

Position Paper on Irregular Immigration

Alternattiva Demokratika – The Green Party

Alternattiva Demokratika is presenting a set of proposals that should enable Malta and Gozo to face a phenomenon that has occurred in a very short time span, and with which we believe the authorities have done their best to deal with. Having said that, we must also recognize that much more needs to be done, especially when it comes to lobbying with the European Union.

Irregular Immigration is no new phenomenon but in the local context, the influx of considerable amounts of immigrants in a short period of time, had a particular impact.

Alternattiva Demokratika believes, first and foremost, in the need to break the bipolar argument of anti and pro immigration argumentation. Such attitudes reflect the way we do politics as a country and only helps to confuse and antagonize more people. Irregular immigration is a phenomenon that needs to be dealt with in the light of both the national interest, and our international obligations arising the 1951 Geneva Convention Relating to the Status of Refugees and the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms.

A European phenomenon, not a national issue

- AD is in favour of revising the Dublin II Regulation which states that asylum seekers must lodge their application for asylum in the first EU country in which they arrive. We believe that this is not a domestic issue, but a European phenomenon, and therefore this part of the Regulation should be amended to adequately reflect a truly united European Union.
- The European Green Parties, of which AD forms part of, have already pledged their support for AD's position in calling for proper and greater assistance from the EU and other EU Member States. In a press release dated 16/06/2007 the EGP said that *“the EGP committed to assisting Malta and other parts of the EU which currently face this challenge alone in securing effective assistance from EU agencies such as Frontex and from other EU member countries... The failure of Frontex and the evident reluctance of other member countries to take effective action particularly through sharing responsibility for dealing with irregular migration leaves Malta alone to handle the growing numbers of irregular migrants rescued from Malta's vast search and rescue area... The EGP Committee will liaise with the Green Group in the European Parliament and also encourage Greens in governments and parliaments throughout Europe to engage with this issue in accordance with EGP policy. It has always been a key Green priority to address North-South issues and the present crisis of irregular migration was anticipated by Greens many years ago.”*
- On the issues of common border patrols, AD is in favour of this concept since this will be part of the fight against the smuggling of people. We also believe that common border patrols are a step in the right direction in order to put forward the idea that irregular immigration should be considered as a European issue, not a domestic one. AD also believes that if this common border patrol will send boatloads of people back from the country they have just left, then the European Union must also be sure that these people do not fall victim of human rights violations.
- The application for political asylum should become uniform in the European Union. For this reason AD proposes a European Refugee Commissioner, with various branches in European Countries in pursuance of a common asylum system
- We encourage the Maltese Government to continue in its mission to call for burden sharing both on a European Union level, and through bilateral agreements, such as those done with the United States of America, Holland, Germany Lithuania and Portugal, in coordination with UNHCR.

Detention Policy

- Alternattiva Demokratika believes that detention policy is a necessary evil; however the maximum length of detention should go down to 6 months. The reason is both humanitarian and logistical. The conditions at detention centres around the Maltese islands are worse than prisons, and considering that those in detention are not there for criminal offences then it is inhumane to keep people locked up for such a long period in those poor conditions. The logistical side also needs to be taken into account, since 6 months is a fair period for those who will be repatriated. This time in detention should serve for security and health screening. Another point about decreasing the maximum detention policy from 18 to 6 months is that eventually detainees will be freed, hence will be part of the national and local communities, and decreasing the period of stay in detention will also help in decreasing the frustration and anger of detainees, helping in facilitating the interaction between immigrants and Maltese.
- In order for detention to be set to a maximum of 6 months, it is of utmost importance that application processes for refugee status and/or humanitarian status are given a timeframe during which a decision must be taken.
- AD believes that detention centres should not be run solely by the Armed Forces. The Soldiers are not, and should not be turned into social workers. Unnecessary pressure is being put on AFM personnel for a type of work that can be otherwise done by others. For this reason AD believes that detention services should be run by the Army and NGOs. The army would provide security, while an NGO (selected by the Government and given proper training) would take care of its daily running, and provide social workers, psychologists and legal aid among others.
- Currently detention centres create a culture of dependency on the system. This dependency culture is counter productive, especially when detainees are freed, and all of a sudden are expected to find work and integrate with the rest of society. Life at detention centres should not be limited to eating and sleeping, but should include creative work (through workshops that can be used by detainees for different types production and working skills) and also shared responsibility for the running of the centre. If immigrants are expected to be independent and autonomous once they are out of detention, then detention centres should not accustom detainees to be reliant on the state, by being idle all day and still get shelter and food in return.

Social Inclusion

- AD agrees with the concept of having open centres, however only if these serve as temporary accommodation and subsistence until the individual can be independent. We do not agree with the concept of having open centres as life long settlements. It is of great importance to provide food and shelter for those who still need time to find work and a place to stay. It would be worrying if after detention immigrants are left homeless and hungry. It is important that in order to avoid open centres becoming life long settlements, there should be proper law enforcement against those who do not employ people or rent places just because these people are immigrants. This stigma needs to be countered and culturally addressed. Ideally, immigrants should be assisted by trained professionals during their first months of freedom to act as cultural mediators, so that immigrants can fully comprehend how the system works once they are free.
- In order for social inclusion to materialize, immigrants need to be given skills in integration. 6 months in detention may help this process if detainees get involved in exercises and practices, such as Maltese and English language classes, lectures and debates on European culture, democracy, human rights, peace, diplomacy, law and order, women's rights, working rights and obligations. What is evident is that current detainees are craving for information on what will happen with their life after detention. It is unacceptable to waste this time in detention without even getting a chance to at least know what will and may happen afterwards. Detention centres may be an essential tool to prepare immigrants for what they are to expect, and what they are expected to do, once they are freed.
- There needs to be strict law enforcement to fight cheap labour which creates an unfair competition on Maltese workers, and treats immigrants as second class citizens. AD encourages trade unions to explore this issue. Migrant workers should have the right of union membership in line with the trade union movement's universal application of its principles.
- Immigrants should be treated no differently from any other Maltese nationals. It is important that authorities are neither too strict, nor too lenient with immigrants. Integration, after all, involves the recognition of a person's rights and obligations irrespective of race.