



# 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, she rejected the approach adopted by 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 Council's own principles. The problem with this package is that it fails



<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.