

Report by Ms. Nahima Lanjri
Chair of the OSCE PA Ad Hoc Committee on Migration

18th OSCE PA Winter Meeting
Vienna, 22 February 2019

Introduction

In the year since I had the honor to take over as Chair, the Ad Hoc Committee on Migration has continued to pursue its mandate to serve as a focal point for the OSCE PA's work in the field of migration; to promote discussion within the Assembly on issues related to migration; to promote parliamentary exchanges of best practice; and to develop policy recommendations aimed at the OSCE as well as its participating States (Annex I.A.).

The Committee has been implementing this mandate by:

- Conducting field visits to monitor the situation on the ground and develop policy recommendations addressed to OSCE participating States and OSCE Institutions;
- Promoting discussion on the topic of migration among the 323 parliamentarians of the OSCE PA;
- Strengthening co-operation with the OSCE Secretariat, Institutions and relevant international actors.

The Committee currently consists of 20 Members from 18 OSCE participating States (Annex I.B.).

In its second year of activity (Annex II), the Committee has paid special attention to a particularly vulnerable group: **unaccompanied and separated children**. This was also the focus of the Committee's resolution for the 2018 Annual Session in Berlin. Entitled "**Minors on the Move: The Role of the OSCE and the OSCE Parliamentary Assembly in Building an Effective Protection Framework**", the resolution further elaborates on some of the Committee's recommendations to harmonize procedures, develop common guidelines and share responsibilities with respect to unaccompanied and separated children. It was adopted unanimously and widely distributed by the International Secretariat. I hope that you, too, have found inspiration in the recommendations put forth.

The Committee remains committed to examining migration policies in OSCE countries and sharing 'best practices' in the field of integration in transit and destination countries.

Visit to Sweden and Denmark (21-23 October 2018)

Last October, together with seven members of the Committee, I travelled to Malmö, (Sweden) and Copenhagen (Denmark) to assess current developments in the field of migration and asylum policy as well as border policies. I wish to thank OSCE PA Vice-President and Committee Member Margareta Cederfelt, and the Head of the Danish delegation to the OSCE PA Peter Juel Jensen and their staff for putting together an intensive and excellent visit.

As with the visits to Belgium (February 2018) and Serbia (June 2018), the focus was on procedures concerning unaccompanied minors. A significant part of the programme was also devoted to measures to promote integration in particular in the field of employment.

It was quite interesting to evaluate the impact which more restrictive migration and border policies have had on arrivals of migrants and asylum-seekers as well as the new policy dilemmas which have arisen. To give an example, the delegation visited a return center for rejected asylum-seekers in the abandoned military barracks at Sjælsmark, north of Copenhagen. Operated by the Danish Prison and Probation Service, about 250 families, including about 100 children, are accommodated here. The majority are rejected asylum seekers who do not want to return to their home countries and cannot be forcibly returned due to the lack of a bilateral agreement or for other reasons. Intended as short-term accommodation, many of the residents have been living there for months, even years, in a state of limbo which has taken a significant psychological toll on the parents as well as the children. Denmark is certainly not the only country faced with the difficult task of how to enforce asylum decisions and incentivize rejected asylum seekers to return of their own free will while respecting its international human rights obligations.

The issue of **access to education** of these children was one concern. I sincerely hope that a better solution can be found for the children and adolescents of Sjælsmark Return Centre whose only educational opportunity is a school managed by the Red Cross. Some of these children had been successfully integrated into local municipal schools throughout the country before they were moved to Sjælsmark following the policy change in 2017. The **best interests of the child** should always guide policy makers. No child should be punished for the decisions made by their parents.

The issue of **'missing' children** and the need to put into place policies to respond to this worrying situation and to prevent them was also raised in both Sweden and Denmark.

On a more positive note, during the past year the Committee has also sought to identify good practice in the area of measures to promote the **integration** of refugees. A substantial part of our discussions in Sweden last October were devoted to how to increase the access of refugees to the labour market. The Swedish Public Employment Service and the municipal authorities in Malmö are doing commendable work in this area,

implementing introduction programmes which since January 2018 are mandatory, and are designed to promote a quick and efficient introduction of refugees in the labour market by activating and enhancing skills.

Sweden also has a **'fast track' procedure** consisting of a streamlined package to speed up the entry of skilled migrants for professions characterized by a labour shortage. Positive results are also being witnessed in the area of promoting migrant entrepreneurship through microloans.

Key to the success of these initiatives is the multi-stakeholder involvement: the **tri-partite co-operation** between government, trade unions and employers' organizations in the case of the 'fast track' procedures' and co-operation between the public and the private sectors to help migrants start their own business. The **engagement of local government actors** has also been a key factor.

Positive results are already being seen: it now takes an average of 4 to 5 years for refugees to enter the labour market in Sweden as compared to 9 years before the new programmes were introduced. In the eyes of Malmö's deputy mayor for labour market and social services, however, this is still too long.

Integration was also on the agenda of the Committee's meeting here in Vienna on 21 February where ODIHR will present two manuals, one focusing on 'good practices' at all stages of the migrant integration process, the other presenting a review of 'good practices' at the local level. ODIHR has done excellent work in this area and I hope that Members will be inspired to arrange training events in their constituencies and that they will draw upon the examples of 'good practices' when elaborating integration policies.

The Global Compact for Safe, Orderly and Regular Migration: What Next?

At the Committee's meeting here in Vienna on 21 February we also discussed, together with the heads of the IOM and UNHCR offices in Vienna, the **Global Compact for Safe, Orderly and Regular Migration**, how it relates to the **Global Compact on Refugees**, and the role which parliamentarians and parliaments can play in its implementation and review.

The Global Compact for Migration envisages a 'whole-of-society approach' and refers to the role which parliamentarians can play in reviewing progress of the "national implementation plans" which Member States are encouraged to draw up.

There certainly remains much work to be done in terms of informing our constituencies about the content and aims of these compacts and in countering the misinformation which has surrounded the elaboration of the Global Compact for Migration in particular.

As a reminder, the final text of this non-binding document adopted in July 2018 by 192 UN Member States was the result of over 18 months of joint consultations and negotiations. Furthermore, it clearly confirms the sovereign right of states to determine their national migration policy as well as their prerogative to govern migration within their jurisdiction in conformity with international law.

Migration ‘hot spots’

We continue to monitor the situation in the **Central Mediterranean** where, since Italy withdrew from its leading role in co-ordinating rescues at sea in the summer of 2018, and in the absence of a clear regional disembarkation policy, as each disembarkation is negotiated individually. There is currently no dedicated private rescue ship in the Central Mediterranean, the Aquarius operated by the NGOs SOS Méditerranée and Doctors Without Borders having been forced to end its operations last December. The Libyan Coast Guard has assumed primary responsibility for search and rescue operations.

Whether the policy of imposing legal and logistical constraints on search and rescue will act as a deterrent in the longer term remains to be seen. The immediate effect, however, according to the Office of the United Nations High Commissioner for Refugees, has been an increase in deaths at sea. The real toll will probably never be known as many more deaths at sea are likely to go unrecorded.

The overcrowding at refugee camps on the **Greek Aegean islands** has been partially alleviated by moving vulnerable asylum-seekers to the mainland, with more than 11,000 persons transferred between September and December 2018 to reception sites, hotels and apartments on the mainland. However, the main camp at Moria on Lesbos is still at twice its capacity. Other problems include lack of security, poor hygiene and shortage of staff. According to Oxfam, vulnerability assessments have not taken place at Moria since a government-appointed doctor resigned last November. Lesbos has sadly become the symbol of the failure of EU Member States thus far to agree on a common European asylum policy based on the principle of shared responsibility.

In 2018, we witnessed a clear shift from Italy to **Spain** as the main destination of irregular arrivals across the Mediterranean, confirming a trend which began already in 2017. In 2018, total arrivals through the **Western Mediterranean route** exceeded 56,000, accounting for half of all irregular arrivals in the Mediterranean (Annex III, Table A). This year, nearly 5,000 arrivals have already been recorded in Spain since the beginning of the year, representing over 60 per cent of arrivals (Annex III, Table B).

Members have expressed concern about the situation at the **U.S.-Mexican border** and the aftermath of the U.S. government’s ‘zero-tolerance’ policy resulting in children being separated from their families. According to a January 2019 report issued by the Office of Inspector General of the U.S. Department of Health and Human Services. This report

identified the **lack of an existing, integrated data system to track separated families** across government agencies and recommended continued efforts to improve communication, transparency, and accountability for the identification, care, and placement of separated children.

The Committee is also monitoring the tense migratory situation in **Bosnia-and-Herzegovina** which recorded over 24,000 migrants in 2018 as compared to under 800 in 2017, most of whom are trying to make their way across the border with Croatia.

The practice of '**metering**' or limiting the numbers of asylum-seekers which can formally apply at border crossings, or returning potential asylum seekers to the transit country, potentially exposing them to harm ('push-backs') and to human traffickers, as we are seeing in a number of border regions in the OSCE area, runs contrary to international human rights and humanitarian principles. Allow me to recall here Article 14 of the Universal Declaration of Human Rights: "Everyone has the right to seek and to enjoy in other countries asylum from persecution." The **right to apply for asylum** is not contingent on whether one has arrived by legal or illegal means.

Next Steps

In addition to the field visits, the Committee is also engaged in the sharing of 'good practices' in the area of procedures concerning **unaccompanied and separated children** and measures to promote **integration** in the form of written reports. We have thus far received contributions from Canada, Turkey and the Czech Republic and have encouraged further submissions.

Committee members have expressed an interest in looking in more detail into the difficult topic of **return policy**. At present, the trend is towards a decrease in the number of returns implemented. In 2017, the rate of effective returns of non-EU citizens was only 37 per cent (only 37 per cent of non-EU citizens ordered to leave the EU were effectively returned), down from 46 per cent in 2016. The Committee has agreed to travel to Brussels in the coming months to learn more about the current status of proposals by the European Commission and the European Parliament to revise the EU Return Directive. The aim of these reforms is to make return policy in the European Union not only more effective but also more humane. The EU is now stepping up co-operation with key countries of origin and transit of irregular migrants. Member States are also being encouraged to enhance financial and practical support for **voluntary return and reintegration programmes**.

Let me thank once again all the members of the Committee for their dedication and continued engagement. I look forward to reporting to you at the Annual Session in Luxembourg next July.

Annex I

OSCE PA Ad Hoc Committee on Migration

A. Mandate

The Ad Hoc Committee on Migration was established following the unanimous decision of the OSCE PA Standing Committee on 25 February 2016 in Vienna. Its mandate is defined as follows:

- Serve as a focal point for the OSCE PA's work in the field of migration in all three dimensions of the OSCE: political and security questions; economic issues; and human rights and humanitarian questions; and report back to the President and the Standing Committee;
- Develop policy recommendations aimed at enhancing OSCE work in the field of migration and at improving the treatment of, and prospects for, migrants in OSCE countries;
- Promote discussion within the Assembly on issues related to migration, and promote parliamentary exchanges of best practice in these fields;
- Work closely with the OSCE Secretariat and Institutions as well as with relevant outside actors on issues related to migration to promote the understanding among the members of the Assembly of the importance of the work done in this field.

B. Membership (*as of 15 February 2019*)

1. Ms. Nahima Lanjri (Belgium), Chair
2. Mr. Laurynas Kasciunas (Lithuania), Vice-Chair
3. Ms. Isabel Santos (Portugal), Vice-Chair
4. Mr. Makis Voridis (Greece), Vice-Chair
5. Mr. Haydar Akar (Turkey)
6. Mr. Luigi Augussori (Italy)
7. Mr. Jan Bauer (Czech Republic)
8. Ms. Margareta Cederfelt (Sweden)
9. Mr. Jose Maria Chiquillo (Spain)
10. Lord Alfred Dubs (United Kingdom)
11. Ms. Hedy Fry (Canada)
12. Ms. Sylvie Goy-Chavent (France)
13. Mr. Roman Haider (Austria)
14. Ms. Sheila Jackson Lee (United States of America)
15. Mr. Mehmet Sait Kirazoglu (Turkey)
16. Mr. Kyriakos Kyriakou-Hadjiyianni (Cyprus)
17. Mr. Filippo Lombardi (Switzerland)
18. Ms. Stefana Miladinovic (Serbia)
19. Mr. Henk Overbeek (The Netherlands)
20. Mr. Georgios Varemenos (Greece)

Annex II

Overview of Past Activities*

2016/17

DATES	VENUE	DESCRIPTION
2016		
10-11 May	FRANCE	Field mission to FRANCE (Paris, Calais and Dunkirk)
27 June	Vienna	Contribution to the final meeting of the OSCE “Informal Working Group Focusing on the Issue of Migration and Refugee Flows” on the theme “The media’s impact on the public perception of the refugee crisis” + screening of extract of the documentary “Exiles: The Wars” directed by Barbara Cupisti.
1-5 July	Tbilisi	Report by Chair Lombardi to the Standing Committee, 25 th OSCE PA Annual Session + Meeting of the Committee (3 July, Tbilisi)
20 July	Vienna	Report by Chair Lombardi to the Special OSCE Permanent Council on Migration and Refugee Flows
7- 8 September	ITALY	Field mission to ITALY (Sicily – Catania, Mineo, Pozzallo)
29 Sept. -2 Oct.	Skopje	Report by Chair Lombardi to the Standing Committee, OSCE PA Autumn Meeting + Meeting of the Committee (30 September, Skopje)
2017		
15-17 January	Brussels, Geneva	Briefings with key international actors in BRUSSELS (EEAS, European Commission) and in GENEVA (ICRC, UNHCR, IOM) + Meeting of the Committee (17 January, Geneva)
22-24 February	Vienna	Discussion of the Interim Recommendations Report by Chair Lombardi to the Standing Committee, OSCE PA Winter Meeting + Meeting of the Committee (22 February, Vienna)
24 April	Copenhagen	Report by Chair Lombardi to the Bureau
2-4 May	GREECE	Field mission to GREECE (Athens and Lesvos) + Meeting of the Committee (4 May, Athens)
16-18 May	TURKEY	Field mission to TURKEY (Ankara, Gaziantep, Kahramanmaraş)
4-9 July	Minsk	- Report by Chair Lombardi to the Standing Committee, 26 th OSCE PA Annual Session - Debate of the Draft Resolution “For a Coherent, Shared and Responsible Governance of Migration Flows” + 2 Meetings of the Committee (4 and 6 July, Minsk)

* **Note:** This overview relates to the initiatives of the Committee as a whole and does not list migration-related activities undertaken by individual members of the Committee, unless they involve the Chair.

Overview of Past Activities (ctd)

2017/18

DATES	VENUE	DESCRIPTION
2017		
2-5 October	ANDORRA (Andorra La Vella)	2017 OSCE PA Autumn Meeting Report to the Standing Committee (4 October) + 2 Meetings of the Committee (2 and 4 October, Andorra La Vella) First report on “Ensuring a coherent, shared and responsible governance of migration and refugee flows”
24-25 October	ITALY (Palermo)	2017 OSCE Mediterranean Conference on Large Movements of Migrants and Refugees in the Mediterranean: Challenges and Opportunities
26-28 October	ITALY (Rome, Bolzano)	Follow-up visit to Italy (Rome, Bolzano, Brenner)
16-17 November	MALTA (Valletta)	IPU/PAM Conference on “Promoting better regional cooperation towards smart and humane migration across the Mediterranean”
23 November	AUSTRIA (Vienna)	Report by the Chair, Filippo Lombardi, to the OSCE Permanent Council
2018		
5-6 February	BELGIUM (Brussels)	<ul style="list-style-type: none"> - Visit to Belgium focusing on policies to promote integration and unaccompanied foreign minors - Briefings with representatives of the EU, UNHCR and IOM on implementation of the European Agenda on Migration and the Central Mediterranean / Libya
22-23 February	AUSTRIA (Vienna)	OSCE PA Winter Meeting <ul style="list-style-type: none"> - Meeting of the Committee (23 February, 12:00-13:30) + presentation by Special Representative/Co-ordinator for Combating Trafficking in Human Beings Amb. Jarbussynova - Presentation by Chair Lombardi to the Joint Session of the three General Committees (23 February 2018)
7-11 July	GERMANY (Berlin)	OSCE PA Annual Session <ul style="list-style-type: none"> - Meeting of the Committee (7 July 2018) - Report of Chair Lanjri to the Standing Committee (7 July 2018) - Supplementary Item “Minors on the Move: The role of the OSCE and the OSCE Parliamentary Assembly in Building an Effective Protection Framework” (Opening Plenary, 8 July 2018)

Overview of Past Activities (ctd)

2018/19

DATES	VENUE	DESCRIPTION
2018		
21-23 October	SWEDEN/DENMARK	<ul style="list-style-type: none"> - Visit to Sweden & Denmark focusing on policies to promote integration and procedures concerning unaccompanied minors - Meeting of the Committee (23 October, Copenhagen)
2019		
21-22 February	AUSTRIA (Vienna)	<p>OSCE PA Winter Meeting</p> <ul style="list-style-type: none"> - Meeting of the Committee (21 February, 13:15-15:15) + Presentation of ODIHR Training Manuals on Good Practices in Migrant Integration and Local Government and Migrant Integration + Discussion on the Global compact for migration and what role for the PA & parliamentarians in its implementation? - Presentation by Chair Lanjri to the Joint Session of the three General Committees (22 February)

Annex III

A. Total Arrivals by Sea and Deaths in the Mediterranean, 2017-2018

TOTAL ARRIVALS BY SEA AND DEATHS IN THE MEDITERRANEAN 2017-2018					
1 JANUARY – 19 DECEMBER 2018		1 – 19 DECEMBER 2018		1 JANUARY – 19 DECEMBER 2017	
Country of Arrival	Arrivals	Deaths	Arrivals	Arrivals	Deaths
Italy	23.126	1.306	115	118.914	2.852
Malta	1.194 (IOM est.)	(Central Med. route)	12	N/A	(Central Med. route)
Greece	31.310	167	1.706	28.800	61
Cyprus	1.035	(Eastern Med. route)	98	501 (as of 31/07)	(Eastern Med. route)
Spain	56.480	769 (Western Med. route)	2.968	20.043 (as of 30/11)	223 (Western Med. route)
Estimated Total	113.145	2.242	4.898	168.258	3.136
Data on deaths of migrants compiled by IOM's Global Migration Data Analysis Centre. All numbers are minimum estimates. Arrivals based on data from respective governments and IOM field offices.					

Source: IOM, <https://www.iom.int/news/mediterranean-migrant-arrivals-reach-113145-2018-deaths-reach-2242>

B. Total Arrivals by Sea and Deaths in the Mediterranean, 2018-2019

Mediterranean Developments

TOTAL ARRIVALS BY SEA AND DEATHS IN THE MEDITERRANEAN 2019-2018					
	1 JANUARY – 17 FEBRUARY 2019		1 – 17 FEBRUARY 2019	1 JANUARY – 17 FEBRUARY 2018	
Country of Arrival	Arrivals	Deaths	Arrivals	Arrivals	Deaths
Italy	227	144	25	4.864	335
Malta	49	(Central Med. route)	0	N/A	(Central Med. route)
Greece	2.763	3	684	1.902	1
Cyprus	130	(Eastern Med. route)	42	25	(Eastern Med. route)
Spain	4.889	70 (Western Med. route)	785	2.016	96 (Western Med. route)
Estimated Total	8.058	217	1.536	8.807	432
Data on deaths of migrants compiled by IOM's Global Migration Data Analysis Centre. All numbers are minimum estimates. Arrivals based on data from respective governments and IOM field offices.					

Source: IOM, at: <https://www.iom.int/news/mediterranean-migrant-arrivals-reach-8058-2019-deaths-reach-217>