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ASYLUM POLICY AND HOUSING FOR ASYLUM SEEKERS IN THE EU – A LOOK AT MALTA’S OPEN CENTRES FOR ASYLUM SEEKERS

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The author aims at enumerating the legislative shortcomings of the asylum policy of the European Union which result in the Member States accommodating asylum seekers in undignified, ghettoized housing facilities, and explaining why these shortcomings exist. Essentially the author attempts to explain how the contested terms of ‘adequate’ and ‘dignified’ living conditions are implemented in the ghettoized housing facilities for asylum seekers in the Mediterranean island-State of Malta. In doing so, this paper demonstrates how and why the asylum policy in the EU contributes to the marginalization of asylum seekers.

ASYLUM POLICY IN THE EU

Over the past twenty years the European Union has significantly reduced the number of asylum seekers entering the EU. Beginning with the restrictive instruments provided by the Dublin Convention, asylum policy in the EU has had a detrimental effect on standards of asylum protection. Although some have argued that supranational control of asylum policy will result in better protection for asylum seekers, the EU’s Common European Asylum System (CEAS), which came about from the 1999 Amsterdam Treaty and Tampere Programme, has not reversed the nations’ ‘race to the bottom’ in asylum protection.

In terms of the standard of protection offered to asylum seekers once they arrive in the EU territory, the literature shows that the asylum seekers’ right to be received in a dignified manner has been eroded and that almost all areas of reception (i.e. adequate healthcare, access to the labour market, access to education etc.) have been levelled or pushed down. In an era of post-9/11 heightened security dominated by US interests, the EU has moved towards a common asylum system which aims to protect the state from the international “burden” and “threat” of refugees. In the process international instruments which aim to protect Human Rights have not been upheld.
SUPRANATIONAL CONTROL OF ASYLUM POLICY
AND THE RECEPTION CONDITIONS DIRECTIVE

The idea that supranational control of asylum policies would better protect asylum seekers encouraged the adoption of the 'Directive 2003/9/EC on the minimum standards for the reception of asylum seekers'. In 2003 the Directive came into force and national transposition occurred in 2005. The Directive attempts to establish common standards of protection and reception across the EU. In addition, the Directive affects people applying for asylum and family members who are recognized by the state as being dependent on the applicant, such as spouses and children. The Directive requires states to guarantee certain material reception conditions including accommodation; food and clothing; family unity; health care; access to the education system and language courses for minors; as well as certain rights which affect applicants' access to the labour market. Essentially the Directive aims to guarantee that asylum applicants do not become destitute and that they are being received in a manner which is dignified.

However, concerned researchers have routinely pointed out that the Directive has been ineffective in providing adequate standards of protection and that very few policies are harmonized across the Member States. The closed detention centres, in which many EU countries place asylum seekers when they first enter the territory, have continued to be criticized by concerned NGOs even after the adoption of the Reception Conditions Directive, for treating people seeking protection in an inhumane manner.

'Open' HOUSING FACILITIES FOR ASYLUM SEEKERS

The housing facilities which are provided to asylum seekers once they are released from closed detention and that allow for the residents' freedom of movement – also known as open centres and accommodation centres – are important spaces as they have a profound effect on the social and economic status of asylum seekers. Moreover, housing facilities have implications on refugees' and asylum seekers' access to healthcare, education and employment. Safe and secure housing also plays a role in shaping the residents' sense of identity, security, community relations, as well as the residents' capacity to secure independent living. Residents' upward social and economic mobility is greatly affected by the conditions in which they live.

The number of open centres for asylum applicants located in the EU is not known. This is due to the fact that a universal definition of what constitutes the centres' openness does not exist, and therefore it is impossible to specify with any certainty the number of centres located across the Union. Yet, secondary sources suggest that centres which allow to varying degrees for the asylum applicant's mobility are located in the majority, if not all, of the Member States. In Belgium, collective reception structures allow residents to leave during the day but they must return at night to receive state benefits. In Cyprus and Hungary these facilities are called open reception
centres. The UNHCR reports that Germany provides large collective accommodation centres where residents may travel up to fifteen square kilometres outside the facility. In Poland asylum seekers must live in the centre to receive state support and must inform authorities of any absence of more than 72 hours. Similarly in Denmark all state assistance is also dependent upon asylum seekers registration with an open centre and in Italy and Greece open centres are managed by a combination of state and NGO support, where mobility is regulated in varying degrees depending on the centre. Yet even slum villages occupied by foreigners such as that which, until recently, existed in Calais, France, or the ghettos occupied by Roma in Italy are in some ways similar to centres regulated by the state; mainly because these spaces are equally as effective in externalizing residents from fully integrating into the host community. Such a broad conceptualization makes quantifying the number of centres across the continent difficult. ‘Open centre’ as used here refers to those facilities which are legislated and thus legal spaces in which governments choose to house asylum applicants. In contrast ‘closed’ centre refers to detention centres or prisons where the residents’ mobility is entirely restricted.

In its 2006 assessment of open and closed facilities in the then 25 EU Member States, the European Parliament Committee on Civil Liberties, Justice, and Home Affairs reviewed the conditions in open centres across the Union and how they impacted vulnerable populations. They were able to put forth some characteristics which were common to all of the open centres which they visited. Referring to the general situation in open centres, the Committee stated that, “open centres … usually form part of the measures for ‘managing’ asylum seekers”. This management policy included “recycling” old facilities such as military barracks and placing them in remote areas away from major cities. The Committee reported that many residents felt “outcast” and “abandoned” and that such a situation leads to, “dehumanised, conflict-ridden relationships both in the centres and towards the outside world…”

THE CASE OF MALTA

In 2007 there were five open centres in Malta. Those living in the open centres are provided a combination of financial aid paid in cash or in kind; some language training as well as some vocational training, such as computer literacy (all depending on the availability of volunteers). Those who have received temporary humanitarian status may apply for work permits which are valid for one year. However, in practice few of these individuals are successful in obtaining permits and thus are often employed illegally.

Malta provides a particularly interesting case study. Its geographic location – south of Italy and north of Libya in the Mediterranean Sea – places it in a precarious geopolitical situation. Malta is only miles away from Africa where millions of people are living in abject poverty while the country is also included within the borders of the EU. Every year thousands of sub-Saharan Africans migrate to Europe in search of protection or a better life and Malta finds itself acting as a “bridge” between
Africa and Europe. The panic surrounding the arrival of migrants in Malta has been exacerbated by the idea that the country’s small size, about 315 square kilometres, and large population, about 400,000 residents, makes it more vulnerable to being negatively affected by the arrival of immigrants.

**SPACES OF DESTINATION AND EXCLUSION: OPEN CENTRES IN MALTA**

The largest centre in Malta is known as Marsa Open Centre. The centre is operated by the state-funded Fondazzjoni Suret il-Bniedem and it is located in the town of Marsa. It is situated next to a harbour and away from suburban housing areas, in an area which is notorious for crime and prostitution. The approximately 1000 male residents of the centre come from a range of sub-Saharan African countries including Sudan, Somalia, Ethiopia and Eritrea.

The quality of living at Marsa Centre is well below Maltese standards. Sleeping units are cramped; sometimes up to four people are forced to share the same bed. Sanitation is poor, sewage units are in need of repair and the centre is surrounded by a moat of floating garbage and sewer waste. Hot water is periodically shut off and the centre is constantly dealing with small rodent issues. It is an understatement to say that Marsa Centre is in dire need of a major structural adjustment to ensure that its residents are living in humane and adequate accommodations – based upon personal observations from 2008.

In 2009, European Justice, Freedom, and Security Commissioner Jacques Barrot visited the open centres in Malta and commented that after visiting the facilities he expected the government to improve living conditions at the open and closed centres. In April 2010, European Commissioner for Home Affairs Cecilia Malmström noted that at Marsa Centre there was “more to be done” in terms of the accommodations being provided to asylum seekers in Malta. The Committee on Civil Liberties, Justice, and Home Affairs reported that “the general reception conditions in the open centres should be improved.” Indeed, concerned NGOs have documented the poor living conditions at Marsa.

In 2007 Médecins du Monde undertook an exploratory tour to the open centres in Malta. In terms of sanitary conditions, the organization was concerned because there was approximately one shower for eight people, one toilet for every nine people, and the centre was dealing with reoccurring rat infestations. The organization reported that the close quarters of the residents, sometimes up to 25 people sharing one room, increased the occurrence of skin conditions such as scabies and other communicable diseases. Furthermore, it was noted that a lack of privacy contributes to severe problems concerning the asylum seekers’ psychological health.

The Jesuit Refugee Service (JRS) produced a comprehensive report titled “We are Dying Silent – Report on Destitute Forced Migrants” where it documented the conditions at Marsa Centre and at similar centres across Europe. JRS writes that the conditions at Marsa “are extremely poor and can be considered to be substandard.” They reported that the centre lacks sufficient water facilities, buildings are in need of
repair, electricity is unreliable, and the staff at the centre is not adequately trained. As a result of such poor conditions, the residents’ well-being and morale are negatively affected. The report included quotes from residents at the centre which are telling of the conditions at Marsa. One resident told, “Mostly the people transferred from a closed to an Open Centre feel like coming from a small to a big prison” and another resident stated, “[i]n fact, the Open Centre is the last village you want to live in.” In the IJR’s 2010 review of open centres in Malta, they noted that, “basic accommodation in very large open centres can be literally described as the mere provision of a bed and a roof…”

Such poor living conditions have a negative impact on the overall well-being of the residents. Furthermore, an all male centre such as Marsa disrupts traditional family and gender relationships. Similar to other refugee spaces occupied only by men, the residents of Marsa Centre have become extremely frustrated, in part due to the fact that they are not able to be with their families, and because they are living in destitute conditions. Frustrations occasionally escalate to physical conflict and as a result violence against women (in some cases prostitutes) has occurred.

WHAT SHOULD BE DONE?

International asylum migration to Europe shows no signs of ceasing. The EU is continuing to move towards harmonizing asylum policies among the Member States. The Directive and its 2008 recast contain language which is subjective and vague. If left to the Member States to determine exactly what ‘self-sufficiency’, ‘respect’ and ‘dignity’ means, the interests of the host community and the state will prevail. As a result, asylum seekers risk becoming destitute and marginalized while the state is attempting to protect itself from a perceived threat. Concerned individuals and organizations should therefore remain conscious of the standards of housing facilities for asylum seekers and other areas of reception. Without continuing to research and monitor the reception experiences of asylum seekers, people fleeing persecution will continue to be marginalized in receiving countries and the refugee protection regime will continue to be eroded.

It is particularly important that more specific terminology and requirements be established to achieve truly adequate reception standards. NGOs involved in the protection of asylum seekers must be consulted with regards to defining requirements or specific bench-marks to include in the Directives which will lead to genuinely dignified standards of living – doing so would give the Directive more ‘teeth’. In the case of housing facilities, the most obvious bench-mark would be the standard of living which residents of the host community receive when they are afforded housing by the state.

Indeed, the way in which asylum seekers are perceived in the host community will affect the standard of living they receive in accommodation centres. If asylum seekers are generally unwanted, then it is likely that this sentiment will be reflected in the conditions of the accommodation centre. To change sentiments towards asylum
seekers and improve the standard of living which host community residents perceive asylum seekers to "deserve" is a complex issue and no easy solution exists. The media, however, significantly impacts the level of reception asylum seekers receive because of its persuasive influence on public opinion, and therefore it requires attention. More scholarly attention on the media is necessary to ensure that it is focused on avoiding racist perspectives and language and providing truthful, generally unbiased, analytical reports. It is necessary that education on the media and its role in a liberal democracy is encouraged so that readers are not blind-sided by sensationalist and security-obsessed reports.

Finally, positive relationships between planned housing facilities and the local communities within which they are situated support integration and improve the welfare of the residents of the housing facility. Collaborative projects which produce mutually beneficial results should be encouraged between the open centre and the local Town Council. One such project has recently occurred between Marsa Open Centre and Marsa Town Council where residents of the Centre engaged with the Council to facilitate a "clean-up" of the local community. Such a project has the potential to change the perception Maltese have towards asylum seekers while also further engaging asylum seekers in the local community.

More specifically, a research model known as community-based participatory research (CBPR) could be utilized to encourage better relations between the housing facility and community. The outcome of using CBPR would have multiple benefits including relationship-building between the housing facility (and its residents) and the local Town Council (and its members). The Canadian Centre for Community Based Research defines CBPR as being community situated, collaborative and action oriented. CBPR can been used to improve the lives of socially marginalized groups and to formulate policy which is community-focused. CBPR projects would allow scholars to study asylum migration and reception while the research process would also encourage the integration of the housing facility (and its residents) into the community.

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