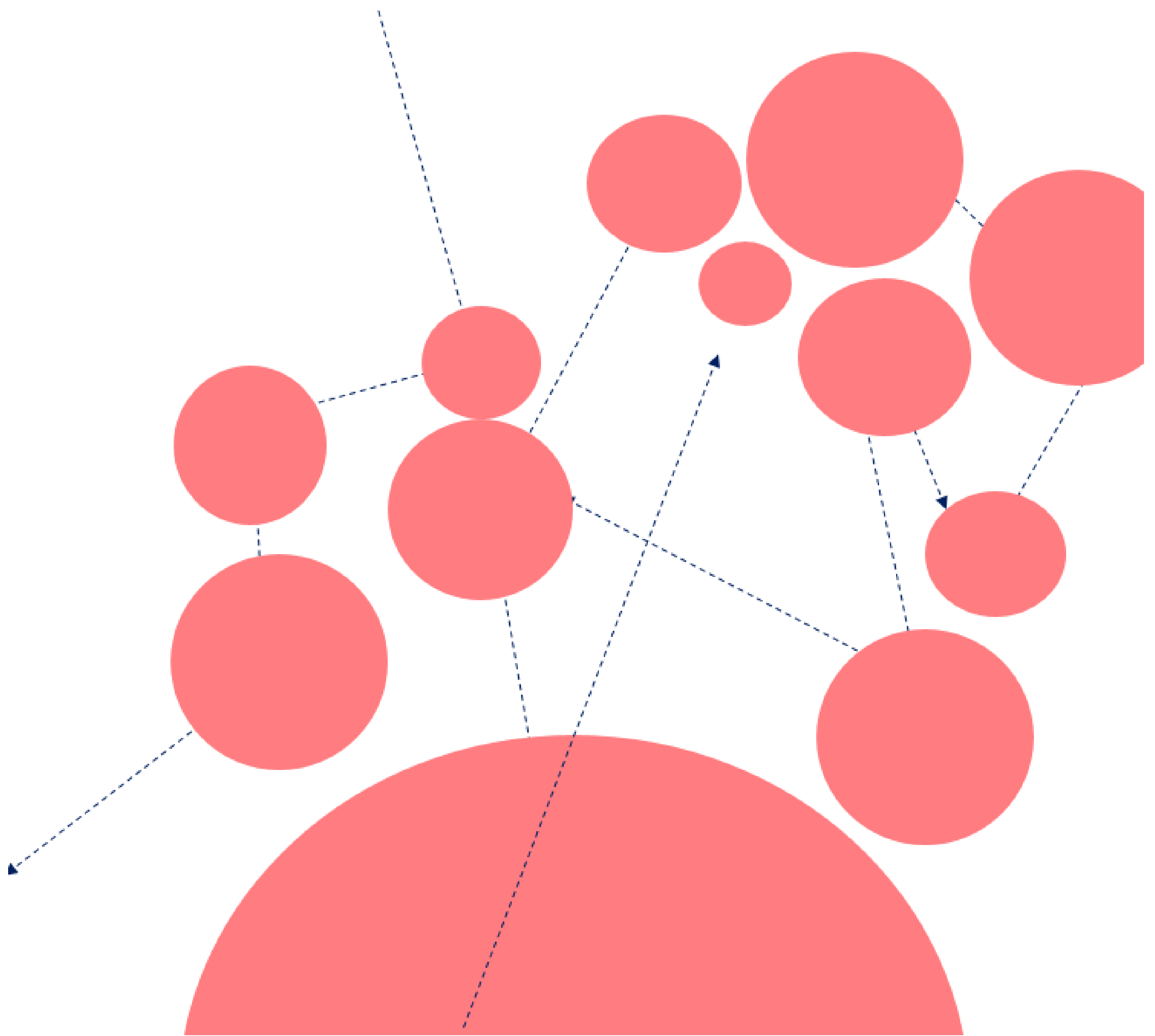

Roads to nowhere

Case studies of Europe's Dublin Regulation and its impacts

Research by
Migrant Voice

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Case studies of Europe's Dublin Regulation and its impacts

A Migrant Voice report | March 2017

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1. Migrant Voice

Migrant Voice is a migrant-led organisation established to develop the skills, capacity and confidence of members of migrant communities, including asylum seekers and refugees. We work with migrants to amplify our voices and secure representation in the media and public life.

Migrant Voice provides a platform for its members from migrant communities, especially those whose voices are not usually heard, and encourages them to express their views on issues affecting them as migrants. We aim to address negative stereotypes and limited understanding of migrants and migration, and facilitate a more constructive and positive public debate, and believe that empowering people to tell stories is a key part of this process. Migrant Voice has regional hubs in London, Birmingham and Glasgow.

Membership is open to all migrants and non-migrants wanting to engage in creating positive change. To get involved in the UK Migrant Voices for Change network, or to find out more about our work please email **info@migrantvoice.org** or visit **www.migrantvoice.org**.

2. Acknowledgements

Migrant Voice thanks all who participated in our research for sharing their views and experiences, with a particular mention to Necola Moussa for volunteering his time to assist with interviews. We also thank partner organisations across Europe who shared expertise.

3. Key definitions

A refugee is defined by the United Nations as:

> *"A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."*[1]

An asylum seeker is:

> *"A person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded."*[2]

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[1] *Refugee Council, 2017*
http://www.refugeecouncil.org.uk/policy_research/the_truth_about_asylum/the_facts_about_asylum

[2] *Refugee Council, 2017*
http://www.refugeecouncil.org.uk/policy_research/the_truth_about_asylum/the_facts_about_asylum

4. Background: The Dublin Regulation

The Dublin Regulation (the "Regulation") is a European Union law defining the EU member state responsible for processing asylum seeker applications from those looking for international protection.[3] The Dublin regime was signed in Ireland in 1990, and in its most recent form (Dublin III), agreed in 2008.

It has provided a Europe-wide fingerprint database, with the aim of preventing applicants from submitting applications in multiple member states, and reduce the number of asylum seekers being routinely moved between member states. The country in which the asylum seeker first applies for asylum is responsible for either accepting or rejecting the claim, and the asylum seeker may not restart the process in another jurisdiction.

The Regulation has been the subject of further public and political debate following the increase in asylum seeker numbers in recent years, largely but by no means exclusively contributed to by people fleeing the Syrian Civil War, which is ongoing at the time of writing.

The European Council on Refugees and Exiles and United Nations High Commissioner for Refugees (UNHCR) have criticised the system for not providing real protection, citing difficulty of access and infringements on asylum seeker rights. Following this criticism, some countries suspended transfers of asylum seekers under Dublin II. Further suspensions of Dublin III have now taken place across Europe following a surge in asylum applications, while Germany has made use of the "sovereignty clause" to voluntarily assume responsibility for processing Syrian asylum applications for which it is not otherwise responsible.

Suspensions of Dublin III are due to expire on 15 March 2017. Discussions are currently underway in Europe for "Dublin IV", which promises to be tougher, and appears to be driven by the desire to prevent people heading to European borders for protection.

[3] *European Union, 2013 http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF*

5. Executive summary

5.1 Context

For several years Migrant Voice has worked with, and highlighted the stories of, a wide range of asylum seekers and refugees from different backgrounds, circumstances and countries of origin. During this time, the Regulation has frequently been identified as a source of stress, confusion and perceived unfairness by many current or former asylum seekers.

In extreme cases, people we worked with were driven to self-harm, such as burning their thumbs and fingers in a desperate attempt to change their fingerprints and thus avoid being sent away from their family and community.

We work to highlight the issues which our members and supporters feel are important. It was in response to a significant number of complaints that we undertook a series of more forensic interviews and testimonies involving migrant experiences of the Regulation. Our case studies mainly involved those fleeing the Syrian civil war, but included a smaller number of people from other backgrounds.

5.2 Fieldwork

We completed dozens of case studies with respondents who reside or have resided in the UK. We have highlighted 11 of these studies here[4]. The conclusions we have drawn are not based on the weight of sample size, but on the character of individual case studies which have shown alarming experiences directly caused, contributed to or worsened by the provisions of the Regulation.

We attempted to engage in a free-flowing discussion with respondents. We shaped the conversation around the respondents' journeys and experiences, including their departure from their countries of origin, the journey to Europe, their experiences of European border authorities, their journeys across Europe and their experiences of UK authorities.

5.3 Conclusions

From these case studies and a review of external data we have concluded that the Dublin Regulation does not provide an appropriate framework for the dispersal of asylum seeker applications within the European Union.

Our view of the Regulation is that:

- It does not sufficiently take into account applicant's individual circumstances, or social and familial connections in another country.
- It results in a Europe-wide policy of detention and deportation of people to states in which they are not welcome, and where they are often abused, often seriously and sometimes allegedly with state sanction.
- It results in an unnecessarily confusing and arduous process for asylum seekers who are already often traumatised and fleeing desperate conditions - which can exacerbate mental and physical health problems.
- It increases the risk of asylum seekers becoming undocumented.

[4] Some names have been altered to protect the identity of respondents

- It places uneven pressure on some member states and is liable to increase tensions within the European Union.

We propose a single asylum application process across member states and participating countries in order to simplify the asylum seeker's experience and respond more appropriately to individual need.

Our conclusions and recommendations in full are included at **7.** and **8.**

6. Migrant experiences of the Dublin Regulation

6.1 The journey to Europe

Asylum seekers arriving at European borders have fled some of the world's most difficult environments, usually at the end of a long and arduous journey. It is in this context that they first encounter the Regulation via the fingerprinting system, which respondents claim has been administered in a coercive and sometimes violent manner.

Fadi is a 41-year-old Syrian who arrived in the UK in October 2013. After travelling to Egypt from Syria via Beirut, he made a long Mediterranean Sea crossing to Italy.

> *"The journey by a small fishing boat lasted 16 days. The small boat carried 44 people who were all Syrians apart from five Palestinians* [also travelling from Syria]*."*

Decent food on the boat ran out in the last four days of the journey and passengers were left to eat dry bread and rotten food. On day 17 they were approached by a much larger boat and were taken aboard. Fadi discovered about 80 young Egyptians on the lower deck, bringing the total number of passengers to approximately 125. The smaller boat headed back towards Egypt, while the large one reached Italian shores and was intercepted by an Italian naval patrol the following morning.

Passengers were held on board for an hour while naval personnel attempted to find the boat's captain. They were taken to the port of Lampedusa where they were offered health checks, showers and clothing changes but no food, before being fingerprinted.

> *"All the Egyptians came forward to give their fingerprinting but all the Syrians refused and told the officials that they had no plans to stay in Italy. An official told the Syrians that the fingerprinting is not for immigration purposes but for criminal record checks. The Syrians still refused to provide fingerprints. Fifteen policemen entered the centre and started forcing individuals to accompany them one at a time to a different room where they were forced [including beating] into giving their fingerprints.*
>
> *At this stage the Syrians who were feeling very weak and had been given no food or water for some time, had no option. The Italian policemen checked the documents and tested the languages and accents of the refugees using experts in order to decide on their nationality. The people in the big hall had no idea what was happening to the individuals taken to the other room. Once the process was completed, they were taken to another hall and offered food and drink. The young (underage) Egyptians stayed in Italy."*

A different respondent, **Tariq**, tells a similar account in terms of both route and reception. He is a 31-year-old builder whose wife and son remained in Syria. His small boat was damaged and the group he was with survived by fishing. After transfer to a larger boat and arrival in Sicily, he was apprehended by naval personnel. In his account, around 120 men and eight women and children were taken to a reception centre where they were not provided with food and drink until they had all been fingerprinted.

A similar story is told by **Wael**, a former builder whose family (including a four-year-old boy and five-year-old girl) also remained in Syria. He travelled to Italy via Lebanon, Jordan and Egypt in 2013. A transfer from a smaller to larger boat carrying around 120 refugees also took place. On interception, he was held by Italian authorities for eight days. Once fingerprinted, he was released and travelled to Calais with friends. He also alleges that members of his

group were beaten in order to coerce them into giving their fingerprints. Some of the group carried documents, but others had been unable to retrieve papers before fleeing Syria.

Yasser, a 38-year-old from Daraa, is also a builder. He left Syria in 2013 for Egypt, via Lebanon. He travelled with other Syrians by boat, spending two days at sea. The boat was damaged so they returned to Alexandria's port where they were held by Egyptian police, until the smugglers' leader — known as 'the doctor' — intervened to release them. Ten days later they boarded another boat bound for Italy. They arrived nine days later, were detained for eight days by Italian authorities, and released after fingerprinting.

Sami is a married Syrian from Daraa who now lives in Manchester. He was 24 when he left at the beginning of April 2013. He travelled to Lebanon, Turkey, Egypt and by sea to Italy. The sea journey took 18 days instead of the promised four.

> *"The boat stood still in the sea for four days at one stage because the engine stopped working. Many boats passed nearby but did not see us. The boat was eventually found by the smugglers. There were 65 Syrians and Palestinians and eight crew members. New passengers were brought on board, bringing the total to around 180, including four women and 10 children. After repairs the boat was able to continue. We reached Italian waters in 16 hours. We were spotted by two Italian boats who responded to the signal for help and sent a message to Italian authorities. All passengers went on board the big vessels."*

Sami's journey from Alexandria to Italy cost him $3,200. On arrival he was taken to a refugee camp, where he worked as an accountant. The group stayed in a room with mattresses on the floor. The children were taken out of the room first, and the Egyptians were sent back to Egypt. Sami says that interpreters warned the group that if they did not provide their fingerprints, they would be detained, beaten and would not be allowed to leave. Palestinians gave their fingerprints and left straight away. The Syrians refused and Italian police started to take them out in small groups in order to threaten and coerce them into giving their fingerprints.

Adnan's trip was considerably cheaper, at around £400. On the way, his group of about 20 Syrians was transferred to bigger boats carrying more asylum-seekers. On arrival they were detained for 10 days. Adnan went on hunger strike inside the detention centre in which he was held, but says he was eventually forced by violent means to give his fingerprints.

Bassam, another Syrian refugee, says that after reaching Britain he feared that he would be sent back to Italy.

> *"I pleaded with them to send me back to Syria, I told them I would rather die than go back to Italy. In Rome, the police held me down and beat me to get my fingerprints and I slept on the street. They said 'This is the European law, you must go to Italy'."*

As Bassam says, this is the current European law, and the border regime in other member states seems even harsher.

Kareem, a 30-year-old single man from Daraa, left Syria in 2013 to travel to Turkey, then Greece by sea. He spent six hours on a rubber boat. From Greece he went to Macedonia, Albania, Montenegro, Serbia and then Hungary. Finally he was arrested in Hungary with five other Syrians for crossing the border and claims to have been detained for seven days without food or drink. He alleges severe mistreatment including beating at the hands of Hungarian authorities in the process of being fingerprinted. Some of his group had identity documents, and some had been unable to obtain them before fleeing Syria.

Dawoud, an Iranian literature student, fled in 2010. Following the re-election of President Mahmoud Ahmadinejad, he joined anti-government protests.

> *"I was at high risk of arrest, torture and execution. We published leaflets to invite people to join peaceful demonstrations against the dictator … We wanted to end this regime. We wanted to organise a peaceful revolution and get the government to respect democracy, human rights and international laws.*
>
> *"My brother was arrested and tortured for a few months - very savage torture, denied basic rights. He was able to flee, fortunately. He is also here now. I fled, I wanted to reach a safe country which respects my human rights and dignity according to international laws."*

He chose to attempt to come to Britain because of family connections. A smuggler took him from Iran to Turkey in a lorry. The smugglers, he says, come from many countries and their prices start at around USD3000.

> *"Most people want to reach Europe because there are safe countries there. It took a few nights to get to Turkey. We could not stop for toilet or breaks any time we wanted: we only stopped at night when it was dark. After a few nights we reached a border. We got out and they asked, "Do you understand where you are?", because they don't want you to know. They tell you "Go this way or that way", but we didn't know exactly where we were. We got to a beach and waited for a boat. We didn't have any accommodation, we slept outside.*
>
> *"A smuggler gave me a toddler to hold. I think he was about six months old. He had a sister who was six or seven years old. They were traveling alone. The smuggler told me he recognised me as kind and trustworthy, and I was interested. This is our culture – when we see children we sympathise with them, we want to help them. The smuggler told me the children's parents were waiting on the beach where we would land. So I felt it was my duty to help take them to safety."*

At sea, a storm struck.

> *"Everyone was praying "God save us, or send us someone to rescue us". We were thinking about death. People were very worried, stressed and angry because the hunger and thirst were overwhelming. I had been given milk for the baby but it was finished. We all kept water for the children, they were the priority. The baby's sister was very scared but I felt that she trusted me more when she saw how I held her brother. For example, some people were going upstairs to get fresh air, but I never abandoned the baby."* [The baby was later reunited with its parents.]

Dawoud remained in Greece for a few days, hungry and homeless, before making his way north.

> *"We thought we were going to Italy, but we didn't know which border we crossed. It was at night and we didn't know where we were. They just told us to get out and walk and then get back onto the truck. Sometimes we couldn't breathe because we were inside the lorry. We often felt we were about to die because of lack of air. It was a huge lorry and we didn't know what its cargo was.*
>
> *"During the trip, they separated us and we didn't always know what happened to other people. They died or escaped. It was very stressful because we had heard about other*

people dying this way in a lorry. After a few hungry and thirsty nights we reached the Romania-Hungary border and were arrested."

The group of about 30 or 40 were taken out of the lorry in front of journalists; Dawoud assumes that the media had been invited so that the border authorities could show off the effectiveness of their controls.

"None of us had passports. We were very scared but then we saw there were many journalists with cameras and microphones. We had never seen so many journalists, even in Greece. Maybe there were 50-60. The journalists asked us how we got there, but not about how we suffered. Later, in the police station, we saw ourselves on the news and we were scared. We felt we did not have rights –nobody asked us if we agreed to be filmed."

They were held without food for a few days, and were reluctant to apply for asylum in Romania.

"They said, 'If you apply here we will give you all asylum seekers rights like Western Europe countries, such as access to healthcare, housing and basic rights like food or clothes'. We thought that even if we don't want to stay in this country, we don't have other options as they would deport us to the country from which we fled and where we would be arrested as they would know who we were. So we applied and they took us to a refugee camp. There were between 150 and 200 people, including women and children. There were families – but even they didn't get food."

Dawoud says the refugee camp was a "very old, crowded building, with rooms of maybe 3 square metres, each with four beds. It made you feel isolated and it wasn't safe, because sometime, when the water pipes were broken, we got electric shocks, especially the children. There were also stray dogs and we often saved children from being attacked."

After several harsh months, surviving on waste food and occasional donations, without access to healthcare, and unable to communicate with Romanians because of the language barrier, Dawoud fled Romania.

Mohammad Ismail was a marine officer aspiring to work for the International Maritime Organization. He lived in Dar El-Zur, Syria and arrived in the UK in 2014. He is awaiting a decision on removal under the Regulation.

"In 2014 my training in Saudi Arabia required me to go to Jordan to complete the qualification, but I was arrested at Jordan airport and imprisoned simply because I am Syrian. The cell had around 150-200 people, many of them families, some with babies. All were waiting to be deported to Syria. I tried to explain that I had gone to Jordan for training and work and not for immigration reasons, but it made no difference. After four days of interrogation I was deported to Egypt where I faced exactly the same situation. I was immediately imprisoned for two days after which I was deported to Beirut with no explanation or understanding and I was forced to pay for all the flights. I spent over $2,700 on flights alone."

From Beirut, Mohammad was sent to Bahrain, Abu Dhabi, and the UAE. No one could explain what was happening, his passport had been taken and no country would allow him in. He later found that the Jordanian authorities had stamped his passport as invalid. He was eventually allowed to go to Istanbul. From there he travelled to Syria but within a few hours of driving towards his town he learned that it was under attack from ISIS/Daesh, which had already killed

two of his cousins along with hundreds of other residents. Knowing his Syrian passport carried no weight in the Arab world, he decided to make his way to Europe.

> *"My destination was Britain because my brother, uncles and other family members lived here. I had friends who could help me get settled and support me until I was able to support myself and I also knew the language, which would make things easier."*

Instead, he was apprehended and fingerprinted in Bulgaria and taken to a camp, which contained refugees from many countries.

He describes inhumane treatment at the hands of Bulgarian security forces.

> *"I was tortured by the Bulgarians - beaten with sticks and abused and subjected to regular abusive body cavity searches. One man's head was slammed so badly that his skull was broken. At night, officers were usually drunk and playing cards and a group of them would come and beat us for no reason. They would strip and beat us. One person was scarred and mutilated so severely that the Bulgarians themselves didn't want to see his injuries and so he was the only one they didn't strip.*
>
> *I saw a man forced down the stairs, beaten and tortured and dragged into a car. Many human rights organisations came to the camp and saw what was happening. I stayed 24 days in the Kharmeli camp suffering abuse and torture, after which I was taken to another detention camp. I managed to escape by climbing the walls with a friend."*

Our respondents criticised the Bulgarian system heavily. Other notes include:

> *"My cousin in Germany is still being treated for the damage they did to him in Bulgaria, because they beat him so much and broke both his legs. Two years on he is still getting treatment."*
>
> *"The border controls in Bulgaria catch families and individuals, strip them of their belongings and possessions, and parade them in front of everyone."*
>
> *"People are mugged and attacked on the streets and in the forests. Their children are kidnapped and they, are threatened with death if they don't hand over their possessions."*

Some reception conditions were worse than others. But in almost all cases, our respondents claimed to find themselves treated like criminals and subject to coercion in order to meet the Regulation's requirements.

6.2 The journey within Europe

If people seeking asylum are released after fingerprinting they usually make arduous trips across Europe, in the hope of settling in the place to which they feel most connected. Arrival in 'Fortress Europe' is often just the beginning of a newcomer's ordeal. These testimonies raise broader concerns about the kind of reception Europe provides, but this document is concerned specifically with the impact of the Regulation. In all of these cases the Regulation acts as a hidden hand, forcing asylum seekers to return to countries that have no desire to accommodate them, and in which they have no desire to live.

Fadi's documents were sent to Rome for a decision, while he informed UN observers of the behaviour of the Italian authorities. He says they told him he would be able to sue, but did not offer support with the process. After eight days at the camp, the refugees were moved to another camp, in an isolated area. They provided them with an ID to assist them in getting in

and out of the camp. Their documents were returned and they were told that their fingerprints had been taken for immigration purposes and not to check criminal records.

The Syrians took their documents and headed for Rome and then to France, where they split up, some towards Sweden, some towards Germany while Fadi and some friends went to Calais where they spent 27 days.

Fadi contacted his family in Syria and was told that his wife, a nurse, had been imprisoned for treating people injured by fighting in her area. So Fadi headed back to Syria, where he spent four months. He paid a bribe to get his wife out of jail. He managed to escape Syria once again but could not get his wife and children out because of the escalation in the fighting. His wife encouraged him to leave first, hoping that she and the children would be able to follow later.

Fadi found a smuggler who arranged for him to go by lorry to the UK. The driver dropped him at a place he didn't know but he made his way to a friend's house in London. Exhausted and ill, he collapsed and was rushed to hospital. After treatment he asked the Home Office about applying for asylum and was advised to find a solicitor to assist with his asylum application. Ten days later he was given an interview date.

After eight days' detention, the refugees with **Tariq** asked to be allowed out of the camp. They were refused, and so started a hunger strike. When the Italian officials allowed them to leave, Tariq took the train to France, reached Calais and smuggled himself into a lorry loaded with sugar. On arrival in the UK he contacted relatives already living there and joined them. He applied for asylum and at the interview his fingerprints were taken and he was asked to return in a week because the computers were not working. At the subsequent appointment he was arrested and detained for two months and 20 days. He was told that he had given his fingerprints in Italy and in Cyprus and that under the Dublin Regulation he would not be allowed to remain.

Munir spent 14 days in Calais and smuggled himself in a lorry loaded with paint. He turned himself in to police at Dover and was immediately detained for two-and-a-half months. He reported regularly for another nine months before being detained for a further 20 days. His solicitor was able to secure his release.

Applicants arriving in the UK have found the system confusing and difficult to navigate. **Wael** also arrived in the UK on a lorry in 2013. He gave himself up to police at Dover and was detained for 75 days because he had been fingerprinted in Italy. They asked if he had friends or relatives in London and released him so he could stay with them. He was signing regularly at the reporting centre for 18 months. When his friend moved to Nottingham, Wael moved with him. He carried on checking into to the immigration reporting centre there for six months.

After **Kareem** was fingerprinted the group went to Budapest and then to Vienna. Some continued to Germany, some to Paris. Kareem stayed in Calais for 22 days and smuggled himself on a lorry to the city of Northampton. When he presented himself to the police he was incarcerated in a detention centre near Oxford for 31 days because he had been fingerprinted in Hungary. He was then released and was allowed to stay with a cousin. He was reporting back every couple of weeks for five months, but was then arrested and taken to a Gatwick detention centre.

Following his fingerprinting, **Yasser** went to Rome then to Nice, Paris and Calais. He spent three months in Calais and entered the UK at the beginning of September 2013. He presented himself to police in Dover and was detained for two-and-a-half months. He was told that he would be deported to Italy, but a solicitor was able to get him released. He was sent to

Swansea to stay in Home Office accommodation for four months where he was asked to sign once a week at a reporting centre.

Sami and his friends walked for over an hour, then took a taxi to the train station and a train to Rome. They reached Paris, then Calais. He made several unsuccessful attempts to cross to the UK, eventually managing to smuggle himself under a lorry, next to the spare wheels. A taxi driver wanted £80 to drive him to London but he had only £40. He contacted a friend who offered to pay the difference. His friends put him in contact with a solicitor, who organised an interview with the Home Office.

After their release, **Adnan**'s group took the train to France. Adnan stayed 11 days in Calais where he and his friends were robbed. The police were called but Adnan and friends fled for fear of being arrested. Adnan paid a smuggler 100 euros to help him get to the UK under a lorry. In London he gave himself up to police and was detained for 15 days, followed by another four months in a detention centre. He was released on bail supported by several cousins in London.

Mohammad Ismail travelled onward to Serbia, some days walking 24 hours at a time.

> *"We climbed mountains and crossed rivers. We hid in the boots of cars, we slept for days on the roads. Our money was lost, we were starving, we hadn't eaten for days and my body was cut and bruised and my feet were infected.*
>
> *We eventually reached Hungary, and were caught by the Hungarian forces. I was taken to another camp which looked nice from the outside, but inside there was a courtyard with animal-like cages. We were put in a 4x4 metre cage with 55 people. It was filled with ill people and toxic smells.*
>
> *Again I was fingerprinted in Hungary and told it was to clarify that I didn't have a criminal record. We were released and we finally reached Budapest. We stayed in a hostel, then went to Vienna and the German–French border. One of my friends stayed in Germany because he had family there. I carried on to Paris and eventually smuggled myself in a car boot to Dover."*

Mohammad applied for asylum in 2014. He was taken to a Leeds detention centre and then a hostel, before being told he would be sent to Bulgaria because he had been fingerprinted there.

"I moved to London and began signing in. One day I went to sign and they arrested me and took me to a detention centre in Dover, I was fortunate that a lawyer was able to get me out on bail before they deported me.

> *"To this day I have heard nothing from the Home Office, and I'm still signing. The lawyer has no answers, the people at the Home Office have no answer, even my MP has written a letter and still I don't know what is happening."*

After fleeing Romania, **Dawoud** applied for asylum in the Netherlands. "I felt respected again, I was treated like a human", he says. But his asylum claim was refused and he was returned to Romania under the Regulation.

"I was deported like a criminal, handcuffed and surrounded by police, it was humiliating. When they deported me I was sent from the airport to the Romanian immigration detention centre close to the airport. I saw people stressed, isolated, threatened, tortured. The police guards carried whips and guns.

“The majority of detainees there were deported from Western European countries. I experienced several beatings, on all parts of the body, and I saw other people who even got broken bones. Sometimes they throw you on the ground and there is broken glass, so people would get cuts. There were people covered in blood and they were refused medical help. Sometimes they would handcuff you to a bed for days, denying water or food or access to a toilet. There was suffocation, waterboarding, throwing tear gas into cells when people showed any protest.”

“If you complain they say they won’t take any complaints about torture or bad treatment. We don’t speak Romanian, but sometimes we wrote in English and some people gave it to the authorities. There was no action or reply to anything. Detainees were rarely released. They can hold you for up to 18 months, after which they deported you back to your country. At that time it was 2011, the start of the Arab Spring and there were many people from Syria, Libya, Tunisia, Iraq. They were deported. I know a few refugees from Syria and elsewhere who said ‘This inhuman treatment is overwhelming, we prefer to go back to our country to die than stay here.’”

At this point, Dawoud had fled abuse in his own country, experienced it again at the hands of the Romanian authorities, fled once more, and been sent back again. It is a vivid example of how the Regulation’s provisions can lock people in a cycle of forced movement and inhumane conditions, rather than enabling them to settle.

6.3 Attempted settlement

The process of deportation within Europe is fraught with difficulty, and confusing for those subjected to it (as well as, apparently, for those administering it.) The accounts we received varied – some respondents did not claim to have been mistreated, others did. One respondent claimed that he had been paid below the minimum wage (£5 an hour) to clean the detention centre. Many were repeatedly detained and then released again. In many cases, respondents are still awaiting a decision.

At Fadi’s first interview, the immigration officer looked at his passport and saw two tourist visas to the UK in 2004 and 2006 and one to Italy. The officer found that Fadi had been fingerprinted in Italy. She asked him to return in 10 days. At the next interview, he waited from 8am until 8pm – at which time an immigration officer asked Fadi about his health and sent him into detention at Gatwick, where he spent 100 days.

He had a heart attack and was taken to hospital while handcuffed. His medical reports state that he was not fit to be deported. Fadi was refused bail four times. Doctors at the detention centre referred Fadi for mental health care and recommended his release from detention at the time when a flight to Italy was booked for him.

The ticket was cancelled and he was released. He was put in a hotel for a couple of days in London and sent to a hostel in Birmingham. His heath continued to deteriorate and he needed hospital treatment. Shortly after, he was offered his own accommodation. He is now receiving treatment and support from the organisation Freedom from Torture and still signs regularly at the Home Office reporting centre. His application for asylum was refused and his deportation to Italy was ordered. He appealed against the decision on the basis that he had left Europe for four months before returning which made the fingerprinting argument redundant. He has been waiting for a decision on the appeal since June 2015.

Tariq travelled to Cyprus in 2007. When he reached the UK, the Home Office contacted the Cypriot authorities who refused to have him back. Instead, he was bought a ticket for Italy. His solicitor successfully challenged the decision. He was released from detention and asked to

report regularly, which he did every two weeks for 14 months. He was then summoned to meet the officers and was detained again.

After 40 days in detention he was due to be flown to Italy. This time the solicitor was unable to help. He was forced onto a flight by four officers who he accuses of beating him. The pilot refused to allow him on the flight. He was taken to hospital for treatment to his injuries, before being returned to detention. Ten days later he was told that he would be deported and his ticket would arrive shortly. He went on hunger strike.

On the next deportation attempt solicitors were successful, and he was released 20 days later. Tariq did not report regularly as required, for fear of being detained mistreated and deported. He was sent a letter asking him to pay a fine of £370 for failing to attend a court hearing. He is paying the fine in instalments with the help of relatives.

Munir went back to reporting regularly. He was detained again for 10 weeks, before being released with the help of his solicitor. He has now stopped reporting.

Wael was arrested and held for six weeks in a Glasgow detention centre. He received a ticket and instruction to return to Italy. His solicitor managed to get his deportation cancelled. He was released and offered shared accommodation in Manchester with around £37 per week. He has been living in Manchester for 11 months and his future remains uncertain.

Kareem was detained in Britain, where he has many cousins. He says he was not mistreated by British border authorities. He was deported to Budapest and handed to the police with all his documents. He was detained for three days with no food or drink before being driven to a camp in Budapest. His documents were returned to him but he destroyed them and headed to Germany with other Syrian refugees. He now lives in Germany, where he was given status and accommodation.

Yasser was arrested and detained for 20 days, then forcibly deported to Italy. The Italian police were waiting for him on arrival. They detained him for a few hours, gave him his papers and the address of a refugee camp/reception centre.

He took the papers and took a train straight to Germany where he applied for asylum. He spent over three months in a refugee camp until he was granted refugee status. He now works in Berlin, and is trying to bring his family to join him. Yasser says that he knows of 25 Syrians deported from the UK to Italy who also went to Germany, which had suspended Regulation transfers at this point. They were deported one after the other with two days interval between each deportation.

Sami went to his appointment, was interviewed and told he had to provide his fingerprints. He was then told by an interpreter that he had been fingerprinted in Italy and would be detained and deported. He spent four months and 10 days in detention and was released under conditions.

He was given a train ticket from London to Leeds and has subsequently been placed in hostels, living on weekly £35 vouchers and signing at a reporting centre every two weeks. When he reported last April he was arrested and detained at Manchester Airport for seven days, taken to a detention centre in Scotland for two months, then released and sent to Liverpool. There he spent two months in a hostel, reporting to immigration officials every week. Two months later he moved cities, depressed and shaken by his experiences. He is living with friends and has become an undocumented migrant.

Adnan had to sign every couple of weeks at an immigration reporting centre in London for two years. In 2015 he was invited to an interview at which he was arrested and detained for three months. In his final week in detention he found out that he was due to be deported to Italy.

He took an overdose of antibiotics and was put in solitary confinement as a result, where he again tried to harm himself. Detention officers tried to convince him not to harm himself again.

He says he was taken to the airport by four guards and detained there for three days before being forced, heavily restrained, on to a flight. He claims the guards used physical force on him including sitting on him to prevent him from resisting deportation.

He was handed over to Italian police, who took him to a room with 10 armed officers. A senior airport security officer asked him why he had been brought to Italy. Adnan explained that his fingerprints had been taken in Italy. The security personnel told him that they did not have a record of him, said that he was not wanted in Italy, and asked him what he wanted to do. Adnan said that he wanted to leave Italy. He was told that he could not get help or medical treatment but was ordered to leave Italy within seven days and informed him that if he failed to leave the country he could face four years in prison as well as a fine.

Adnan went to Milan and waited for four days for money from relatives. He met many Syrian refugees sleeping rough and at risk from thieves. On receiving the money he went to Nice, where he spent two days on the street, and to Calais, where he spent a month there trying to get back to the UK to join his cousins. He made about 20 unsuccessful bids to smuggle himself into Britain. Each attempt cost 400 euros as a deposit.

He gave up and headed for Germany, where he was granted asylum in June 2016.

Adnan is 26 and married with a young son. His wife and son managed to make the dangerous journey to join him in Germany, travelling by sea from Turkey to Greece and by land through Macedonia, Serbia, Vienna and Germany.

Bassam was eventually deported to Italy as well. He said he was forced on to an aircraft at Heathrow.

> *"They tied me up with straps and four men took me on to the plane crying and screaming, including a doctor because I said I was going to kill myself."*

He said when he got to Italy the police sent him on to the streets again without offering any support or the chance to claim asylum.

> *"I said I was hungry. They said just go and find food for yourself. I had some money so I went out on my own and went straight back to France."*

He made his way to Ireland where he has a new asylum claim pending. His aim is to be reunited with his family in the UK.

Mohammad Ismail has no official documents, is not allowed to work or study, and finds himself filled with uncertainty and frustration.

> *"I'm sitting around not allowed to do anything when I could be working or studying and contributing. I have a little brother who has been granted asylum, but he's my younger brother and in our culture I should be taking care of him, so that adds to your mental state of helplessness.*

"There are times when I wouldn't leave the house for weeks and months. I've completely disconnected from society - this is the first time I have left the house in four months. My whole family is scattered across Europe and the Middle East. From the moment [Daesh/ ISIS] entered our village they all ran and escaped. There are no options - you either become one of them or you escape.

"I want the government to look at my situation to understand that I need to be here with my family, with my brother, to allow me to live here, to give me a visa to put my life back together.

"I am educated, I am a marine, I escaped war to find safety, I am fit, young, and educated, I just need the government to understand that I need to feel safe, to know I'm secure here, and to stay with my brother and my family. I can work and build a life and contribute to society, to the community, to the country, in a positive way. I couldn't get into any Middle Eastern countries, I was deported from one Arab country to the next and had no choice but to come to Europe. I came to the UK because of my family - because someone could help me and support me and stand by me.

"If there was a legal way I would have come legally. No one wants to put themselves through torture and pain and suffering and human rights abuse, but I had no choice. I cannot go back to Bulgaria where not only do I not know anyone or the language, but where I was continuously tortured and starved for weeks, and abused physically and mentally."

Dawoud applied for and was refused asylum, but was later released.

"I think it was because they had too many people. It became very crowded because more people kept coming. They said you must go to report to the Romanian Immigration office in Bucharest. But it was very difficult to get there from where I was. I walked. I talked with some civilians and they gave me a lift and then I travelled to Bucharest. They said, "Here is a paper. You need some temporary permission because you don't have any papers." In the immigration office they asked me for an address. I explained that I am not from this country, I don't have anything or any family here. Even when they released someone in detention they asked for an address. I convinced them and they said, "We give you time. After a few weeks, if you don't have an address, you will be arrested and go to detention again."

"I stayed homeless that winter and was attacked by dangerous dogs again, which continued to roam in large numbers. I gathered some wood to make a fire, without which I would have died. There were other homeless people with me, also released from detention. I went to UNHCR and other NGOs, but they did not do anything.

Dawoud was eventually given refugee status in Romania, but left and went from Hungary and France before arriving in the UK by car in 2014.

"I did not want to apply for asylum immediately because of the previous experience - I was afraid of being sent back. I applied a few months ago, after almost two years of living here. I am worried because they have to send a request to Romania and if they receive a response from them within a certain time, they will have to send me back.

"I cannot work, so I have been doing nothing. I cannot apply for any healthcare but I was suffering mental health issues. I applied to two NGOs that work with torture survivors. They wrote a report for my solicitor, and he [informed authorities] that I am suffering from post-traumatic symptoms. I am on medication. I go to sign every two weeks. They informed me that they had already contacted the countries where I was fingerprinted. If they get a response, I may be deported. When this happened in the

Netherlands I wanted to commit suicide and I think I will want to do it again if this happens. But I have my family here and I feel a lot of support from them.”

Even when some form of settlement is achieved, the refugee or asylum seeker’s status is often uncertain, tenure unstable, and conditions poor. In almost all cases, family and friends are a far more stable source of emergency support than public bodies.

7. Conclusions

Dublin III does not force any member state to send asylum seekers away. The regulations are clear that any member state may take responsibility for an asylum seeker, and Germany is a notable example of a state that has availed itself of this opportunity.

Nor are there are obligations stated for asylum seekers themselves, and in particular no direct obligation for them to apply for asylum in the first EU country they entered. Yet this is often *de facto* the case. However the regulations do enshrine a legal process for the transfer of asylum seekers, including to the EU country in which it can be ascertained that they have first arrived (usually via fingerprinting.)

All the people we spoke to had family, relatives and friends in the UK. The Syrians who went straight to Germany from Italy were encouraged by the German policy on welcoming Syrian refugees. Some also managed to go to Sweden and Norway. This was at the time when those countries temporarily suspended the implementation of the Dublin convention.

These were people who hoped to find security, stability, and respect for human rights, and found something very different. All felt devastated. Having been threatened, imprisoned, tortured and displaced prior to seeking asylum, they then encountered similar experiences in Europe – a disillusioning, disempowering and traumatic experience.

All relied on support from family and friends far more than from states or NGOs. They did not feel protected by the law, and felt pursued from all directions. Those who left family behind in Syria hoping they would be allowed to bring them later were doubly distraught.

Hundreds of refugees and asylum seekers in the UK have been fingerprinted in other EU member states. Many we spoke to no longer report regularly to immigration reporting centres due to their fear of being detained again.

None wish to settle in the country where they arrived, and none have done so even following deportation. The countries in which they first arrive are entirely arbitrary – our respondents had no connection to them, no sense of access to opportunity, and no hope that they can find work and achieve stable residency.

Refugees barely receive the bare minimum of emergency aid, let alone the chance of a real future that they, like all people, deserve.

The Dublin system affects multiple agents negatively.

In the first instance, it has led to the inhumane treatment of asylum seekers and refugees. After fleeing desperate and often traumatic circumstances such as war or persecution, and after embarking on often extremely dangerous journeys, those who survive are confronted with a stringent regime that appears to make little attempt to explain itself, or render assistance in matters of integration, cohesion, or support through the asylum application process. While aimed at simplifying processes, it has left asylum seekers in limbo for years and contributed to stress, depression and other health complications. In the worst cases, it has led to deportations of asylum seekers to countries where mistreatment and abuse is well-documented.

Asylum seekers in Hungary are now to be detained in container camps.[5] In 2015 the head of the Council of Europe Anti-Torture Committee condemned Bulgaria's failure to report police brutality cases[6], while a UNHCR report noted concerns about the Bulgarian asylum system[7] and called for a temporary halt of Dublin transfers to Bulgaria in 2014. Prison riots and xenophobic attacks are cited repeatedly, and Human Rights Watch details the summary expulsion of asylum seekers.[8] Human Rights Watch have also pointed to police brutality against asylum seekers in Serbia[9] and Macedonia[10]. Amnesty recorded multiple allegations of police violence in Italy in 2015[11], while street violence against refugees has escalated to Molotov cocktails and gas bombs in Greece.[12]

Dublin III does not benefit the British border system either. The cases illustrated provide examples of an expansive and confusing system which has resulted in a disparity of treatment and multiple legal battles. Most seriously, the threat of mistreatment and/or deportation often causes people to cease complying with border authorities. There are negative consequences to this for the asylum seeker, who will become undocumented and perhaps effectively stateless, and be exposed to a range of potential problems including exploitation and extreme poverty. At the same time the state loses information, loses control of the process and loses trust.

The frequency of suspensions of Dublin III also point to unequal outcomes for member states. Border countries such as Italy and Greece, often with struggling economies, are routinely expected to render far more assistance than their EU neighbours. The system protects member states further away from the Mediterranean at the expense of Southern and Eastern Europe. They are left with large numbers of asylum seekers who have no desire to remain there, and who their authorities have no desire to accommodate.

Europe must find a system that works for all parties involved in the asylum process, and above all, for people in desperate need of help.

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[5] *Guardian, 2017 https://www.theguardian.com/world/2017/mar/07/-hungary-to-detain-all-asylum-seekers-in-container-camps*

[6] *Novinite, 2015 http://www.novinite.com/articles/170064/Council+of+Europe+anti-torture+Committee+Head+Condemns+Bulgaria%E2%80%99s+Failure+to+Report+Police+Brutality+Cases*

[7] *UNHCR, 2014 www.refworld.org/docid/52c598354.html*

[8] *Human Rights Watch, 2014 https://www.hrw.org/news/2014/04/29/bulgaria-asylum-seekers-summarily-expelled*

[9] *HRW, 2015 https://www.hrw.org/news/2015/04/15/serbia-police-abusing-migrants-asylum-seekers*

[10] *HRW, 2015 https://www.hrw.org/report/2015/09/21/though-we-are-not-human-beings/police-brutality-against-migrants-and-asylum*

[11] *New York Post, 2015 http://nypost.com/2016/11/04/italy-accused-of-violence-torture-against-migrants/*

[12] *New Internationalist, 2016 https://newint.org/features/web-exclusive/2016/10/28/rekindling-fears-rightwing-violence-against-migrants-back-greece/*

8. Recommendations

The views expressed by our respondents, and our experience with asylum seekers over many years, have helped form our call for the following outcomes, directed to the European Parliament, European Commission and member states.

Recommendation 1: An immediate suspension of all Dublin transfers to states where significant numbers of contemporary and credible reports of human rights abuses exist.

Recommendation 2: Increased monitoring and reporting on the application of the Regulation, including the conduct and practices of agencies involved in enforcement.

Recommendation 3: A commitment to transparency at all stages of the asylum process.

Recommendation 4: Granting due weight to connections felt by asylum seekers to their preferred country of settlement. Potential links include extended family or other personal connections, language skills, or a history of study or extended travel.

Recommendation 5: A broader definition of familial connection. The Regulation should be amended to allow families to move together.[13]

Recommendation 6: The creation of a Single European Asylum Application and process standardised across all member states, to replace the Dublin Regulation. The process would include a pan-European standard for access to vital services, reception and integration, and accord due weight to the asylum seeker's preferences on settlement location.

If conditions are met, we believe that the UK Government should seek to preserve its existing rights and responsibilities in the pan-European asylum framework following any exit from the European Union.

If they are not, we recommend that the UK **withdraws from the Dublin Regulation** in the event of exiting the European Union, while reforming its asylum system to enshrine the principles laid out in Recommendation 1, 3, 4, and 5. In such an event the UK should also **grant asylum** to all those currently resident in the UK who wish to remain but have been fingerprinted in EU member states.

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[13] A partner organisation, the Greek Forum for Refugees (part of the RISE Network), recounts a case in which two Syrian sisters arrived in Greece in 2016 were separated. The older sister was to be reunified with her husband in Sweden where by chance their brothers were also – but the younger sister was not permitted to come under the Regulation.

For more information about this report please contact **info@migrantvoice.org**.