

# **Immigration Law Practitioners' Association**

### PRESS RELEASE

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## THE EU S FASCINATION WITH ILLEGAL IMMIGRATION IS A DEAD END WHICH HARMS ECONOMIC DEVELOPMENT AND HUMAN RIGHTS PROTECTION

The European Council's package on illegal immigration is harmful to prosperity, growth, and good relations with our neighbours, not to mention our human rights obligations. It can only lead to a dead end, said Elspeth Guild, joint chair of the European Sub-Committee of the Immigration Law Practitioners Association and partner at the London law firm Kingsley Napley, today. Speaking on behalf of the Immigration Law Practitioners Association Law Practitioners Association and partner at the Council towards the control of illegal immigration.

The European Council, meeting in Seville, Spain on 21 & 22 June 2002 is considering a wide-ranging package of measures in respect of illegal immigration. This package focuses on shifting the duty to control movement of people to third countries around the European Union, whether in terms of checking persons before they travel, stopping them from travelling or accepting them back into their countries at the request of EU states.

The EU obsession with illegal immigration is unfounded and leads to a dead end. Further, it is having the effect of criminalizing asylum seekers, persons in need of international protection who are excluded as potential illegal immigrants from the Union or shoved back to poorer neighbouring countries of the EU, said Nicola Rogers, co chair of the European Sub-Committee of ILPA and deputy director of the NGO the AIRE Centre (Advice and Information on Rights in Europe). The UNHCR has already pointed out that in 2002 there are only half the number of asylum applicants seeking protection in the EU than there were in 1992. Yet the Council continues its rhetoric about illegal migration in full knowledge that the majority of persons who come to the EU illegally do so because they are fleeing persecution and do not have the documents necessary to arrive lawfully, she added. Strict border controls and visa regimes are counter-productive not least in that they push people into the hands of traffickers or smugglers because of the lack of legal means to enter the Union.

In Tampere, the European Council stated that the guiding principles of the Union as regards an area of freedom, security and justice were established. The European Council states that the common policies must be based on principles which are both clear to our own citizens and also offer guarantees to those who seek protection in or access to the European Union. This package does not contribute to the European Councils own principles. The problem with this package is that it fails to recognise that movement of persons is a central part of trade and business. Growth and economic prosperity in the Union depend on individuals being able to cross borders without threat of being treated as illegal. Goods, services and capital need people moving across borders to provide them, find markets and investment opportunities. Turning border crossing into the equivalent of a criminal activity or a military threat will actively harm growth and prosperity in our region, Guild added.

The EU should be taking a balanced approach to migration and asylum, following the European Council s own Tampere Conclusions. The Union should be investigating ways to adjust its laws to ensure that people to not become classified as illegal immigrants or unjustly denied entry to the EU when in fact they are seeking protection in the EU or seeking to visit family and friends here. The EU proposals for joint external border police are lacking in democratic and judicial accountability, and the EU proposals to prevent people from reaching the Eu or sending them back to non-EU countries fail to consider the human rights situation in the countries or transit or origin. The EU should instead focus on agreeing the positive proposals already on the table for months or years, concerning the protection of refugees, setting out fair rules on admission for work or family reunion and ensuring equal treatment for long term foreign residents in the EU said Steve Peers, member of the European Sub-Committee of ILPA and Reader in Law at the University of Essex.

Movement of persons is a benefit to the European Union. For example, 89 million persons entered the UK in 2000 of which 13 million were non EEA nationals. Of these only 38,000 were refused admission to the UK.<sup>1</sup> As regards tourism in the EU as a whole, 74% of EU tourism is generated from within the EU, 26% from countries outside the EU with the USA accounting for the largest percentage within that group.<sup>2</sup> As regards border controls and illegal immigration, when the House of Lords Select Committee on the European Union last looked at the issue of Schengen it found little correlation between activities carried out by immigration officers at ports of entry and illegal activity other than use of inadequate documents.<sup>3</sup> Further, in a study carried out by Eurostat and the Netherlands Interdisciplinary Demographic Institute, information was collected on tourists and immigrants from Turkey, Morocco, Egypt, Ghana and Senegal, in addition to interviews carried out in different Member States and countries of origin regarding their migration. According to the report, very small percentages of persons who had been in the EU had sought to enter the EU undocumented while a slightly larger number had overstayed their visas or permits.<sup>4</sup> These figures indicate that there is a lack of evidence for the perspective of massive and increasing illegal migration into the Union through clandestine entry which perspective is central to the Council s approach.

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#### Note to Editors:

ILPA is the UK association of immigration law practitioners, including solicitors, barristers and academic lawyers. The membership of the association exceeds 1,000.

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#### <u>ENDS</u>

<sup>1</sup> UK: Control of Immigration Statistics: 2000.

<sup>2</sup> Eurostat: Statistics in Focus Theme 4-16/2001.

<sup>3</sup> House of Lords Select Committee on the European Union 7th Report, 1998 /99 The scale of the problem of illegal immigration into the United Kingdom is difficult to assess. Taking 1997 as an example, the number of passengers (excluding EEA nationals) admitted to the United Kingdom was 10.9 million. Nearly half of these were from the American continent. Citizens from the USA comprised the largest single nationality in admissions (3.8m), followed by the Japanese (860,000) and Canadians (670,000). Compared to the 10.9 million passengers admitted to the United Kingdom, some 24,000 were refused leave to enter and removed from the United Kingdom[14]. From the evidence we received, the largest problem appeared to be with individuals who enter the country legally and overstay the expiry of their visa time limit rather than with individuals attempting to enter the UK illegally. We were told that some 14,300 people were identified as falling into this category, as compared with about 4,000 who were thought to have entered illegally. Professor Groenendijk, of Nijmegen University, said that in the Netherlands the majority of those arrested for illegal immigration were "overstayers" (Q 134). Frontier controls were also a useful means of identifying the fraudulent use of travel documents approximately 4,400 were discovered at United Kingdom ports in 1997. Of these, 70 per cent were forged or fraudulently used EU/EEA travel documents or identity cards, and 64 per cent of the abused documents were held by travellers from EEA countries (QQ 89, 338).

<sup>4</sup> Eurostat, Why do people migrate? Statistics in Focus Theme 3/2001.