agentsia za bezhantsite, 4 October 2018

[Case C‑662/17](#) E.G. v Republika Slovenija, 18 October 2018

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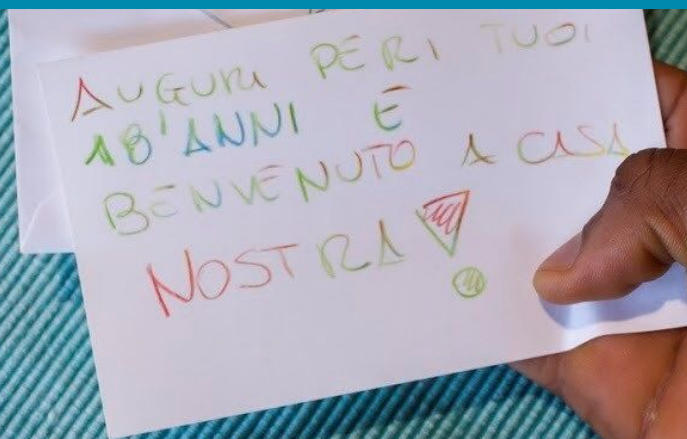
Refugee Reception Systems in Italy

Asylum   Inclusion   Children and Youth .

By Sara Consolato, Refugees Welcome Italia

Despite migration flows becoming a structural phenomenon over the last years, Italy has continued to manage them as an emergency. This approach has deeply affected the organisation of the national reception system where, according to a recent report released by Oxfam, 8 migrants out of 10, or 136,000 individuals in total, are housed in 7,000 extraordinary reception centres. These are often big structures (former hotels, compounds), in many cases isolated, with uneven levels of reception quality. Oftentimes, asylum seekers are not provided with the adequate services that would further their integration. Only 23,682 people are instead entrusted to the ordinary system, represented mainly by the Protection System for Refugees and Asylum Seekers (SPRAR). Here, asylum seekers and refugees are hosted in small communities and small-scale facilities and follow an inclusion process with Italian language classes, schooling, vocational training, and work orientation. Since it relies on voluntary participation by the local municipalities, the SPRAR has a limited accommodation capacity and only a few available places, which are insufficient given the scale of the needs. It has been hailed as a best practice at the European level nonetheless.

This is the context in which Refugees Welcome Italia (RWI) was established. The organisation was founded in December 2015 as part of the international Refugees Welcome network. Its aim is to develop a reception system for beneficiaries of protection by and into host families. The existing system is inadequate. Mainly based on large shelters, it does not facilitate the social inclusion of refugees and asylum seekers, but marginalises them instead. The possibility to live in flat shares with locals has proven to be a pivotal moment in the integration process of beneficiaries of protection. The community-based reception piloted by RWI is part of the broader 'widespread reception' model (which also includes the SPRAR system) and is considered a viable solution to overcome the emergency approach and promote inclusion.

Unfortunately, governmental policies are moving in the opposite direction. An immigration decree issued by the Italian government earlier this month signals a serious backsliding on the reception front. It provides for the dismantling of the system of widespread reception in

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favour of reinforcing the large reception centres. The law restricts the SPRAR only to beneficiaries of international protection and unaccompanied children. Asylum seekers would thereby be excluded. They would have to wait for the outcome of their application in government centres without adequate living conditions and without access to any integration measures. The bill also abolishes the humanitarian protection status, a form of protection for those who are not eligible for refugee status but, for many reasons, cannot be sent home. This would turn thousands of asylum seekers into undocumented people. The measures contained in the decree, if confirmed by the parliament, will severely limit the level of protection and integration prospects of those who arrive in Italy.

In this context, Refugees Welcome is working to launch an advocacy campaign at the local level, in order to build a network of "welcoming municipalities" who may be interested in implementing and spreading domestic reception at the local level. RWI firmly believes that, now more than ever, it is crucial to provide vulnerable people arriving in Italy with alternative pathways toward social inclusion.

FACTS & FIGURES

77% of citizens across 10 EU countries support taking in refugees.

Source: **Pew Research Center, September 2018.**

UNHCR statistics on arrivals.

`Asylum`

Recent data by the UNHCR reveal the following trends:

- 96,705 sea arrivals have been recorded since the beginning of the year. 21,719 have arrived in Italy, while 25,766 have arrived in Greece and 48,807 have arrived in Spain;

- So far, an estimated 1,834 people have been reported dead or missing in 2018;

- In Italy, the majority of refugees come from Tunisia, Eritrea and Sudan, while more than half of all refugees arriving in Greece originate from Syria and Afghanistan. In Spain, the majority of refugees come from Guinea, Mali and Morocco.

Relevant reports

`Asylum` `Inclusion` `Mobile EU citizens`

UNHCR, Desperate Journeys, Refugees and migrants arriving in Europe and at Europe's borders January – August 2018

This report covers the developments in migration movements to Europe in the first half of 2018. It addresses the drop in numbers of refugees and migrants entering Europe via Greece, Italy and Spain, and the role of new measures targeting irregular migration in the Central Mediterranean. It also problematizes the restrictions on NGOs conducting SAR operations, the limited access to Italian ports for rescued refugees and migrants and the uncertainty that NGO vessels face over disembarkation ports.

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FRA, Making EU citizens' rights a reality: national courts enforcing freedom of movement and related rights

The Fundamental Rights Agency presents an EU-wide, comparative overview of the application of the Free Movement Directive (2004/38/EC) in this report. It is based on a review of selected case law at the national level. The report highlights the importance of a proper interpretation of the Union's provisions on citizenship and freedom of movement, and the important impact of these provisions on the lives of EU citizens and their families.

International Rescue Committee, Unprotected, Unsupported, Uncertain

This report outlines the findings of International Rescue Committee's mental health programme that provides care to asylum seekers in the Greek island of Lesvos. Based on their experience supporting 126 people from Moria on Lesvos, it details their desperate conditions, lack of protection, and high prevalence of depressive and post-traumatic symptoms. The report provides a number of recommendations to improve the mental state of asylum seekers living in Moria.

Eiri Ohtani – Evaluation Report: Alternatives to detention: from theory to practice

This report, commissioned by the European Programme for Integration and Migration (EPIM), shares findings of the interim evaluation of the engagement-based alternatives to detention (ATD) pilots in Bulgaria, Cyprus and Poland. These pilots have been supported by EPIM. The report investigates the effectiveness of support in the management of immigration cases within the ATD pilots to increase individual migrants' ability to work towards a resolution of their individual case. The report provides evidence that engagement-based case management can be effective in helping migrants to work towards resolving their cases in the community. However, individualised, quality case management is a complex skill that requires significant time, preparation, reflection and adjustment.

ECRE: Access to protection in Europe

In two publications, ECRE focuses on the effectiveness of access to protection through an analysis of legal systems and practices. The reports focus in particular on the entry into the territory and the registration of asylum seekers. The reports provide an analysis of the process of gaining access to the territory for the purpose of seeking asylum and the registration process of asylum claims.

ECRE: The Dublin system in the first half of 2018 - Key figures from selected European countries

In this update, ECRE provides key figures on the application of the Dublin regulation during the first half of 2018. The update includes statistics on outgoing and incoming Dublin requests and transfers, and cites the defects and bureaucratic nature of the system. In particular, it criticizes the human and financial resources that member states spend on Dublin transfers only to receive approximately the same number of procedures to receive asylum seekers from other countries.

EU Funding opportunities

Calls for proposals - EU funding

- **AMIF-2018-AG-INTE-1**: Local and regional integration networks

  o Call out on 26.07.2018 – Deadline: 31.01.2019

- **AMIF-2018-AG-INTE-2**: Legal migration projects with third countries

  o Call out on 26.07.2018 – Deadline: 31.01.2019

- **AMIF-2018-AG-INTE-3**: Support to victims of trafficking in human beings

  o Call out on 26.07.2018 – Deadline: 31.01.2019

- **AMIF-2018-AG-INTE-4**: Care for migrant minors, including unaccompanied minors

  o Call out on 26.07.2018 – Deadline: 31.01.2019

- **AMIF-2019-AG-INTE-5**: Engagement of diaspora communities on awareness raising

  o Call out on 26.07.2018 – Deadline: 31.01.2019

- **DT-MIGRATION-06-2018-2019:** Addressing the challenge of migrant integration through ICT-enabled solutions

  o Call out on 06.11.2018 – Deadline: 14.03.2019

- **MIGRATION-01-2019**: Understanding migration mobility patterns: elaborating mid and long-term migration scenarios

  o Call out on 06.11.2018 – Deadline: 14.03.2019

- **MIGRATION-03-2019**: Social and economic effects of migration in Europe and integration policies

  o Call out on 06.11.2018 – Deadline: 14.03.2019

- **MIGRATION-07-2019**: International protection of refugees in a comparative perspective

  o Call out on 06.11.2018 – Deadline: 14.03.2019

Other opportunities

Solidar Silver Rose 2019 – Call for nominations, Deadline: 31.10.2018

EU CALENDAR: UPCOMING EVENTS

European Council and Council of the European Union

| 6-7 December | JHA Council |

| 13-14 December | European Council |

European Parliament

| 5 November | LIBE Committee Meeting |

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	12-15 November	EP Plenary
	19-20 November	LIBE Committee Meeting
	26-27 November	LIBE Committee Meeting
	3 December	LIBE Committee Meeting
	10-13 December	EP Plenary

Other events

	29 October	The International Maritime Human Rights Conference, Human Rights at Sea
	29 October - 2 November	Mainstreaming Migration into Policy Development, ITC-ILO
	7-9 November	Annual General Conference, ECRE
	8 November	Future Flows. Forecasting and responding to environmental migration, Friends of Europe
	15 November	Perceptions of Migration in Europe. Implications for Policy-Making, CEPS
	15-17 November	Global Initiatives in Refugee and Migrant Education, Refugee and Migrant Education Network
	26 November	European final conference – Children's Rights Behind Bars 2.0, Defence for Children International
	28 November	Geopolitics and Competing priorities at the EU's External Border - Publication Launch, EPC and FNF
	29-30 November	Towards the IMISCOE Research Infrastructure of the Future; IMISCOE meets CrossMigration, IMISCOE
	7-8 December	Advanced ELENA Course 2018: Refugee protection: from recognition to rejection, ECRE
	10-11 December	Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, UN (invitation required)

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