



Helen McEntee
Minister for Justice
by email to: helen.mcentee@oireachtas.ie
19 June 2023

Re: Appeal to Minister McEntee to raise our concerns at the highest level of the European Union (EU) regarding the treatment of migrants entering the EU and those trying to enter the EU.

Ireland Says Welcome is a Comhlámh membership group sharing news, information and refugee solidarity initiatives in Ireland and across Europe. Our vision is of a welcoming, inclusive and participatory Ireland for those escaping war, persecution and poverty.

Dear Minister McEntee,

We are members of the Ireland Says Welcome Group, a membership group of Comhlámh - The Irish Association of Development Workers and Volunteers. We are writing to you this World Refugee Day to express our concern about the treatment of migrants entering the EU and those trying to enter the EU. We have read numerous accounts of deaths and violence at, and close to, the EU's external borders, as well as accounts of harassment and criminalisation of people carrying out humanitarian work with migrants. Following the agreements reached on the asylum and migration management regulation and the asylum procedure regulation at the Justice and Home Affairs Council meeting on 8-9 June 2023, we are even more concerned. We ask you to clarify Ireland's position on the treatment of migrants in, and en route to, the EU and on harassment and criminalisation of humanitarian work.

Violence and deaths at EU external borders:

We are extremely concerned at the number of people dying and/or experiencing violence while trying to apply for international protection in the EU. Given the EU's aspiration to be a beacon of human rights, and given its Member States' membership of the Council of Europe and their signatory status of the 1951 Refugee Convention and the United Nations Convention on the Law of the Sea, it is crucial that the

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EU and its Member States uphold human rights and respect for law in designing and implementing immigration policy.

Obviously, the tragedy of the several hundred migrants believed to have drowned in the Ionian Sea on 14 June¹ has focussed many minds on the dangers that are faced by migrants who try to reach the EU by boat. However, this is far from the first such tragedy and these people are sadly not the first to die in Greek waters trying to seek international protection in the EU. We have read accounts of pushbacks exercised by Greece – on land and at sea – of persons trying to enter the country apparently to seek asylum.² The outgoing Greek Prime Minister Kyriakos Mitsotakisi, announced in May that his government “reduced irregular arrivals by 90 percent”.³ However, as far as we are aware, he has not explained how the government reduced arrivals, and this lack of clarity is very worrying given the numerous assertions that Greece carries out pushbacks, including from the United Nations High Commissioner for Refugees.⁴

We are deeply disturbed by the reports – almost a year ago today – of the violent deaths of 23 migrants who tried to cross the border from Morocco to the Spanish enclave of Melilla.⁵ Reports and footage indicate that Moroccan security agents beat people trying to cross the border and that the Spanish Civil Guard used teargas against migrants. Furthermore, reports indicate that the Spanish Civil Guard summarily returned many of the survivors, who had entered Spanish territory, to Morocco.

In addition, we have heard reports of numerous migrant deaths along the EU’s borders with Belarus - apparently from hypothermia, illness, and exhaustion. It is horrifying that people can die in these circumstances in Europe in the 21st century. We understand that the governments of Poland⁶,

¹ <https://www.rte.ie/news/2023/0616/1389582-greece-tragedy/>

² <https://apnews.com/article/europe-middle-east-greece-turkey-migration-b6eb4527f91ef2b695d119ae3fc2d753>

³ <https://www.aljazeera.com/features/2023/5/15/greeces-conservatives-campaign-on-firm-but-fair-refugee-policy>

⁴ <https://apnews.com/article/europe-middle-east-greece-turkey-migration-b6eb4527f91ef2b695d119ae3fc2d753>

⁵ <https://www.hrw.org/news/2022/06/29/morocco/spain-horrific-migrant-deaths-melilla-border>;

<https://www.bbc.co.uk/news/extra/z8i55dsu8w/spain-morocco-border>

⁶ <https://twitter.com/GrupaGranica/status/1625117369071726595>



Lithuania⁷, and Latvia⁸ are practising push-backs at their borders with Belarus, sometimes with fatal consequences.

Furthermore, we have become aware of the actions of Italy and Malta in reaction to people crossing the Mediterranean Sea to seek safety in the EU. There have been countless reports over the last number of years of people drowning in the Central Mediterranean Sea, often close to the EU's coasts, and this phenomenon is sadly only worsening.⁹ We are therefore concerned at legislative actions that the Italian government has taken to hinder the work of civilian search and rescue organisations.¹⁰ In addition, we have read reports in the past year that the Armed Forces of Malta have adopted a tactic of simply not responding to rescue calls relating to migrants in distress in the country's territorial waters.¹¹ We are furthermore concerned at reports that both the Italian and Maltese authorities facilitate and order the return of vulnerable migrants to Libya, a country where migrants are found to be subjected to trafficking, enslavement, forced labour, imprisonment, extortion, smuggling, and rape.¹²

Minister McEntee, has Ireland expressed concern at these occurrences (and many others) of deaths and violence at the EU's borders? If not, we respectfully ask you to argue at EU Justice and Home Affairs Councils for humanity, respect for the rule of law, and transparency regarding the EU's borders. These principles must be respected in the form of correct training in refugee and human rights law for border officials and coastguards; thorough, independent investigations of those abuses which have already been documented, with findings made public; and ongoing monitoring of adherence to human rights standards in border policing. The suffering that we are seeing is being facilitated and caused in the name of EU citizens like us.

⁷ <https://www.euractiv.com/section/migration/news/lithuania-legalises-migrant-pushbacks/>

⁸ <https://www.coe.int/en/web/commissioner/-/latvian-authorities-should-put-an-end-to-pushbacks-and-safeguard-the-human-rights-of-people-seeking-protection-at-the-border-with-belarus>

⁹ <https://www.iom.int/news/deadliest-quarter-migrants-central-mediterranean-2017>

¹⁰ <https://www.thenationalnews.com/world/europe/2023/02/15/italys-parliament-approves-decree-limiting-charities-ability-to-rescue-migrants/>

¹¹ <https://www.independent.com.mt/articles/2023-04-11/local-news/AFM-says-no-rescue-was-requested-for-the-boat-with-400-migrants-in-distress-6736251016>

¹² <https://www.ohchr.org/en/press-releases/2023/03/libya-urgent-action-needed-remedy-deteriorating-human-rights-situation-un>



Criminalisation and harassment of humanitarian workers

In addition to the violence and death suffered by migrants at EU borders, we are very concerned at the restriction and criminalisation of solidarity in EU countries. As active citizens ourselves, we are shocked to see criminal charges against people who try to provide life-saving supplies and safety to people at risk of drowning or succumbing to hunger, hypothermia, and exhaustion; penalties for organisations who save “too many” lives at sea; as well as persistent procedural barriers to organisations carrying out such vital tasks.¹³ We are particularly concerned at the criminal charges brought against Ireland’s Sean Binder who, along with 23 other people who worked to save lives in Greece, is still facing numerous criminal charges for doing so.¹⁴ May we also ask you about these EU trends? Given the actions undertaken by some EU Member States to frustrate efforts to show decency and compassion to migrants and uphold their human rights, has Ireland raised any concerns about these actions? If so, may we ask what exact questions Ireland has asked and what responses it has got so far? If Ireland has not raised any concerns about these practices, we ask you to please do so in the name of the Irish people.

Solidarity and responsibility sharing:

We are very conscious that the EU is a union based on solidarity and mutual respect. For this reason, we are also very conscious that a probable contributing factor to the violence and fatal negligence practised at our external borders is the large burden felt by the member states at those borders (several of whom we have named above). We believe firmly in the rule of law and in upholding human rights, and we also believe that people coming to live in our countries bring so much in terms of cultural richness and human capital. Nevertheless, we do understand that processing asylum claims takes resources, and that it requires a substantial amount of resources and planning to support vulnerable migrants in order to provide for some of their needs until they find their feet in our countries. We can see that the Irish Government recognises that too, given the previous pledge to bring 350 asylum seekers from Italy to Ireland under the relocation system and given the recent change in the pledge – to pay €150 million to the relocation system instead.¹⁵ However, we are dismayed at the small numbers of people who the State planned to relocate here. Is there any plan to relocate applicants to Ireland? What is Ireland’s

¹³ <https://www.msf.org/appeal-lodged-against-detention-msf-rescue-ship>;
<https://www.aljazeera.com/news/2022/12/29/italy-tightens-rules-for-asylum-seeker-rescue-ships>;
https://humanrightsfirst.org/wp-content/uploads/2023/06/Poland-Belarus-border-report_formatted-1.pdf

¹⁴ <https://www.amnesty.ie/greece-sean-binder-appeal/>

¹⁵ <https://www.irishtimes.com/ireland/social-affairs/2023/06/08/state-to-pay-15m-to-eu-amid-lack-of-space-for-asylum-seekers/>



exact position on responsibility sharing? While we understand that Ireland is experiencing a housing crisis, we are also aware that the Government has been directly addressing this through the Housing for All Plan since September 2021. In addition, we are aware that the Government has been implementing the White Paper on Ending Direct Provision since February 2021. We are further aware that Ireland's budget surplus is predicted to reach €20 billion by 2026.¹⁶ What concrete plans and systems is the Government working on to guarantee adequate housing to those already resident in Ireland and to guarantee safety, dignity and shelter in Ireland to a proportionate number of people who apply for international protection in the EU? We do not want violence or fatal negligence to be committed in the name of the Irish people or in the name of any EU citizens. We do not believe that anything justifies such violence or fatal negligence. But we are aware that Mediterranean, Balkan, and Baltic states may not feel supported by their fellow Member States and that this may be a motivation for them to commit, facilitate, or condone these brutal actions.

The Home Affairs Council of 8 June 2023:

Given our concerns, we are very worried about some of the decisions which we understand have been made at the recent Home Affairs Council. If we understand correctly, the principle of first country of entry remains. Also, we understand that the solidarity from central and northern EU Member States is to be flexible. This could result in a situation where few or no countries opt to accept relocation of additional international protection applicants. We fear that a disproportionate burden will continue to fall on the Member States at the external borders, thus maintaining (or even increasing) the violence, negligence and push-backs which have been documented so far. We realise that the greater use of border procedures for processing asylum claims is planned. Where will these applicants for international protection be accommodated while their applications are being assessed at the borders? We fear that they may be kept in poor conditions and for long periods of time in detention. Furthermore, we are concerned at the proposed plan to increase the use of the "safe third country" concept. This appears to be that each Member State will decide on which third countries are "safe". This could lead to arbitrariness across the Union and to people being returned to dangerous situations in countries which were deemed "safe". Finally, we understand that the European Commission's proposal to widen the definition of family to include siblings was rejected by the Council. This may increase the anguish, worry, and loneliness that refugees suffer and could endanger close family members.

¹⁶ <https://www.independent.ie/business/states-budget-surplus-set-for-20bn-within-three-years/42437742.html>



Social cohesion in EU societies:

Finally, we wonder whether, during EU discussions about treating migrants with respect, dignity, and decency, the importance of social cohesion and stable societies in the EU is mentioned. We are particularly concerned about children born in EU countries to non-EU-national parents and children who arrive in the EU with non-EU-national parents, who later become citizens or long-term residents. These young people need to feel a sense of place in the country where they live and in the EU. This sense of place may become badly damaged if they realise that their parents' rights were denied or that their parents were subjected to abuse by the authorities or, even worse, lost their lives while seeking safety in the EU. It is important that these young people feel valued and respected, and that they can feel proud of the heritage and culture that they and their parents brought with them to Europe as well as feeling fully part of their own European heritage. We are worried about future generations – that they could find themselves living in mistrustful, unequal, or divided societies. This is our concern both for European children with immigrant backgrounds and those with no recent immigrant background. Are these issues of social cohesion and stable societies discussed in EU-level conversations on migration policy and practice? If so, what are Ireland's contributions to these discussions? If not, we ask you to please bring these important issues to EU Justice and Home Affairs Council meetings on migration.

We thank you for considering these points, and we look forward to your responses to our questions.

Yours sincerely,

Eimear Gavin, Niamh Phelan, Miranda Arkwright, Sally Roddy

On behalf of Ireland Says Welcome, a Member Group of Comhlámh.

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