

CITADEL MALTA-AFFECTS OF EU INTEGRATION ON VEILED PERCEPTIONS OF REFUGEE AND ASYULM SEEKERS IN MALTA

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Asylum Seekers in Malta

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DEDICATION

This is dedicated to my mother who always instilled in me a sense of pride and dedication to all tasks undertaken. To my undergraduate professor Dr. Marcheta Wright who always strived for me to go beyond my usual fare and comfort zone.

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LIST OF ABBREVIATIONS

AWAS	Agency for the Welfare of Asylum Seekers
BOP	Beneficiary of Subsidiary Protection
DIIS	(Danish Institute for International Studies)
EAPN	European Anti-poverty network
EASO	European Asylum Support Office
ERF	European Refugee Fund
EU	European Union
FIDH	International Federation for Human Rights
IOM	International Organization for Migration
JRS	Jesuit Refugee Service
MIC	Malta Information Centre
MIPEX	Mediterranean Integration Policy Index
NGO	Non-governmental organization
SOS	Solidarity Overseas Service
UNHCR	United Nations High Commission for Refugees

ABSTRACT

CITADEL MALTA-AFFECTS OF EU INTEGRATION ON VEILED PERCEPTIONS OF REFUGEE AND ASYLUM SEEKERS IN MALTA

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This thesis illustrates the profound impact of refugee regimes and asylum policy within the broader context of European Union rules and regulations. Further underpinning the social framework of Malta within the confines of those legal instruments and the effect it has on the Maltese society as well as the refugee and asylum seeking population. What is discussed is a variable Who's who of the many programs, institutions, and groups all striving to bring some semblance of balance to an archaic system which disrupts families, creates migration dilemmas and furthers division through false perception problematic integration procedures. This thesis was the culmination of a new and impressive one year program which seeks to incorporate two masters while providing knowledge from experts throughout the world. The location is also pinnacle and give the recent "Arab spring" much more critical that this program remains situated within the Mediterranean. During the process of researching and writing this thesis, the author conducted interviews with high profile people in positions of both Maltese government and human rights NGO's with regards

to the refugee question. The author also reviewed literature and government reports detailing both a rational and theoretical framework. This thesis is a reference and resource for anyone who has a keen passion for human rights and willing to delve deeper into issues of migration and the plight of refugees and asylum seekers.

I. INTRODUCTION

A. Statement of the Problem

The influx of refugees, asylum seekers and immigrants has always been of prominent concern for Malta and southern Europe primarily since 2001. The rampant increase of those fleeing war, persecution, economic hardships places not only a physical but also social and mental burden on the receiving state. Since EU integration on the part of Malta there has been a long and progressive learning phase which has improved the overall quality and support for refugees and asylum seekers. Prior to EU integration the situation on the ground for refugee and asylum claimants was quite disastrous with elements of unlimited detention as well as other human rights violations. The question arises on the grounds that did EU accession help establish a more humanistic system in Malta to handle refugees and migrants? Naturally like any new initiative and paradigm shift there remains reservation in how to approach and handle the new processes and aspects of EU policy. With further integration and European solidarity Malta will be able to establish itself as one of the premier states in the EU in dealing with refugee and asylum seekers.

The goal of this thesis is to better understand the relations of Maltese and EU cooperation, the effects of accession on the part of Malta and current systematic trends within the system as a whole. I will begin looking with an overview of Malta both its political and social cohesions prior to and after EU accession. I will then look

at selected literature which helps the reader understand the issue of irregular migration, perception and identity. Lastly I will look at the issues of integration and perception the problems with establishing trust and creating cooperation within a divided community. In relation to the first statement I argue that despite EU accession there still remain high levels of abuse in the system towards migrants and that the immigration regime itself is still in desperate need of revitalization. I discuss the nature of detention as it was prior to accession and where it stands now along with the political and human rights aspects which have been progressively added throughout the years since accession. Indeed the main point is that while EU accession has been a boon to Malta it has failed to achieve a stronger presence with regards to human rights. I also discuss the nature of integration and perception with regards to employment and education. I argue that little is done on the part of the government to properly integrate the two communities on the island and in fact there is a nature of isolation and misperception on the part of the both the maltase community and the migrant community.

Sovereignty has always been a pinnacle issue with European countries and EU accession and Malta has also spread this concern in promoting and protecting its island culture and rightly so. Due to EU accession Malta has become more adaptive at handling and processing asylum claims along with housing refugees and migrants. Indeed the plethora of NGO's and third party funding to help promote programs and new initiatives is indicative of Malta's EU accession. Malta has also increased its capability in promoting integration and respect. However there are some hurdles to overcome but like any state seeking to achieve a new perspective and persona Malta will become a beacon for other prospective EU member states in how to handle issues

of migration and integration. The overall question is will Malta be able to maintain dignity and respect for migrants and to what degree has the EU's role been in these processes both current and prospectively?

European Union solidarity is a precarious notion considering the terms of sovereignty and solidarity are at odds with each other especially with regards to a unified refugee regime. Such a regime is a hotly contested issue and only furthers the divide within the EU. The refugee issue along with integration of migrants and asylum claimants has brought on this urge to understand and debate the facts along with developing insights. The intransigence of states with regards to assisting migrants wheatear they be legal or illegal along with supporting institutions which curtail freedom and liberties for the sake of security creates imbalance. This issue has to an extent brought on more deduction, invited more argument and speculation than nearly any other political state concern when it comes to border security. It has baffled minds and created profound theoretical debates throughout history, from concepts of eugenics to Muhammad Ali's quotes on warning against racial and culture integration. It has fragmented societies and polarized debates and for the past few months I have been developing my own position with the assistance of notable experts in the field along with entrenched NGO's working for the betterment of the refugee process.

Attitudes and overall perceptions have also hindered development for immigrants and refugee rights. In Malta 2005 there was a wave of attacks-on property against those who offered support and recognition towards refugees and asylum seekers. There also remain high levels of tension among different elements in Maltese

society—a rift between those in favor and those against. The situation in the Maghreb has only furthered the rising divisions as well as these “veils of different perceptions” on who exactly refugees and asylum seekers are. The most notable problems being a difficulty for refugee and asylum claimants who get out of detention centers is this integration into Maltese society as a whole. Does this stem from a failure on the part of the government to have functional integration practices? Is it the fault of both the Maltese and migrant community in failing to understand each other? To some extent no matter what governments or EU agencies do in terms of support the real ground breaking measures will be the feelings and understandings of the people. For the migrant population perceptions as well as lack of funds and or education curtail their ability to engage Maltese society and as such to be accepted. Due to this profound issue many seek to find more established areas with the infrastructure to support them. However with EU Accession as well as Dublin 2 it has become very hard for asylum claimants to seek residence in other European countries if it is not the first one they have encountered. The perceptions of refugees and immigrants are further hampered by notions of veiled perceptions. The concepts of perception will be further elaborated on in chapter 3 where I will take an in-depth look at the current understandings of terms such as refugee, migrant, asylum seeker words that are propagated by the mass media and politicians to subvert the truth establishing misperceptions.

II. BENEFITS AND TROUBLES WITH EU ACCESSION

The European Union was a profound paradigm shift for Europe in all aspects including security, human rights, and culture. The very establishment of the Union bridged divides and helped usher in a new unification unlike any Europe has seen. For the first time in history European states find themselves not in bitter conflict but in unity. However it is an imperfect system and like any system has elements that seek to rob it of its true vision. The idea behind member states and becoming such a member is of itself filled with contention and causes fracturing among current members an “Elitist group”. Since its inception as an EU member state Malta has continued to progress on human rights and standards. In 2008 alone it adopted both the euro currency as well as initiating membership into Schengen area which was feat unrivaled by any other EU member state. Such a feat was witnessed and remarked on by even the US ambassador to Malta who stated “History has shown time and again that the Maltese people are gifted at establishing mutually beneficial economic and political relationships with their larger neighbors.” (US Ambassador)

The statement goes further on the Maltese people’s ability to understand and engage others and having lived in Malta for a little over a year I also can attest to that statement. To begin I will look at how EU integration and the respect of human rights have been handle in Malta after EU integration but firstly a look at Malta prior to EU

membership. The country of Malta is a rich and diverse culture that's quality is mirrored to its history. A history of more than one major European power and even some elements of eastern civilizations has shaped Malta's very being. To start Malta's social pressures remains a consistent feature throughout its year prior to EU integration and afterwards. The nature of the island being overwhelmed at not only its centers but also is ability to establish pinnacle care centers. (Refugee Commissioner) was recently quoted as saying that standard of open centers such as Marsa and open centers could rise above basic services however it is better than the refugees being on the streets. The commissioner went on stating that these are some of the reasons as to why Malta has requested the assistance of The US and EU.

The International Federation for Human Rights (FIDH) fact finding mission discussed in 2004 the plight of asylum seekers and how it appeared that there was side-stepping involved during the pre-accession discussions. This shows that even before EU accession there were already problems associated with the asylum process in Malta. For starters without a proper understanding on refugee issues and without and establishment of thought then the situation will continue to worsen. Already the situation in the Maghreb is becoming intense and with more concurrent trends of refugees and migrants traveling abroad the systems in place within states will become further hampered. Perceptions respectful or spiteful are omnipresent and must be taken into consideration, there needs to be a critical understanding of perception and how it plays a role within the context of refugees and migrants. This is not only a human rights piece but also a social dynamic piece, by better understanding the ways in which society manifest different threats the better off a society will be in both preparation and rebuilding. The very fact that Malta has only recently started to

engage its immigration and asylum problem is cause for alarm. According to MIPEX (Mediterranean Integration Policy Index) “many non-EU residents are now denied equal access to the labor market. Eventually they can become long-term residents but few become Maltese citizens.”¹ This will go further when I discuss the issues of integration and perceptions.

In the past Malta while being a rather insular island community has shown a willing progressiveness in promoting the rights of refugees and migrants with groups such as Movement Graffiti and the organized "One world for all" campaign which began in 2003.² There is much that still must be done for example Thomas Hammarberg of Council of Europe Commissioner for Human Rights was quoted as saying “Malta and Europe need each other if the challenges of migration were to be met in a manner that respects human rights.” He also delves into the key aspect that the overall numbers for refugees and asylum seekers had dwindled created a breath of air for the Maltese system to recover. Still according to him and various other international groups more must be done for both international and humanitarian law. The need is dire and Malta has failed to bring about proper and adequate protection and safeguards for asylum and migrants, Thomas Hammarberg also stresses this in his report when discussing the open centers in Marsa as well as Hal Far that they are “clearly inadequate conditions of accommodation for short or long periods of time”³ My purpose for doing this also stems from current events with the “Day of rage” and

¹ MIPEX: Migrant integration policy index-A tool's index for third party groups
<http://www.mipex.eu/malta>

² Movement Graffiti recently organized "One world for all" Campaign-2003
<http://www.timesofmalta.com/articles/view/20030903/opinion/multiculturalism-in-malta.142002>

³ Hammarberg, Thomas -CECHR- March 2011 “Malta should move away from receptive approach”
<http://www.timesofmalta.com/articles/view/20110328/local/malta-should-move-away-from-reactive-approach-to-migration.357054>

how this global event will impact the lives of refugees and the overall perceptions of the Maltese when dealing with refugees, asylum seekers and migrants.

Prior to EU integration the situation in Malta with regards to refugee and asylum detention was at a critical level. To begin with the isle of Malta lies in a precarious position within the Mediterranean itself. More specifically its location is along strong migration routes from Africa and Middle East into southern Europe. This is evident from the massive influx of individuals from the early 2000's and onwards. Very important to note and this will be elaborated on further in the chapter perception but the average refugee or migrant heading from their country of origin is not focusing on arrival on Maltese shores, quite the opposite in fact. The FIDH reports that in 2002 total of 1,686 persons arriving by sea, 466 had been intercepted by the Armed Forces. Indeed many of these arrivals are referred to as "accidental arrivals" by various reports; refer to appendix A for graph on origin of irregular migrants along with migrants intercepted right at the transition to EU accession.⁴

According to DIIS (Danish Institute for International Studies), the confusion of shorelines between Italy and Malta has brought about a plethora of individuals coming to the wrong shores. In 2002 they reported that over one thousand six hundred people arrived in Malta comparing that to the fifty seven the year prior and one can understand the sheer number increase since 2002. The numbers have increased year after year with figures in the thousands, indeed just recently at a refugee conference in Malta entitled "The Asylum Procedure then what?" Professor James Hathaway was

⁴ Sorsen, Ninna Mediterranean Transit Migration Danish Institute for international study
http://kms2.isn.ethz.ch/serviceengine/Files/EINIRAS/26216/ipublicationdocument_singledocument/13A41696-155D-48EF-AB18-81EC71E66FD8/en/mediterranean_transit_migration_web.pdf#page=27

quoted as saying that 2011 has already experienced an unusual annual number of refugees over one thousand individuals which if we go back to some of the previous numbers of 2002 in just three-four months there has already been an annual number of arrivals. Moreover in total over fourteen thousand people have come ashore since 2002 according to Professor Hathaway which is a staggering number to being with secondly of those fourteen thousand nearly thirteen thousand have applied for various forms of protection. There is the perception that most of those individuals coming to the Maltese and Italian shores stem from Libya and while Libya has been equated to a “valve” many of these groups come from other countries which use Libya and Egypt as transit hubs. According to Sorbenson “Migrants originating from the Horn of Africa and heading towards Europe also use Egypt as a transit country, although Libya remains their main country of transit”⁵ which goes to show that primarily the main groups are outside of north Africa local.

A recent Eurostat publication listed migrants from Somalia as the most populous on the island.⁶ That same publication also shows in profound detail the rates of acceptance given for refugee status and subsidiary protection among all EU member states including Malta. For total positive recognition Malta is one of the highest in the EU with 52.4 percent, however it lags behind considerably with refugee acceptance at 0.8 percent while subsidiary protection is again one of the highest at 51.7 please refer to appendix G for chart on recognition rates. Since EU accession Malta finds its role ever changing to a role of migration gate management for southern

⁵ Ibid

⁶ Juchno, Eurostat: population and social conditions 75 thousand asylum seekers granted protection status in the EU in 2008 http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-09-092/EN/KS-SF-09-092-EN.PDF

periphery of the EU. While this as Cetta puts it has given Malta strong material power it has also created a vacuum where Malta must rely on nonmaterial power. “Malta must primarily rely on nonmaterial power. Such power consists of a state’s ability to influence proceedings through the use of expertise knowledge, alliance formation, strong arguments (appealing to a sense of fairness or rationality), or the construction of a crisis (through rhetoric).”⁷

Maltese policies with regards to assisting refugees and asylum claimants are also relatively new. Between 2001 and 2005 there was the creation of the Office of Refugee Commissioner, Detention services and AWAS. Moreover in regards to the legal aspect there are two very prominent acts in Malta, the first being the Immigration Act of 21 September 1970 which was later amended in 2002. Article 10 of the Immigration act specifies who is to be detained and what that entails. According to the act “Persons detained under this act “shall be deemed to be in legal custody and not to have landed” (Art. 10, Para. 3). The main policy point to the Immigration Act is as follows: “Where leave to land is refused to any person arriving in Malta by any other means, such person at his own request may be placed temporarily on shore and detained in some place” [section 10(2)] .Referring to “some place” is improper for legal point in that it fails to establish exactly where and what kind of conditions the person will be treated under. The Immigration Act goes further stating that those who fall under the act are considered under legal custody even refugee and asylum seekers.

⁷ Mainwaring, Cetta 2011 “Small States in EU migration governance: the power to exclude?” <http://saopaulo2011.ipso.org/sites/default/files/papers/paper-1384.pdf>

Since Asylum seekers are fleeing some form of threat or hardship they naturally do not have time or resources to go through proper channels to obtain visas or residence permits. Should they arrive in Malta they will be considered an illegal entry and sent to detention. Secondly is the Refugees Act of 1 October 2001. The Immigration Act is important due to its restricting quality for all foreigners. The Refugees Act is the foundation for all refugee and asylum policy in Malta. The refugee act was the pinnacle success after EU accession, indeed EU accession forced Malta to draft the act to ensure a fair and proper legislative process to handle asylum claims which at the time were being handled by the UNHCR. Malta being a relatively new member with a lot of burdens and very high population density is already stressed heavily which makes dealing with refugee and migrant issues quite difficult. I will elaborate on burden sharing and issues with EU members and Frontex later on in the chapter. One of the main issues that faced those arriving to Malta was the Unlimited Detention. Aside from the Refugee act of 2001 Malta is also a signatory to the 1951 Refugee Convention. The Global Detention Project has voiced concern with regards to the way in which asylum seekers are handled via detention⁸. According to FIDH report the main arguments used by Maltese authorities when discussing migration and asylum policy is two-fold.

The arguments are “an inability to receive the foreigners arriving in successive waves, and inability to settle them in Malta.” (FIDH) These arguments are crucial in my overall research in that it points out the main issues the Maltese authorities have with the EU and overall refugee migration debate. Malta’s total territory ranges around three hundred square kilometers with a population just above four hundred

⁸ -The Global Detention Project (GDP) inter-disciplinary research on the role of detention. <http://www.globaldetentionproject.org/countries/europe/malta/introduction.html>

thousand. The infrastructure simply cannot support several thousand people arriving monthly which are the current trend. As mentioned by the Refugee commissioner as well as various reports and Professor Hathaway the situation is becoming dire with “annual numbers” becoming “monthly figures.” The entire EU question brings issues of loss of identity and culture. While many believe that further integration and adoption of EU policy on the part of Malta will bring about more profound ways in dealing with the refugee issue there is also reasonable and rationale steps that need to be taken to ensure that.

I. Dublin 2 and the Pitfalls of EU Accession

The FIDH report stipulated that Malta should continue to adopt legislation and policies to establish general standard care for asylum and refugees at centers in all aspects.⁹ It also condones that accession into the Dublin Convention was a disastrous policy move that seeks to tear families asunder. Jesuit Refugee Service director Father Joe Cassar was quoted recently in Malta today stating “the conditions asylum seekers were living in and the fears of removal under Dublin II, were contributing to mental problems for asylum seekers.”¹⁰ Not only is Dublin II an unorthodox and illogical policy with regards to migration control and integration but also from a mental health aspect. Not only that but it encourages this notion of putting limitations on upward mobility for migrants. It curtails their prospects and forces them into a corner threatening them with be unable to progress. Indeed this was one of the most

⁹ Report on Dublin II Regulation-United Nations High Commissioner for Refugees <http://www.unhcr.org/refworld/pdfid/4445fe344.pdf>

¹⁰ Vella, Malta Today-Article on recent JRS documentary “Suspended Lives” <http://www.maltatoday.com.mt/news/national/jrs-documentary-to-shed-light-on-the-real-poverty-of-asylum-seekers-and-migrants-in-ma>

profound drawbacks for Malta after EU accession since it allowed overt control over migration issues from the seats of Brussels rather than Valletta.

The UNHCR brief on Dublin 2 Regulation specifically address the key errors of the various policies and even offers various recommendations such as promoting more efficient and effective ways in dealing with families. For example the notion that a family relationship must have existed in the country prior to the asylum claim for an asylum claimant to be accepted is a wrongful act on part of member state. It makes no logical sense if an individual is fleeing oppression or abuse to have a requirement of family connection in the country they are seeking assistance. Legal remedies against unwarranted transfer decisions are also of prominent concern for UNHCR. Malta's current policy is to encourage people to leave rather than stay in fact it is almost equivalent of a paramedic-to stabilize the patient and then after that nothing else. Should a migrant bypass Malta and arrive in Europe they will then be dealt with the dilemma of the Schengen agreement forcing them back to their country of origin. The Schengen Agreement is a system designed to maintain external border security while at the same time eliminating the need for internal border checks. However this caused dissention among member states for those who favored freedom of movement for only EU citizens as opposed to those who wanted it for everyone.

Today it is a mix of both viewpoints in that there is freedom for anyone who is a member state but anyone outside except for a few countries such as the United States, individuals must apply for schengen visa to allow access to other EU states. Countries such as Romania and Bulgaria who recently joined in 2007 are prime examples of how the EU laws fluctuate among member states. Bulgarian or Romanian workers who wish to access Malta must obtain work permits the same is true eight

other member states however fifteen other states do not have that policy which puts a failure of legitimacy on the face of the EU. To show some of the improvements as well as overall problems with Maltese authorizes prior to and after EU integration we will look at two human rights commissioners who visited Malta. Alvaro Gil-Robles the human rights commissioner for council of Europe visited Malta in 2003 to inspect its detention and asylum policies. He was quoted as saying "I would like first of all insist that, in principle, they should not be detained when they have not committed any offence, and that States should take the necessary steps to avoid incarceration. The law should allow detention only in exceptional circumstances"¹¹. He also brings up an important downside to EU accession especially with regards to small member states "There is every reason to expect that the accession of countries to the European Union reinforces their status as transit countries." Alvaro stressed the importance of an alternative to detention and even gave suggestions such as reporting in to police daily or on a weekly basis. In fact just recently while at a NGO workshop in Malta our team was tasked with uncovering new ways in which the NGO's could work together to establish a unification-one cohesive NGO body that would be able to adapt and handle events in a very efficient manner. During the workshop we came up with several solutions. One important idea that was floated around was the removal of women and children from the Lyster Barracks Closed Centre, and Hal Far.

In Malta there are lots of vacant buildings and homes that could be used to house this vulnerable population. We concluded that the various churches around the island could do more to open their doors Furthermore there were points of how various corporations and individuals could help sponsor open centers and families to

¹¹ FIDH-International Fact Finding Mission 2004 "Locking up foreigners, deterring refugees: controlling migratory flows in Malta" http://www.fidh.org/IMG/article_PDF/article_a1929.pdf

bring better solidarity on the island and to cast aside pre-conceived notions of which a refugee really is. The Government of Malta preaches stability and security as primary concerns for the migration and detention issues. Given the limited space and resources it is understandable that the Maltese authorities would seek to control the influx of refugees, asylum seekers, and migrants. Mr. Tonio Borg then former Minister of Home Affairs stated that by leaving migrants at large in the community you only further propound the problem; “for sake of national interest it is more prudent to adopt a policy of detention.”¹² Mr. Borg equated the numbers arriving in Malta comparison to the population to that of 1.65 million entering Germany in order to show the gravity of the situation.

As the FIDH report indicates the closed centers in Malta do not release public information rather one must obtain it through other means. Also important to note is the difference in levels of protection and assistance provided at centers under the orders of the military and the police. With regards to military controlled centers there is effective measures undertaken in meal disbursement, cleaning as well as physical exercise and proper health and safety checks. Conversely the centers operated by the police are not held to the same standards. Likewise the military centers while operating under very strong enforcement policies still maintain the best overall protection and security for both refugees and general public. “*The Police Force is not adequately equipped to organize and handle arrangements for the detention of illegal migrants.*”¹³ “As we can see prior to 2004 there was and to this day continues to be a lack of common rulings for the centers be it open or closed. This could indeed create

¹² Address by Deputy Prime minister Tonio Borg on illegal immigration 2007
http://www.doi.gov.mt/en/press_releases/2007/09/pr1361.asp

¹³ Ibid 11

unnecessary stress on the system as well as widening the overall conflict between refugees and the Maltese authorities. Another factor of the FIDH report is the building conditions and how they are ill-suited for long term occupancy.

With regards to the camps it is the same situation. In the Maltese documentary promoted by the Jesuit refugee service (JRS) there are several interviews and even videos of the tent cities. In these camps the conditions are quite horrid and in violation of health codes and standards. The tents themselves are not effective; Tents that can barely keep out the elements accommodate 5-10 refugees with each person also having to have space for their personal belongings. Comparing the tent city and various centers to other Maltese institutions such as the prisons we get a bleak view. *“The overall situation is all more shocking if compared it to entirely acceptable conditions to be found in the Corradino prison.”*¹⁴ That was quoted during an investigation into the Hal Far center on building structure and its ability to offer a safe space *“As the authorities met with conceded, this shelter is 'a microwave in summer and a fridge in winter' ”*¹⁵. A refugee who was detained at the Safi closed center for eighteen months said he felt like a criminal and that when it was cold you would freeze and when it was hot you would burn. The conditions at many of the open and closed centers are not for the faint hearted however the Maltese authorities are aware of the situation and have started campaigns to renovate and rebuild some of the centers however much more needs to be done according to NGO’s on the ground. A recent Eurobarometer study done through Malta Today went on to discuss the issues people have with refugees and asylum seekers with regards to employment measures. While I will discuss this more in the chapter on perception it is necessary to discuss it

¹⁴ Ibid 13

¹⁵ Ibid 13

with regards to EU integration. A recent Malta today article entitled “End of EU working restrictions in May could lead to brain drain”¹⁶ (Malta Today) Ending in may was the process in which EU members were suppose to obtain workers permit to effectively work in the country. Now that the restriction has passed there is large speculation that it could lead to brain drain a mass exodus leaving jobs open and not used in high sector while labor jobs remain under constant contention especially with more positions being filled with illegal or legal immigrants. Director General Mr. Joseph Farrugia was quoted as saying there must be policies in place to "avoid an outflow of professional labor because of better working conditions" he was also highly vocal on Maltase position in the EU as a "magnet" for unskilled labor due to Malta’s situation compared to other EU members. So has the situation improved or is there still an uncertainty with regards to EU integration for refugees and asylum seekers in all aspects such as treatment, legal rights, and integration prospects with the community?

Commissioner Thomas Hammarberg of EU human rights recently visited Malta for several days in mid march of this year. His delegation had arrived to assess the situation on the ground and to determine what changes needed to be made, what had worked effectively and to what level Malta was at. His delegation would focus on critical areas such as reception, access to international protection and finally durable solutions for all refugees and asylum seekers current and prospective. At this very time the Arab spring was in full force with uprisings in Libya occurring daily with rebel forces seizing townships and being forced out of other fronts by Gadaffis

¹⁶ Laiviervia, Nestor (2011) Malta Today Article on Brain Drain--
<http://www.maltatoday.com.mt/news/national/end-of-eu-working-restrictions-in-may-could-lead-to-brain-drain>

military power. The conflict should be seen as a catalyst according to Mr. Hammarberg in promoting more efficient and effective means of integration and refugee policy in Malta and the EU. During the literature review I will focus more on this report and how it puts unfair proposals for Malta rather than establishing a broad EU effort.

To begin with, the report by Hammerberg starts off with Mandatory detention policy a point previously mentioned in this chapter. Mandatory detention is carried out for all arriving migrants this includes refugees and asylum seekers which are protected under the United Nations refugee protocol as well as the European Union Human rights legislation. Mandatory detention is indeed a violation of those protocols and fundamental human rights. Hammarberg himself considered the Maltese policy of mandatory detention to be "irreconcilable" considering it goes against the ECHR (European Convention on Human Rights). Most notable example of this violation is the case of Mr. Louled Massoud vs. Malta in the ruling by the court it was found that Malta violated article 5 of the ECHR. According to Article Five which on Liberty and Security, "No one shall be deprived of his liberty save in the following cases as prescribed by law."¹⁷ The following cases represent almost any circumstance to which can be used to justify holding someone against their will. The case was in reference to an asylum claimant who had been denied status for close to 18 months. Hammarberg stressed the need for more flexible policy and implementation of said policy. He also stressed the importance of Maltese authorities understanding and accepting decision of the ECHR and its articles and conventions.

¹⁷ <http://conventions.coe.int/Treaty/EN/Treaties/html/005.htm> ECHR Article Five on "Right to Liberty and Security"

The Second review in the report focuses on something briefly mentioned earlier in the chapter which is the living conditions at the various centers. According to the report, the Commissioner found situation at tent village and hanger at Hal-Far to be inadequate for human living. This was not in reference to long periods of stay but both short and long durations. Hammarberg even recommend the closure of the hanger complex. As I mentioned earlier the hangar complex is notorious of violations of human living standards and takes a vulnerable population and makes the situation even more dire and them to be more vulnerable. The recommendations by the commissioner were bland in that he stated living conditions must be improved and they must meet the standards of the ECHR and social charter along with partners such as UNHCR. Transitioning to the next part which is vulnerable groups and how they have been hindered by the Maltese system.

The commissioner found the mandatory detention of vulnerable groups such as women, children, disabled to be in violation of many EU policies. Indeed mandatory detention should only be used as a last resort for these groups given their vulnerable positions. Also mentioned was the disastrous facilities and how overcrowding at centers leads to vulnerable groups being put in vulnerable situations. The issues of “Wear and tear” children and individuals with disabilities being put in long durations of detention causes mental and physical ailments to occur. Again the commissioner only marginally discussed what could be done but reframed from offering any tangible of prolific insights. Rather the commissioner has left it up to Maltese authorities to develop a solution to the problem. While granted this is a respectful measure the EU should do all it can to be a strong partner with Malta in

helping develop its infrastructure towards refugee and asylum seekers. Improve the various centers around the island and establish more efficient policies that will not ostracize vulnerable groups or cause further harm to them. The commissioner did offer some strong support and solutions for the overall picture however. Those solutions fall into the category of integration and combating racism and xenophobia.

The report on integration concludes that the current system is not viable and that it will further hinder refugees and asylum seekers in being integrated.¹⁸ The commissioner states that the financial system which is currently being used to help aid migrants who are dependent on the systems open centers is not a viable option. Rather he believes it should be discontinued and that all financial options should be present for all those who fall under international protection. The commissioner states that the financial system which is currently being used to help aid migrants and refugees who are dependent on the systems open centers is not a viable option. With regards to the Asylum issues in Malta the commissioner did have some strong supportive statements. The main strongpoint towards Malta has been the shortening of the allocated time required for asylum applications as well as an improvement in the distribution of information. A focus on promoting profound shifts in recognition for of overall refugee status in general has also been improved and the report noted that Malta has taken steps in the right direction. However there are still some criticisms for example the report stipulates that there is a grave fear that this new initiatives by the Maltese authorities could indeed falter should there be an increasing rise in asylum applications. I however disagree with that fear considering Malta has maintained one

¹⁸ Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Malta from 23 to 25 March 2011 <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1797917>

of the highest levels of asylum application acceptance. According to a recent Times of Malta article, Malta has the highest EU asylum acceptance rate. Malta granted six out of every ten applications last year alone.¹⁹ According to the times article the general average for the EU was three out of ten. Naturally given Malta's position geographically most of those seeking asylum are from Somalia, Eritrea and other high risk countries. Somalia has a six percent level for all of EU and majority of that six percent arrives in Malta. Considering Malta's precarious position as well as the limited space and capital it is indeed shocking to see it has one of the highest acceptance rates in the entire EU. According to a UNHCR statistic between 2006 and 2010 Malta received highest number of asylum claims in comparison to overall population. Would it have been as successful had it not been a member of the EU? It is obvious that being a member state has afforded Malta the ability to take in more claimants than traditionally. In 2010 alone Malta dropped ninety four percent compared to the previous year in applications being submitted. At just 150 compared to the 2390 of 2009. In a sense the argument of being burdened does not seem very logical at first glance given those numbers and remaining a strong point of Maltese politics. However it is important to note that 2011 has seemed to have gone back to the original figures and is likely to expand beyond 2600 by the year's end.

The rapid influx of asylum seekers and refugees along with the developing Arab spring, unrest in both Libya and Syria will remain as catalyst for rapid migration to southern Europe. Malta while not being a targeted location must still take in large numbers who arrive on its shores believing to be in Italy. Thomas Hammerberg

¹⁹ Camilleri, Ivan Times of Malta "Malta has EU's highest asylum acceptance rate" <http://www.timesofmalta.com/articles/view/20110404/local/malta-has-eu-s-highest-asylum-acceptance-rate.358137>

himself stressed the two key fundamental points for Malta at a UNHCR/ JRS of Malta workshop in which he stated profound EU solidarity as well as better integration within Malta. Not only has the refugee commissioner from EU commented but members within the Maltese political spectrum have also voiced concern specifically over the case with Libya.

II. Improved Asylum and EU politics

Simon Busuttil nationalist MEP member recently discussed the situation in Libya and Italy's "push back" measure-basically to send ships filled with refugees and asylum seekers back to the country of origin.²⁰ The Libya case was the one mentioned and Mr. Busuttil while admitting that he was not involved in the push back procedure he still believed that stopping any sort of illegal means of migration was important and rightly so for without proper control of migration paths then all manner of illicit dealings could occur. He even discussed the shaping of complete EU overall of asylum policy "In fact, the EU is in the process of establishing a common asylum policy by 2012. Why are we not there yet? Simple, because this is a highly controversial subject and it is difficult to get everyone to agree on it. But we are working on it." (Busuttil) Mr. Busuttil stressed the importance of frontex but only as a shell, the human and technical components must come from all EU member states in order to establish an effective migration policy. I find that statement to most relevant especially in the current paradigm with the Libyan crisis. As it stands Malta and Italy stand alone nearly abandoned by the rest of Europe.

²⁰ Peregin, Christian (2011) Simon Busuttil calls for 'rethink' in EU asylum policy <http://www.timesofmalta.com/articles/view/20110324/local/simon-busuttil-calls-for-rethink-in-eu-asylum-policy.356438>

In just July of this year nearly one million refugees have fled Libya; they flee out of fear and unrest only to be marginalized and forsaken. A FIDH report stated that "The European Union is reinforcing border surveillance through the deployment of the Frontex agency in the Mediterranean while vessels of the coalition forces do not provide assistance to boat-people." Last month there was another case where Libyan refugees were intercepted by Italian authorities only to be returned back to Other factors stressed was the limitations on legal aid and accesses to case files which further hinders the work of NGO's and those individuals seeking to help refugee and asylum seekers who are detained or seeking integration. Near the end of the workshop Mr. Mario Friggieri the current refugee commissioner of Malta stated "Malta has thirteen times the average asylum claims with 68% of all people coming to Malta seeking some form of protection." (Friggieri) Sadly since EU accession the numbers of accepted refugee status has dropped considerably, for example in 2005 the percentage was 3.1 since then the number has dropped to around 0.71.²¹ In such a setting and given the increasing hostile climate in north Africa Malta is walking a tight rope with regards to its refugee system and should that system fail then the fall that will occur will be disastrous. There is good news when it comes to adoption of EU legislation, according to recent times of Malta article dated the 24th of March.²² Malta is top of its class in EU legislation in the article Brussels labeled Malta as one of the most efficient member states in adopting EU law and in low infringement cases that plague other member states. The infringements remaining deal primarily with the

²¹ Juchno, Eurostat: population and social conditions 75 thousand asylum seekers granted protection status in the EU in 2008 http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-09-092/EN/KS-SF-09-092-EN.PDF

²² Camilleri, Ivan (2011) "Malta top of its class in EU legislation"
<http://www.timesofmalta.com/articles/view/20110324/local/malta-top-of-the-class-in-eu-legislation.356275>

environment and energy concerns. “Malta’s representative to the EU, Richard Cachia Caruana, said this was the fifth consecutive time the island had placed first in the scoreboard.” Indeed he went further stating and I quote “Such positive results are evidence of the sound internal structures and commitment of the Maltese institutions to follow the EU’s internal market rules.” (Camilleri)

Mark Thomas a researcher with University of Sussex brings up an interesting European dynamic when he compares the situation within the EU to that of the propagated “global village” describing such a evaluation of the asylum and immigration policies of Malta and the EU in that context to be false. While multiculturalism is not a theme to which this paper focuses on it is still important to address in some fashion. Thomas argues that the very concept of global village fails to address a sense of life in a multicultural society nor as he puts it “evoke the tensions and uncertainties that accompany globalization” (Thomas, 4) The inflexibility of some member states compared to others along with the willingness to accept migrants does not go well with the image of a common EU immigration and asylum policy, rather these divergences seem to bridge that union even further. How then to approach the subject of incorporating Malta into a Union wide immigration and asylum or I&M ruling? As Thomas puts it there are several ways to approach the subject while keeping all members states in a open rather than defensive position “A common EU migration policy is a case in point; consensus has been far easier to reach in areas where migration is designated as a security issue.” (Thomas, 6) Securities of course being the natural buzz word to establish unity rather than human rights because quite simply security appeals to all aspects of society and instill images of stability and

control. For Malta's case it is understandable given previously mentioned problems with migration to Malta. Let's now look at a study which was conducted in Malta evaluating immigration trends on the Island.

The following research presented is based off of a small study conducted by the Nuffield Foundation which is a charitable trust established in 1943 by William Morris, Lord Nuffield. The report illustrates two important points in the debate on Malta and migration-EU integration and Irregular migration. The research stipulates that both of those categories have evoked fear and hesitation primarily on the issue of size and population stability. "As a small and densely populated island, would not be able to adequately cope with the potential arrival of large numbers of immigrants from the EU and the South" The report questions Malta's position as being one of fear especially with regards to rapid influx of migrants and considering Malta's position as a focal point-a hub. Prior to Malta joining the EU the Malta-EU Information Centre (MIC) brought up various concerns and future issues related to EU enlargement of Malta. Issues with irregular migration also weighed heavily in the report, while typically even to this day migrants seek to land ashore in Italy rather than Malta the concern is still there. "Immigrants should not increase unless they actually want to land here. But if in time Malta is perceived as an economically advanced EU country, it may start to attract illegal immigrants in its own right." (MIC 2002:13) At the present time while irregular migration has increased due to the "Arab spring" and instability in North Africa there still remains this level of separation, many migrants still seek to land in Italy. The report also discusses a greater role for the Maltese to protect their own borders and promote security with other member states in maintain

the external borders of the EU. Naturally this applies further pressure to Malta and has created several issues most notably the burden sharing principle. With regimes like Frontex and with rapid migration Malta is besieged and requires regular support from member states. Malta feels isolated and unable to cope with not only protecting asylum seekers and migrants but also in maintaining its own fleet to foster security. “Such discourse clearly feeds into the small and vulnerable image that Malta portrays for itself within the wider EU and Global contexts.” (Thomas, 4) Thomas is right to a degree that the rhetoric displayed by all parties within the EU and Malta to help shore up the migration regime control further hinders the ability to properly assist and support migrants. The situation however needs to be taken into account; Malta despite not wanting to portray an image for migration constantly finds itself inundated with irregular migration. Most notable origin of migrants is not North African but as the report points out is in fact east African who come up through North African countries on route to the sea.

Malta continues to assist itself in this view of it being weak with regards to handling migration. By saying that migrants do not wish to land in Malta that Malta cannot protect them creates hardship. Again notions of security crop up forcing Malta to promote tight restrictions hence the 18 month duration of detention which technically should only be used for most severe issues yet it is the general tool for all migrants who arrive on shore. A 2005 government report described in detail how Malta requires further EU assistance and cannot placate the needs of the many that arrive while being ignored by the EU community. The venerable stressors come now with the fall of the Gaddafi regime and the supposed one million migrants waiting to

claim status of protection of some sort on Europe. Malta of course being directly in between will have to shoulder a large number of those claiming status.

A common EU policy on refugee and migration is drastically needed to ensure more efficient reception of refugees into EU territory along with promotion of protection and stability. While this is a long ways off due to sovereignty of member states there is hope with regards to resettlement programs not including Dublin 2. However in trying to harmonize this process there must first be cooperation with the populace at home. Given that many within the EU still hold strongly to national identity rather than a Eurocentric identity it creates a torrent to be overcome. In order to overcome such a torrent there needs to be an understanding of the various perceptions and how they interact with the community. There must also be a backlash against this misperceived Westphalia concept of a nation state with full proof sovereignty. Geddes states that “EU integration constitutes a threat to democratic accountability derived from the empowerment of unaccountable. Expert transnational coalitions of national ministers, officials, and technocrats” (Geddes 2000, 4)

While I would agree that ultimately the state has the approval do enact what policies it sees fit it cannot maintain that policy or standing if the very policy fosters unrest or animosity. Since becoming an EU member state Malta must adhere to the conditions set forth which includes the costly financing of processing claims, supportive role for migrants at sea or who land ashore. Also the cost of sending them back to the origin of the home state naturally but a heavy toll on any state infrastructure and economic system. Given that the current state of the EU is in question with defaulting states on the horizon and a economic situation that is unpredictable it helps placate the need of those who are against any form of migration

and who wish Malta to remain a Maltese state. Ultimately despite being part of this partnership Malta is still unprepared to deal with heavy influx of migrant populations and requires more assistance from all fronts. The solution for Malta would be to allow refugees and migrants to move on from Malta once they arrive by issuing Visa's however this is not the case and many migrants find themselves to be stuck once arrival in Malta occurs. Moreover repatriation of migrants to their home country is a nearly impossible feat when Malta lacks the repatriation agreements with majority of Africa. The ironic part is that the people housed at open centre's and in detention are suppose to have some basic form of safety and health however that is not the case for many. One Somali man described his living conditions as "unfit for human habitation" he went on further "I can't live in this situation, I prefer to go back to Somalia and they told me you can't go to Somalia because Somalia is a dangerous place."²³

There is still a great deal more to be done and despite the efforts of a common asylum and immigration policy to be enacted the EU has begun to help member states develop their own immigration policy. The European Commission against Racism and Intolerance (ECRI) has reviewed member states to discuss the current situation on the ground on how member states deal with migrants. Malta for example according to the ECRI states that one of the main problems is the "conditions in which both migrant groups are detained". (ECRI 2002) The report by Thomas admits that Malta cannot sustain such large numbers of migrants. Neither can Malta promote safe security of the external borders. Malta "appears to not have adequate resources to do

²³ PRI (2010) the World : The challenges faced by Africans living in Malta
<http://www.theworld.org/2010/12/african-immigrants-face-challenges-in-malta/>

so (although funds are available from the EU, for example, to build reception facilities), which has in part led to poor standards of reception for many migrants.”

(Thomas, 12) This is indeed the case at several open centers which lack basic sanitation such as proper cooking and bathroom facilities, the walls are cracked and in desperate need for upkeep and there is also a heavy police presence for security reasons.

III. TRIALS AND TRIBULATIONS OF THE LITERATURE

The literature on the issues of irregular migration, perception and integration are as varied as they are poignant. The literature will follow a pattern of understanding the pivotal points made by experts in the migration fields. Secondly a conceptualization of the government and independent reports on Malta's migration problem and overall tones of perception. I would like to begin with Cetta Mainwaring "Small States in the EU Migration Governance: The power to exclude?" ²⁴(2011)

This is quite a formidable piece on the influence of the EU over member states like Malta to continue with the status quo rather than treating migration issues as more benign rather than continued crisis. Cetta delves into the powers of borders control for inclusion and exclusion purposes giving examples Malta on EU's periphery or the US-Mexico border. However as Cetta makes clear borders in today's age globalized activity, borders are firstly nearly impossible to govern or protect and secondly they are becoming irrelevant when it comes to the economic machine. Indeed this essay goes further into the abuse of power by the larger EU member states over the smaller border ones. Malta and other member states on the periphery find themselves overwhelmed and restricted with abusive and convoluted policies like Schengen and Dublin 2. Cetta discusses the precarious notion Malta finds itself with its border extension by sea due to blue border migration controls which hampers its ability to

²⁴ Mainwaring, Cetta Small States in EU Migration Governance: the power to exclude? 2011

function properly. The sea boundaries and execution for returning migrants to host country is also illogical, “Malta's territorial waters comprise of 3,800 square kilometers, while its SAR region spans over 250,000 square kilometers.”²⁵ Cetta next tackles the government’s perspective on the “temporary crisis” instilling a policy of harsh methods to coerce migrants from returning or entering Malta. As interviews with home office officials in Malta shows they favor of a policy of mandatory detention so that Malta becomes unbearable for any migrant who wishes to travel there. The notion of this irregular migration as temporary issues is again furthered with the subsidiary protection rather than full refugee status. This leads to integration frustrations which is something I touch upon in the next chapter. Migrants finding it increasingly difficult to work in Malta and integrate due to low levels of service and protection end up fleeing to other member states, unfortunate due to Dublin II regulations they end up being returned to Malta. Cetta concludes that Malta is dealing with a double edged sword, blessed to some degree as new found political power entity but cursed for its geographical position and submission to authoritarian hierarchies. Focusing on the issue as a crisis allows for funds, support and further recognition. Indeed Malta is in a new paradigm of both policy and thought it operates now between its own national interest and the interest of the EU machine.

The Ambassador review (2008) offers a unique US take on Malta’s position and how EU integration has not only been a profound success but also has helped establish its position as a poignant leading figure within the Mediterranean. The review notes on Malta’s ability to progress and maintain a head lead over other states

²⁵ Ibid 8

which had joined the EU years prior.²⁶“In this regard, Malta’s experience can serve as a model for other EU member states planning their own “E-day.” The overall tone is one of jovial elation and hand clapping support for which Malta will continue to advance in regards to Euro-Med relations. I decided to use this to show not only the US fervor for Malta but also the sheer ability that Malta has with profound changes as well as progressive mindset to offset some of the perceived notions of a “Citadel Malta”. The rapid fire pace in which Malta was able to adopt both the euro currency and schengen zone rivals many other EU member states and shows Malta’s willingness and dedication to the EU. As mentioned earlier in the brief the Ambassador states that Malta can and should serve as a profound example for states that have still not adopted the euro or schengen zone agreement. The ambassador went further on the subject of role model discussing the size and persona of Malta as warm, positive and dedicated to the Euro cause. Despite being the smallest EU member state it has shown considerable geopolitical foresight and has become a known player in the European and world stage especially with the recent “Arab Spring”. I stress the importance of this review in that I t offers a clear perspective on Malta as a nation able to achieve fantastic results despite the pressures of time or infrastructure. It shows that no matter the obstacle Malta will not be curtailed but will achieve prolific results on all fronts. This is important with regards to the refugee and asylum issues, issues of migration and mandatory detention. While great leaps needs to be made it can be safely sad that despite the problems the Maltese people will find a way to achieve a proper balance with respect for human rights and the rule of law.

²⁶ Ambassador Review: With regards to Malta’s EU integration-Former US Ambassador Molly Borden
<http://www.americanambassadors.org/index.cfm?fuseaction=Publications.article&articleid=140>

Next is Thomas Gammeltoft-Hansen's work entitled "The refugee, the sovereign and the sea: EU interdiction policies in the Mediterranean" (2008)²⁷ A document going into the legality of state sovereignty and refugee issues within the context of EU dominance. I am reserved in using this due primarily to Malta's handling of asylum seekers and other claimants as well as EU's shadow over them. While refugee and asylum seekers are suppose to get protection under international law that is not always the case as Hansen points out "The applicability of these norms to actions performed by Member States outside the Union has been the subject of considerable debate and contention." Going along with Territorial sovereignty and EU parent policy it creates a climate of mistrust and is something I wish to explore further for my research and needs to be explored-this relationship between Territorial sovereignty and overall EU policies specifically on refugees and asylum seekers for host country.

This divide further bridges the gap between refugee protection and EU law. "Refugee protection is not guaranteed in a global homogenous space, but materializes as a patchwork of commitments undertaken by individual States, tied together by multilateral treaty agreements" (Palan 2003, 87) Indeed the very fact that a organization such as Frontex is used as a military buffer to prevent migrants for landing ashore not only violates long standing humanitarian law but also creates more anguish. So why bother discussing this within the context of Malta? Quite simply the overall point is to illustrate the fact that while EU integration has been a boon to refugee rights and overall policy it has also failed to hinder or curtail the numbers of deaths and sheer political fracturing that takes place due to lack of any solid EU

²⁷ THE REFUGEE, THE SOVEREIGN AND THE SEA: EU INTERDICTION POLICIES IN THE MEDITERRANEAN
Thomas Gammeltoft-Hansen

refugee policy. A recent article from the Times of Malta discusses the sheer number of dead migrants the number reaching over two thousand in just under four months. This coming from the Italian watch group “Fortress Europe” they advocate the need for more EU support along with stronger support for fleeing migrants. It is estimated that since 1994 nearly six thousand migrants have perished on their attempt to reach southern Europe. This interdiction by member states is a hotly contested issue within the EU the problem of burden sharing most notably. Not only does Frontex violate international law but it also creates problems for the overall refugee regime. The report makes clear the fact that Frontex operates with a mind of its own and pays little attention to host countries which participate in missions. A primary example is the policy of bringing caught at sea migrants to host participating nation rather than the nearest port city. This has caused contention for both Malta and Italy and has jeopardized the very core issues of saving lives and promoting security. New policy means of African states to promote enforcement of return policy or asylum within those countries creates a system of failed justice. The Maltese argument for that cause was notable when the Maltese authorities operating under Frontex and EU regulations decided to not allow the “La Valletta” from docking due to the possibility that it was carrying illegal immigrants from Libya. The author illustrates the fundamental problems with what he dubs as “jurisdiction shopping” the violation of states territory most notably African states. The report favors more maneuverability among member states along with redefined border policy that would encompass all member states which would avoid any further complications politically.

Another positive outlook for Malta and its recent integration is with Dr. Leonard Mizzi and his work “A Success Story of Integration of an Island in a

Regional Bloc? The Case of Malta Malta Business Bureau.” The report is focused on overall dimensions to which Malta has found itself since integration. While this piece in of itself is not directly related to refugees and or asylum seekers it is critical in promoting the image of a successful integration. A Successful integration shows that Malta has what it takes to surpass nearly any hurdle or hindrance and so the debate on detention centers and asylum seekers becomes no longer mired in the political dilemmas that have gripped it for so long. Purely an economic source I felt it was necessary to add to overall sources as a backdrop but also a propping up of support for my own view and statements that EU integration has been a positive factor with slight hiccups and that by receiving integration the benefits for refugees and migrants far outweighs the negative attachments with joining such a political entity. The report makes clear that Malta has experienced a few problems since integration due to the rather large task in establishing its infrastructure to become more EU friendly. This was to be expected however given the extreme political landscape in Malta along with its economy being focused in tourism, manufacturing, and fisheries. The table on Appendix D offers a look at the transition figures between 2003-2004 when Malta became an EU member and while the numbers declined in certain sectors there was a gain in investment and tourism which has been a great position for the Maltese economy since EU integration the sheer number of students who flood Malta in the summer months for English education alone is a boon to the economy. The report concludes on a positive note discussing how Malta can obtain top level respect in the EU through its manufacturing base as well as continued regional affairs in supporting EU relations this was none more apparent than the “Arab spring”.

Lutterbeck, Derek- “Policing Migration in the Mediterranean” (2006) an essay by Dr. Derek Lutterbeck the Geneva Centre for Security Policy, Geneva, Switzerland. This essay revolves around the intensification of military buildup along the migratory paths along with the horrible reactions with regards to human trafficking. The essay discusses the evolution of the policing and military practices and gives a general overview on the subject of irregular migration. This review starts off with a strong comparison of north-south divide with that of the US-Mexico border. I would agree that the comparison is notable given the breath of both Mediterranean southern EU borders and the US-Mexico, both being inundated with heavy increase in military and police function while at the same time failing to stem the flow of migrants or illicit individuals and groups. Dr.Lutterbeck mentions that for both instances it does not help to increase military might rather that leads to an opposite affect with smugglers becoming more sophisticated and migrants finding other more dangerous paths to gain access to. The essay goes into detail on other southern states and the fact that borders are very close such as the case with Spain and Morocco, luckily for Spain’s case Morocco is relatively stable and able to assist its people to some degree unlike Algeria, Tunisia, and Libya. The problem comes from sub-Saharan migrants who flock to Morocco and other transit countries as a means of escape. Lutterbeck makes the parallel that the southern Mediterranean border will become similar to the US build up on the Mexican border. “One can thus speak of an increasing ‘militarization’ of migration and crime control along the EU’s Mediterranean borders, not unlike the militarization of the US-Mexico border as mentioned previously.”²⁸ The role of interdependent police forces with military authority is also becoming a stark reality,

²⁸ Ibid 64

one notable example as mentioned being Guardia di Finanza. I would make the point that the southern borders of the EU are becoming a fortified wall of people and hardware to prevent access into the EU, indeed the north-south divide is very clear. One of the main travesties mentioned is the fact that interdiction of vessels at sea is not done on humanitarian ground and is usually for security purposes. I have quoted numerous examples throughout this paper where ships are intercepted and either returned to home state or taken elsewhere causing separations and mental anguish. Moreover as mentioned in the essay by closing off a window along the migratory paths such as Italy's Adriatic coast migrants from Albania had nowhere else to turn to other than the smuggling gangs which traffic them for a price and usually those individuals became slaves to the traffickers. In the guise of fostering security the Italian authorities created another illicit underground channel. "Thus, while in 1995, Albanian trafficking rackets were charging US\$500– 750 US dollars for a trip across the Straits, by 2000 the fee jumped to US\$3,000– 5,000"(Lutterbeck, 75) The piece concludes on a more somber note that the Mediterranean is increasing its intensification for border security and failure to understand the causality of migration problems. As mentioned in the essay the EU among other countries are indeed part of the problem due to heavy bureaucratic visa regimes and limitations on asylum and immigration policies not to mention a lack of any unified refugee and asylum regime for all EU member states. As Lutterbeck states with regards to border security "Rather they have had the perverse side effects of fostering the growing involvement of human smugglers in the transport of migrants across the Mediterranean, and of diverting the migratory paths towards other, usually more dangerous, routes."(Lutterbeck, 78)

Migrants on the Edge of Europe-Perspectives from Malta, Cyprus, and Slovenia (2006) a report by Mark Thomson at the Sussex Centre for Migration Research which describes emigration patterns and integration concerns. Mark Thomas goes into greater depth on the intricate north south divide and how attention to that divide was rather limited in the recent years with a more overt focus on the eastern-western divide. Thomas argues that since the turn of the century immigration to Malta has taken on greater political, economic, and social salience due primarily to factors such as location and the role of being on what Thomas dubs “front line” defense on EU southern border. As mentioned earlier I would agree with this statement considering Malta is becoming a primary figure in Mediterranean politics and social dynamics. Malta was instrumental in the assistance of EU and NATO group in dealing with the Tunisian and Libyan crisis. Thomas brings to bear the issue of small stature when combined with large immigration numbers creates and instability along with many states having a hard time grasping the situation. As Thomas puts it “it is important to note how contemporary migration to Europe has become more diverse and less within the control of nation-states than it was forty to fifty years ago.” (Thomas, 3) This report is crucial since it helps define the debate on Malta’s position within the EU and to what effect that has had since Malta became a member. IT also foreshadows certain problems associated with external border control and further expansion. While EU integration is important, one cannot push aside the issue of expanding without having the adequate resources to provide support. In a sense Malta has become a border outpost for the EU, a buffer to block undesirables from landing in Europe. Europe already suffering from migration concerns and human rights violations coming from the east such as trafficking must now also brace to the south.

This is a perilous political situation and Malta has been left on its own against a tidal wave of migrants now more than ever since Libya's flood gates are open. Near the conclusion of the report it brings up how Malta is unable to discuss migration control with Libya. Now being that this report is outdated and that current policy has changed it still is precarious as to how the new government in Libya will be able to reign in on migrant control. Will Malta be able to assert its position strongly as both an ally and neighbor? Hopefully within the next year we will see as to what position Malta can be able to achieve this.

Geddes, Dr. Andrew. *The politics of migration and immigration in Europe* (2003) fits in after Stephens since Geddes focuses much more on the political outcry and aspiration of European countries. Primarily on the role of the EU, EU integration to the newer southern states which goes along with the secondary part of this paper on EU policy and integration and to what degree/effect it has had on Malta. Welfare state again plays a significant role within EU dimension and Dr. Geddes goes into this when discussing the nature of welfare state and EU policy. "Welfare states play an important part in mediating the relationship between individuals and society and generating inclusion and exclusion"²⁹ The nature of inclusion and exclusion is a recurring theme already in my research and it gives me pause to delve further on this in more literature. Notions of exceptionalism are also referred to within the book. European exceptionalism again this mantra of Europe for the Europeans remains constant throughout the debates on refugees and migrants.

²⁹ Geddes, Dr. Andrew. *The politics of migration and immigration in Europe*.

Geddes, Dr. Andrew (Study on Immigration, Integration, and Social Cohesion) 2004 is a final report by the European Commission on Employment and Social Affairs.³⁰ From a purely historical context the report illustrates Malta's position after it had joined the EU. As an early member state Malta was still in the process of establishing itself and meeting all the requirements necessary for proper integration. Still the report shows certain facets which are crucial in understanding how far Malta has come as a member state within the EU. At this juncture the current focus is on Net Migration which is the difference in population change within the context of a two set date. The report touches on a north south European divide with northern Europe having a larger percentage of asylum claimants that immigration is the dominate type of migration in northern Europe. The southern states except for Malta, Cyprus and Italy which are the three exceptions are not as inundated with asylum claims nor immigration. Family migration is another important factor for several reasons primarily being a human rights issue in conflict with Dublin 2. In the report in 2004 family migration was tallied at around 40% for northern Europe with Italy being the only southern state that had a relatively favorable policy with a 25% factor. Unlike some of its southern neighbors Malta does not have a free movement restriction within the Euro zone which is a blessing and a hindrance with regards to immigration concerns. Malta along with a few other states however was not part of housing agreements which allowed for equal access to housing and various public housing projects within the European Union. The report makes clear in 2004 as other

³⁰ STUDY ON IMMIGRATION, INTEGRATION AND SOCIAL COHESION EUROPEAN COMMISSION
EMPLOYMENT AND SOCIAL AFFAIRS DG
http://ec.europa.eu/employment_social/social_situation/docs/vc04_171_immigration_report.pdf

reports have made since 2002 that Malta has a strong above average rate in terms of net migration rate.

Bjorn Karen: “Malta and Immigration” An academic paper reviewing the Maltese position on immigration, detention. This academic paper gives a keen historical perspective on the immigration issue facing Malta. For starters the author goes into depth on Malta’s historical position of being an emigrant nation rather than an immigrant nation. The author points out the importance of understanding that until the end of the 20th century Malta was heavy on emigration and in fact world-wide Maltese population is numbered at around 400,000. The paper notes that with the rise of irregular migration the nation of Malta was caught off guard unprepared for the torrent of what some call “boat people”. I agree with Bjorn that it is not logical to view this issue as simple dichotomy but rather as Geddes puts it ““it is the co-existence of restriction and Expansion tendencies that is a central feature of contemporary European immigration politics” (2000: 23) Bjorn next focuses on the aspect of categorization to exclude and further limit entry by the externalization of borders. The ratification of Dublin 2 being an antagonistic policy is again mentioned here by Bjorn in that prior to ratification migrants would skirt through Malta towards other EU member states in what is dubbed “asylum-shopping”. The Schengen agreement is also noted as being another antagonistic policy one which Malta has tried to deal with through diplomatic channel and negotiation. Malta remarked that “Maltese citizens could move freely to other EU countries to seek employment from the first day of membership, but the state was allowed to restrict entry in case of large streams of EU workers coming to the

island.”³¹ This is a poignant issue since it further shows that Malta is more worried about a flood of EU workers rather than migrants but this disconnect seems to be omnipresent among the Maltese community especially student and upper middle class individuals who perceive migrants to be a bigger threat for job security. Lastly the notions that Frontex seeks to continue this notion of a “Fortress Europe” using its border and maritime controls to intercept and return migrants back to their country of origin despite the risks involved to them. Bjorn quotes various human rights pieces which all discuss the failure of the detention system and that the discourse on fortress Europe is primarily propaganda based on strong state sovereignty.

Adelson “*Economic Migrants and Political Asylum Seekers in the United Kingdom: Crafting the Difference*” 2010³² an academic paper discussing the difference between economic migrants and those seeking political asylum. A very important paper given that two are more often than not misunderstood and usually swapped with regards to terminology usage. What is an economic migrant compared to a political asylum seeker?³³ The paper makes a very strong and clinical definition—“economic migrant and a political asylum seeker— and the main source of contention the British government— is that the “economic migrant” uses asylum channels to seek economic improvement. In contrast, the “legitimate” asylum seeker only migrates to flee politically inspired persecution.” (Adelson, 2) While this report focuses on the negative aspects and as the author puts it delegitimizing the whole

³¹ Ibid 18

³² Adelson, Wendi Economic Migrants and Political Asylum Seekers http://www.mjpa.umich.edu/uploads/2/9/3/2/2932559/migrants_article_final_v_1.pdf

³³ A refugee is “a person who flees to a foreign country or power to escape danger or persecution.” An asylum seeker is one who seeks “protection from arrest and extradition given especially to political refugees by a nation or by an embassy or other agency enjoying diplomatic immunity.” <http://www.unhcr.org/pages/49c3646c125.html>

refugee process. Malta is experiencing similar issues with economic migrants flooding the seas in hoping of finding a better more holistic life. Some would argue that it is a human right to live free and engage a new beginning to better ones self provided it does not conflict with others rights. These “natural rights” while defined and accepted are also critically looked at under the guise of public security and stability. Naturally one cannot have a state which is already stretched economically and socially and then compound on it a plethora of people with their own needs. Having migrants who classify as “economic” display a perception to the public of that migrant as an economic threat, someone who will take jobs or change society, someone who seeks to dismantle the very notions of citizenship and statehood simply speaking it is a problem for the economy. Now the truth is that many EU member states cannot exist without immigration from migrants and in fact relies on immigration as a sole provider for basic labor. Important to the security and misperception is the quote from the former UN refugee commissioner who was quoted as saying “because many European governments have failed to accurately differentiate between the two categories, the result is that “just about everybody ends being treated with suspicion.” (Adelson, 3)

This is indeed the case with many countries including member states within the EU. Malta prior to revamping of its refugee and interdiction laws along with EU accession was part of this label. The report also deals specifically with the bureaucracy and the levels of points of view. The main problems for western countries are classification, how to classify between refugees, migrants be they economic or asylum seekers. For many host countries as the report indicates it becomes a tug of war so to speak in trying to label individuals. Gil Loescher

specializes as a refugee advisor and he explains that, it is not always easy to differentiate between “migrants” and refugees”. Armed conflict, poverty, political and economic instability, and environmental disasters all contribute to the formation of mixed flows of people”³⁴ Despite this being a case study of Great Britain the ending conclusion offers tangible view of both EU policy and Malta. Overall economics and overt political ideology further compels both debate and reconciliation. The problem as the conclusion reads is that “only politically motivated migration is recognized as legitimate under UN Convention, intersections between economics and politics cannot be ignored in evaluating claim of refugees.” (Adelson, 15) The report finally criticizes current policy by declaring that stating someone is an “economic migrant” simply because they fled an unstable, brutal regime is not a legitimate policy move and should no longer be part of a “piecemeal” approach.

Tricia Hepner “Seeking asylum, autonomy, and human rights: Eritreans in Germany and the United States” 2008³⁵. A paper detailing the Ethio-Eritrean border war along with the overall refugee crisis which resulted from that conflict also deals with issues of asylum and human rights perceptions. Going into depth on the situation at hand discussing September 11th security paradigms along with what the author calls externalized asylum which is basically any sort of policy which seeks to deny or hinder asylum seekers. While not related to the topic of this paper the author Hepner does give a rather interesting definition of where they see the role of Malta. Malta is considered to be a “way station” of sorts, a buffer to weed out those who do not have the clearance or overt human rights position. If they are unable to claim CAT

³⁴ Loescher, Gil, “Asylum crisis’ in the UK and Europe’, 22 May 2003, <http://www.opendemocracy.com>

³⁵ Seeking asylum, autonomy, and human rights: Eritreans in Germany and the United States by Tricia Redeker Hepner Department of Anthropology University of Tennessee

(convention against torture) or list an egregious claim of harm if they were to be returned then they would hence be subject to way station weeding out.

“Why Migration Policies Fail” by Stephen Castles in the *Ethnic and Racial Studies* journal (2004) illustrates profound reasons for migration failure within the EU. Primary emphasis is placed on the north-south divide along with globalization/multiculturalism and the refugee/migration regime. The main problem is instability in the south which leads to rampant flow if one will of people towards the north. The same issues are also true of an East/West divide in Europe. In essence Western Europe is being barraged from both the south and east with people fleeing hardship and brutality. North south divide while a generally arbitrary term is important for the concept of those seeking diversity and change in living conditions. What has been transpiring on the Italian island of Lampedusa in the past few months is evidence of north south divide. “Such ‘multiple motivations’ lead to a ‘migration-asylum nexus’, which makes it hard to distinguish clearly between economic migrants and refugees.” (Stephens, 211) This will lead further into the chapter on perception and how the terms, migration, asylum, refugees, and immigrants become convoluted in the mainstream media leading to bias and misperception. This piece helps define the problem which revolves around a failure within the EU to develop a single migration policy/refugee regime to help bridge between the north south divide.

“The Age of Migration” Castles, S. and Miller, M. (2003) represents crucial literature due to the comprehensive nature and legitimacy of it. It is the premier read for understanding migration in today’s context and have been validated and approved

by diplomats and academics from Princeton to the United Nations. The Book goes into the very concepts of societal changes due to migration and since my overall questions deal with issues of society and migration from immigrants and refugees I find this resource to be most profound. The book affirms using France and the US as case examples that societies do change. Mainly younger generations are affected through diversity and that as Castles puts it “younger generations are much more diverse. Quite literally, international migration has changed the face of societies.”³⁶ This is a statement that the entirety of the EU not just Malta are experiencing as populations age and as young people seek employment in big cities such as London, France, Berlin other member states find themselves without an adequate workforce.

³⁷ According to the University of Leeds “Ethnic minorities will make up a fifth of Britain's [population](#) by 2051, compared with 8% in 2001” Also the very issue of a non unified refugee migration regime simply put having each member state enact its own policy is not logical and brings about issues of human right violations and inability to be flexible to situations that at times require it. However I would disagree with the statement that changes are being made in grand levels. There are still high levels of racism, apathy and overall suppression of those who are not traditionally from the host country.

Hage, G. (1998) “White Nation: Fantasies of white supremacy in a multicultural society.” One of the first pieces of literature dealing with fascism and white supremacist movement that I feel goes strongly with my research. Malta itself

³⁶ Castles: <http://www.age-of-migration.com/uk/index.asp>

³⁷ <http://www.guardian.co.uk/uk/2010/jul/13/uk-population-growth-ethnic-minorities> Article on the growth of ethnic minorities throughout England and the EU.

has a rather large white movement called Imperium Europa which has affiliations with other white wing groups like “storm front”. These groups advocate against refugees, asylum seekers and migrants all together and in 2005 were by proxy responsible for numerous assaults on individuals and their property in Malta. While this one book itself is centered in the Australian movement I believe it still holds relevant importance for several reasons. The first being that many white movement groups are affiliated in some shape or form and have similar ideologies, Malta for the Maltese, Australia for the Aussies mindset. Combating against Multiculturalism and establishing this white power ideology is indeed rampant through both Malta and Australia. Simply having a cab ride to the airport is enough of a task to start an engagement in harsh dialogue on the notions of refugees and migrants. The book itself illustrates this best when talking about how refugees and migrants. “Judge those who have already immigrated, as well as those who are about to immigrate.” This is the method of madness which permeates all levels of society.³⁸ It also delves into the hypocritical nature of such groups in that they spout venom while at same time coiling around the various groups they despise since that group could very well have some sort of monetary value attached to them. Hage also has another source that I will be using called “Against paranoid nationalism : searching for hope in a shrinking society” going along with rise of nationalism, Hage describes it as paranoid nationalism in that states have been unable to address the needs of their society causing friction, animosity and above all sheer unrest. The current situation in the Maghreb is paramount in that several states have become more iron-willed in how they deal with the situation out of fear such as Italy for starters. The book continues

³⁸ Hage White Nation 1998 http://elecpress.monash.edu.au/pnp/free/pnpv7n1/v7n1_4hage.pdf

on fear that society has with issues such as border control, levels of asylum seekers and diluting of culture and history. Naturally these concerns are Omni-present and the organizations Frontix evoke these sentiments quite clearly.

Castles, Stephen. *Migration, Citizenship, and the European Welfare State A European Dilemma*. (2006) Offers another intricate viewpoint on the issue of perception and the current status of anti-racist policies in Europe which has shown an increase in “fortress mentality”.

The notions of state division which can occur when the state is inundated with a plethora of new mouths to feed and could very well place a burden on the state. This is the main cause for alarm with the “Day of rage” spreading across North Africa. Many fear a tidal wave of migrants and refugees coming to their shores and causing harm to their country and culture. Malta shares this sentiment as well within certain degree. Stephen Castles goes in depth on the impact such situation have on the state which leads to further division and isolation for those involved. It helps illustrate some of the points and questions I have providing further legitimacy for my overall goal. The most prominent point being the issue of welfare state and how such a system is only further hindered with the advance of refugees and asylum seekers. Such a system allows for stagnation if you will with no change and no ability to progress and Stephen does a compare contrast between US systems of structure compared to the European Welfare model. It also deals with issues of perception on what it means to be a citizen of a state. Such perceptions have a heavy handed approach in identifying the primary causes of overt harmful perceptions against refugees and asylum seekers.

Using “International Federation for Human Rights Report (2004), this 2004 brief while outdated in terms of factual basis still represents a period in Malta not so long ago where asylum seekers and refugees were not given proper treatment. Rather there was a policy of complete incarceration for prolonged period of years without abiding by international law requirements. Naturally since EU integration this is no longer the case but it does beg the question of what if the current system is inundated and on verge of collapse could it return to such abuses? Also one important point that goes along with levels of perceptions is the history of Malta’s policy towards refugees and migrants. If people are accustomed to seeing the military parade refugees and migrants towards barbed wired camps then what type of perception is being developed within that framework? In all I shall be using this piece for backdrop purposes when debating the various questions I have as well as trying to prove the validity as well. Ninna Nyberg Sorensen author of the report “Mediterranean Transit Migration” (2006) goes along with the IFHR in that she describes a complete breakdown of migration routes-which exactly is coming from what state and or region as well as estimated projections of migrants for next twenty five years. It covers what Maltase future role might entail with the influx of refugees and migrants from not only Africa but also china as well; it further helps illustrate the potential stress on the Maltese system and could indeed be a catalyst for widening confrontation and harsh perceptions. There is also the role of criminal enterprises in the trafficking of people

“the presence existence of sophisticated criminal networks smuggling people from Sri Lanka to Italy via Egypt and Malta.”³⁹

Other notable works have been done within the field of exclusion and European exceptionalism. Fiona Texeira “At the Gate of Fortress Europe” (2006) develops a long report on the very issue of fortress mentality specifically to the case of Malta. An independent work focusing on the overall issue of migration within Malta, Texeira goes in depth on all key component of the issue at hand. Fiona breaks down a history of the island from a migration/immigration perspective a further elaborates on the overall historical nature and affinity the Maltese have with those leaving and establishing homes elsewhere. To some degree then the ideas of racism are hypocritical much like within the confines of the United States considering it is a nation of emigrants. However she elaborates on irregular migration and overall harmful effect it has had, roughly five years ago there was a wave of xenophobic behavior and overall dismay with refugees and migrants. A study by Professor Mario Vassallo, University of Malta within Texeira’s report shows that there were a high number of those in disfavor of refugees and migrants. Further on in the study there was question on which ethnic/nationality would Maltese favor over others with anyone aside from Europeans getting below 30%.

The report described earlier entitled “Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to

³⁹ Full report on Mediterranean transits:
http://www.diis.dk/graphics/Publications/Books2006/mediterranean_transit_migration/mediterranean_transit_migration_web.pdf

Malta from 23 to 25 March 2011”⁴⁰ is paramount to the overall research in that it describes the current situation on the ground in Malta. The report also illustrates the positive and negative factors that are ripe for change or improvement. The human rights debate on detention in the report discusses the key issues facing refugees and other migrants who suffer under the mandatory detention policy. The primary point is to help illustrate Malta’s present situation compared to Malta when it was reviewed by the previous Human rights Commissioner prior to Malta joining the EU. It delves into the appropriate solutions that need to be undertaken to improve Malta’s overall position. The report address problems with burden sharing and solidarity among southern EU member states while labeling Malta’s policies as reactionary or emergency based rather than on a human rights base. Malta criticizes the report citing that due to the current situation in the Mediterranean it would be premature to enact amendments or policy changes to a situation that is far from stabilizing. Rather the opposite approach is taken that these are perilous times for Malta.

Marat Kengerlinksy discusses the fundamental aspects of the “Fortress Europe” mentality in her piece entitled “Restrictions in EU Immigration and Asylum Policies in the light of International Human Rights Standards”. Marat has quite the title indeed and rightly so when discussing the primary facets for EU relations and Asylum policy. The main argument made within the essay is about the rise in expansion among the EU which translates to repressive or illicit measures which are undertaken to offer both protection and harmony. I stress the last part quite heavily since the first part seems to be the main focus “protection” a protection for the chosen

⁴⁰ Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Malta from 23 to 25 March 2011 <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1797917>

EU states to keep any (unwanted) groups out. Kengerlinksy discusses the obtuse notion of border security in a more pluralistic global society, Kengerlinksy continues with the argument that there is a major dilemma in the EU. This dilemma is how the EU should properly ensure the protection of its borders to stem the tide of mass migration populations and unwanted groups. However in combating migration the notion of “freedom of movement” which is a power label in the EU comes under attack. How can there be freedom of movement and at the same time severe border restrictions on EU external and even internal borders? Marat goes into detail discussing how on one hand there has been an overwhelming support from the EU for the idea of free area movement for all types of goods and capital.

Legal documents have also assisted the cause according to Marat such as the European Act of 1986 and Schengen agreement of 1985 along with its convention five years later. Despite all the good and some would argue including myself that the Schengen agreement is not a pillar of freedom but rather the shackles of oppression towards those outside the Euro zone. Marat then discusses the negative factors of the EU’s handling of migration and border control. “EU governments have opted for a more restrictive approach in law and policies towards third country nationals” (Kengerlinsky, 3) Kengerlinsky continues with the issues of immigration control, border checks, and external boundaries for non EU citizens. Now it is understandable that there needs to be a system of order in place to regulate and keep the balance otherwise countries such as Malta would find themselves inundated and overwhelmed, the very foundation and infrastructure unable to support or even offer the basic amenities towards those seeking assistance or asylum. The second critical juncture of this article is the sub section entitled “What does the European Convention

on Human Rights spell out for restrictions in immigration and asylum policies?” Here Marat goes into the ECHR as an international instrument that is viewed and obeyed to a degree by all EU member states. I say to a degree due to some states not following through with the ECHR rulings finding themselves in legal problems.⁴¹ Malta was such a case prior to integration into the EU the trial of Sabeur Ben Ali v. Malta which was addressing violation of both article 3 and 4 of the convention. Ultimately the court ordered the government of Malta to pay a certain amount according to article 41 due to the violations. However as Marat points out the ECHR has conceded that there are certain rights and levels of control that states have and I quote “as a matter of well established international law and subject to its treaty obligations, a State has the right to control entry of non-nationals into its territory.” (Kengerlinsky, 3) Such a ruling gives a wide birth for nation states in how they operate and control the influx of migrants and refugees coming into their territory. Even with the onset of international law and human rights states can bypass such measures by affirming to sovereignty. The author mentions this and even says that “ECHR and the commission of human rights extended to state authorities a wide margin of appreciation in maintaining immigration controls”, Marat goes into Article 2 protocol 4 of freedom of movement act which states that everyone lawfully within the territory of a State shall have the right to liberty of movement, and that everyone shall be free to leave any country. This leads to the idea of a “qualified right” something that is not inalienable but rather a qualification. Naturally this leads to abuse and in the case of Malta a method to deter those who are coming to seek asylum. This is the same method used even by the

⁴¹ Trial of Sabeur Ben Ali v. Malta

<http://sim.law.uu.nl/sim/caselaw/Hof.nsf/d0cd2c2c444d8d94c12567c2002de990/7a17a3e44e7c8773c125690e002a76c5?OpenDocument>

UNHCR in order to determine the worst case scenario for an individual and thus many asylum claimants are denied. As stated previously however it is important to stress Malta's record in having the highest acceptance rate in the entirety of the EU. The issue with freedom of movement is that the stipulation is for lawful individuals within a designated territory, as Marat points out these causes tremendous problems with waves of migrants and refugees who arrive on EU shores. In Malta the same case is applied with those arriving being sent to detention centers for assessment. The last segment is a warning piece for the whole EU in essence it is a cry for justice to right the wrongs that are being committed. Marat calls upon the EU in saying "One should not forget that the protection of fundamental rights is a founding principle of the Union and an indispensable prerequisite for the legitimacy of any action taken within the framework of EU law." It continues with the EU being described as "organization founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law." That despite the legal issues the ECHR allows for the realization of human rights for all immigrants, asylum seekers and moves to curtail restrictions and limitations placed upon them. Lastly it ends with a subtle reminder for the whole EU Malta included. "There is an individual and collective duty of EU states to protect persons moving across borders and it is incumbent on them to act and co-operate to achieve this purpose.⁶⁴"

European Refugee Fund: National Report on Malta (March 2006)

This report is crucial in that it displays a good amount of data for Malta during the years prior to EU integration. It continues to show Malta's ability to promote a policy of mandatory detention while at the same time high acceptance rating for all asylum

claims. Between 2002 and 2004 there was an estimated 53 percent acceptance for asylum claims. Just one year after that percentage point jumped to nearly 90% for humanitarian protection. Please see Appendix C with regards to actual charts and figures. This was in 2005 during Malta's own "day of rage" with radical attacks on those who supported refugee and asylum rights by right wing extremist. Prior to 2004 the migrant situation was of little concern for Malta given the overall numbers however over the past few years those fears have become grounded in legitimate fear. Fear of being overwhelmed, it is important to note that since joining the EU Malta has experienced profound growth and longer life expectancies in essence the overall nature of the country has shifted into a new paradigm. The report here is critical in understanding the overall numbers but also the levels of Malta's ability to handle high population groups. Another reason to give credit to this report is again how it reiterates earlier stated points in this paper with regards to Malta's obligations in supporting and promoting protection for refugee and asylum populations. So what are these obligations and responsibilities? Well for starters as the report states Malta prior to EU integration relied solely on the UN Convention of 1951 as well as the New York Protocol of 1967.

All of this went away after Malta became a member of the EU and became supplanted with EU law on refugee and asylum measures. Following after 2003 Malta would become a member of the International organization for Migration or (IOM). Naturally there have been profound leaps and measures taken since EU accession with Malta prompting new laws and instruments such as lowering maximum detention to 12 months. However there still remains the 18 month cycle of detention for those who are kept at the various detention centers. Also to giving a voice to inmates in

addressing grievances while in detention to help quicken their ability to be free. Prior to EU integration all applications for refugees asking for status were dispatched to UNHCR Rome. However after integration along with the Refugee act we saw a stronger Maltese institution ready to deal with any number of problems. The establishment of the Refugee Commissioner also provided a valuable as well as tactical ability for Maltese authorities to handle rapid influx of asylum claims and refugees. Malta again finds itself unable to cope despite profound efforts in establishing its infrastructure which is why it has requested support from the EU on numerous occasions. From limited housing, to overall resources Malta requires more EU capital to help support its efforts. In the European Refugee Fund report it was discussed that “The EU Commission has responded that no EU ‘emergency funds’ are available to solve the issue while emphasizing that Malta in 2005 receives 5 times more support than in 2004. The spokesman added that “Malta could take advantage of the substantial increase of ERF funding to develop its asylum policy and capacity building, in particular regarding reception conditions and asylum procedures”. (ERF, 12)I stress that despite some difficulties in providing funding and support Malta has continued to grow since EU accession. Malta is undeniable inundated with illegal immigrants and yet it has continued time and again to maintain one of the highest acceptance levels in all of Europe. This furthers into a growing refugee population which allows for further integration into the Maltese community.

IV. VEILED PERCEPTIONS

The year was 1939 and it was the beginning of the Second World War. The Nazi regime prepared for the invasion of Western Europe many sought to seek refuge in other states to be free from persecution and violence. This is the story of the voyage of the St. Louis, a transatlantic liner which set sail to Cuba and the Americas not with a wealthy clientele dining on silk napkins but rather with the downtrodden and morose individuals who had lost everything and who were trying to hold on to some hope of salvation. The nearly 1000 Jewish refugees on board were fleeing persecution, along with likelihood of torture and flat out murder. Sadly they would not be allowed entrance into Cuba due to political infighting and overly extreme border and visa policies. A weak economy due to great depression along with influx of refugees from Europe furthered the animosity and non-compassion towards those seeking asylum or a better life. With only a handful accepted in Cuba due to already filed US Visas the rest were sent up to Florida where they too were denied entrance by the US government. Again a weak economy along with layers of legal bureaucracy denied access to those nearly 1000 individuals who were seeking assistance from a threat against their very lives. Understandably before those 1000 Jewish refugees were thousands more on waiting list waiting their turn to enter the country legally. Due to this they were sent back to Europe where nearly half were further displaced or killed during the course of the war. This story is a strong reminder why it is necessary to

have a strong immigration policy while at the same time allowing for flexibility. Granted times have changed and many states around the world actively seek refugees and asylum seekers through government funded programs or through NGO's. Indeed time has brought on a profound change for immigration and through cooperation on all fronts between government, civilian, and states there can be a unified option for immigration, one that does not become the subject to layers of bureaucracy.

Integration and perception are two words that while at the beginning may seem like non affiliated points they are in fact very important. Malta should uphold the values and ideals of the EU integration as general rule of thumb. To understand the EU's view on this please refer to the endnote for the primary EU principle on integration⁴². Malta's view of integration has been hampered by the legal summersaults that it has engaged in the past few decades. Especially with regards to asylum seekers Malta has gone through tremendous change from adopting the UN convention of 1951 to establishing geographical reservation in maintaining complete control of asylum management to being lifted and replaced by EU law after integration/accession. Stephens goes into this with the great divide of north and south. "The perceived 'migration crisis' is really a crisis in North-South relations, caused by uneven development and gross inequality. Migration control is essentially about regulating North-South relations." (Stephens, 211)

According to the EU Handbook of Best Practices for Integration Chapter 2 "Best Practices Integration is a process of change, for the individual as well as for the society as a whole." It is a process of mutual adaptation, giving space and taking

⁴² EU principle on integration-

space”. Or more casually put it takes “two hands to clap”⁴³ This statement will go along with observations made by myself and through a pilot study by the Solidarity overseas movement or (SOS). Mutual understanding and acceptance is the crucial point needed in order to facilitate cooperation towards integration from both migrant and Maltese communities. Perceptions likewise play a huge role in establishing the current paradigm that refugees and migrants are operating in. From the rise of nationalism among Europe and Malta to the fear of being inundated with plethora of asylum seekers Malta is finding itself in a precarious position. Fear is the underlining threat narrative, this fear of Malta being overrun, a loss of culture and history to the torrents of peoples from elsewhere. Malta has a known history in combating invasions and to some the influx of refugees is just that an invasion. There have been some key works in understanding multiculturalism as well as perceptions from a Maltese context it is also important to delve into some of the more nationalistic/white wing groups which have gained prominence within the last few elections. The violence against integration while not very common is still a stark reminder of some of the deep mindsets present.

Father Joe Cassar of the Jesuit Refugee Service (JRS) comments on the deep divides when discussing the instances in which property was set ablaze along with further threats and intimidation. Their ability to read the people and act on the fear is cause for concern since these groups can operate without much of an alarm going off. Alexander Tortell the Director of AWAS describes the critical junctures related to integration and perception most notably racist elements. "Skin color is a factor, and I would add sadly that persons appearance determines the success or otherwise of

⁴³ Handbook of Best Practices for Integration-(EUNET Integration Network) pg. 11

integration."⁴⁴ He continues with this notion when mentioning the Albanian arrivals and how it was a silent integration rather than the rapid onset of migrants since 2008. Rather the opposite and I use a rather tongue in cheek example but it helps show the drama along with blatant racism. D.C. Comics recently unveiled the new batman character that would reside in France and help promote safety and foster peace, the new batman however was none other than a French Algerian Muslim immigrant. This proved to be an ember waiting to be flamed out of control. Members of the French government immediately started an outcry of wrongdoing on the part of D.C. comics. The fact that a non French citizen was selected over a French citizen proved to be an outlandish insult. The rub in point of fact was not that he wasn't a citizen of France but that he was not a white Frenchmen. Rather he was a tanned French Algerian from the bad part of town and so the perceptions were dished out in cold overtones and D.C. Comics soon found itself in the midst of a culture war.

It is important to distinguish the word "Perception", a simple word indeed but one that can also be hot tempered. Perception is our current view or understanding of how the world works and how we and those around us interact with that world. It can be based of the most irrelevant and mundane concepts or can be used with years of experience and understanding the suitable nature of those we are viewing. This is further compounded when media, government and apathetic tendency of a populace further engrave a certain view in a way making it legitimate to perceive the world in that way. Moreover in Malta's case there seems to be a polarized understanding of who refugees and migrants really are and there is a disconnect between the Maltese and those who enter Malta with subsidiary or temporary protection. In order for

⁴⁴ Ibid

integration to effectively come about there needs to be institutions and political power houses ready to take on the torrent. The EASO or (European Asylum Support Office) *which is a new addition to the system in Malta which has been praised recently for its efforts by the Director of Information to the Maltese Nationalist Party, Dr. Frank Psaila. Dr. Psaila stated “the setting up of the European Asylum Support Office (EASO) in Malta should be praised as a further step in this direction. True asylum-seekers and people who are recognized as refugees and in need of subsidiary or humanitarian protection need the support of this office.”* The steps Dr. Psaila is referring to are the steps of integration, one step at a time however EASO also felt Dr. Psaila’s statement to be ironic and lack of any strong political grounding. In stark contrast the EASO monitor report discusses how the Maltese governments offering of support with regards to refugee integration is minor compared to the more broader focus on resettlement and the intra-EU relocation of said migrants. Moreover the Maltese government continues to have the view point of being inundated under a mass influx which seeks to overfly the small island nation. While there remains strong evidence to that case it is fact that many migrants see Malta only as a hub destination and would avoid it at all cost if they could.

One group in particular has undertaken a mission to enhance the perceptions between those two groups, SOS Malta an NGO which consolidates its objective in bridging divides, increasing awareness, and promoting assistance to various disadvantaged groups. SOS has been a pivotal force in Malta promoting the cause of integration alongside the UNHCR, creating numerous day fairs and activities. On June 25-27th there was a refugee weekend where citizens could come and meet people with various protections to promote the cause of integration. Food, music, and stories

were shared and the environment was jovial and splendid. While the turn out rate was not that large there was still a decent portion of people who came from across the Island to take part in the festivities. Below is a review of a 2009 study entitled “Healing Hands” which focused on activity and empowerment of marginalized people which would lead into integration. However due to misperceptions and lack of enthusiasm on the part of the migrants the study did not flourish.

I. SOS HEALINGS HANDS STUDY OVERVIEW

The study focuses on Beneficiaries of protection which entitles qualification for refugee status, protection, and humanitarian protection, allowed financial as well as social welfare. The study failed to reach its qualifying goal of 100 people for each segment of society but despite it being a landmark study it still offers tangible and irrefutable evidence of current integration and perceptions patterns within Maltese society. The study was able to receive response from 75 Maltese citizens and 70 responses from persons of protection. Both groups were given varied questionnaires to answer to provide the most expansive understanding. For the Persons of protection they were given questionnaires relating to integration experiences in Malta while the Maltese questions focused on how knowledgeable people were on migration and integration process along with their personal opinions. Primary indicators used to grasp the history of a migrants integration routine were pieces such as economic tools available, lifestyle and quality of it in Malta, and various encounters with Maltese be it cultural or social. The Maltese segment focused more on if human rights were needed, understanding migration and overall positive outcomes from integration.

Lastly the questions focused on the opinions of the government's willingness as well as record on these issues of migration and integration.

The study's methodology separated it in two with hands on time and personal encounters with the bop (beneficiaries of protection) while the Maltese were sequestered to online interview questions. Given that this study only had a 3 month time span and given that in order to properly engage an interviewee one must establish a bond of trust. Still despite the hardships the study was able to get a strong and diverse number of individuals from varying levels of protection. SOS managed to obtain interviews with 3 who are entitled to Refugee Status, 43 that had Subsidiary protection next was 15 who were currently beneficiaries of Temporary humanitarian status. Lastly there were 7 who had no legal status or protection of any kind however the study notes that 4 of the 7 are currently awaiting status. The study also deals with the span of time taking into account and speaking with those who had been in the system for years along with freshly arrived individuals. Stressing the importance on "pre-existing" contact along with strong supportive action helped bolster trust between the migrants and the interviewers. Some notable examples of these supportive actions include living for several days in a sort of participant observation at the open centers and even under trees outside the Hal Far and visiting several times gathering places such as food shops that cater to migrants.

One important factor to note that came from the study and I myself have also had dealings in this regards were the levels of trust. The study points out that no matter the location be it a open center, a shaded tree by the road or even a lovely flat by the sea all had the same distrust of any form of establishment be it government or

non government. I had to deal with this as well when I would buy spices from an African spice shop on the way home from school twice a month. It was the only place that I found which had an array of delicious and savory foods from Africa along with the old fashion glass coca cola bottles. The gentlemen behind the counter was always very nice but guarded and understandably given that each time I passed on the bus or stopped in to buy some food never once did I see a Maltese person stopping in to buy anything. Usually it was fellow migrants or friends of the owner who would stop in to talk and eat. After some time I began to approach him and discuss openly the situation in Malta with regards to refugees, migrants, and integration. Naturally there was hesitation and unwillingness to engage in any discussion on the topic. After sometime however I was able to build up those layers of trust and the gentlemen and his friends shared some of their concern about how Maltese view them and even that they themselves have problems integrating into the host culture. Even the shop was obscured to the Maltese, having lived there for a year I would speak with many Maltese people about cooking and using spices and nearly each time I brought up the shop I got confused looks and even some questioning the validity of my statement. However I would say nearly half of the people I spoke to seemed quite interested in the items the store might have and after I gave them directions they seems quite adamant about checking the location out and giving it a try. The study from SOS mentions this “gathering places” such as African food stores and also had positive results when discussing the situation on the ground with migrants who were present. However again issues of trust developed and the study concluded that it was very difficult to get people to open up to a fill in a questionnaire or survey. Moreover the best method is of course the best for any type of study and that is pre-existing

conditions and friendships, “Pre-existing contacts with migrants that live in the community were instead an important way to reach other migrants.” (SOS, 9)

Secondly even with those pre-existing conditions the situation on the ground is far more precarious as the study states when discussing trying to obtain samples from groups in varying locations across Malta. “In all the different places we visited, the reluctance we found when it was time to fill the questionnaires can be read as a clear signal of distrust in institutional and non-institutional actors that over the years have not been able to provide the migrants real opportunities for integration.”⁴⁵ The Maltese sample questioned in the study while diverse to some degree was also at least partially familiar or showed some desire to engage in migration and integration debates. Around half of those questioned explained that they had a year or two experiences abroad be it as a student or for employment. This puts some limitation on the study since it does not engage in a larger scope however being a pilot study it still succeeds in getting interesting and strong views on the subject.

II. ECONOMIC PRE-CONDITIONS FOR INTEGRATION (SOS/EAPN)

Several parts within both the SOS study along with the European Anti-poverty network list the positive factors involved with migrants and self sustaining economic gains. According to SOS the primary principle to integration is to offer those beneficiaries of protection a way to become self-sufficient economically. Simply put if one is financially stable it allows for integration to occur in much more effective manner due to the contributions that societal member can now undertake rather than being perceived by the populace as negative factor, someone who merely takes rather

⁴⁵ SOS-Solidarity overseas Study on integration. Section on Reluctance of migrants to engage in surveys and samples.

than gives. For many migrants there is concern of exploitation, and perceived racism. During many interviews with migrants those two issues featured predominately within their perception. One west African male expressed his concern saying "I should change my color of skin if I want to find a job there" another west African male stated "I don't feel comfortable and life is difficult because we don't find good jobs, here there is no future" (SOS, 17) In order for migrants to integrate effectively they need access to the same levels of support that nationals do. Those who have BOP status are just as eligible to claim financial support as any Maltese citizen under the Maltese refugee act, social security section.⁴⁶ An interesting point made by several Maltese interviewed was that they acknowledge the disparity with regards to migrants and the economic situation, going further some stated that they also feel there is exploitation with one Maltese citizen saying "*they are used as modern slaves today.*" Going further with exploitation it has been shown that migrants receive less pay in a job than the average Maltese citizen would and many Maltese feel this is a travesty and needs to be rectified. However the perception remains that with the arrival of migrants the job opportunities will be few in number due to migrant's wiliness to take any job despite pay or hazards. This fear is nothing new but rather permeates all of western society in the modern age and has done so throughout history whether it was fear of the Irish in America in the 19th century or Hindu community in Great Britain. One female Maltese local put the matter this way "Unfortunately a lot of locals are not finding a job because foreigners are going into jobs accepting low working conditions. Hence a local person who has a lot of experience will not be considered

⁴⁶ Social Security Act Cap. 318

for the job” This is the same misperception that was encountered in the recent Malta today survey on immigration concerns and employment.

Please refer to appendix B and C of the Euro barometer study: What we have here is a survey conducted within Malta last year asking the community as a whole some of the most pronounced issues of concern. What we see from the 2010 survey is quite interesting, considering the perception among some Maltese that immigration is a major concern that will unravel the nation we find that rising prices and inflation to be chief concern. The economy and employment at 17 and 11 percent compared to immigration concerns of 7%. When looking at immigration as a top concern for both the nation as a whole and individuals we find from nation perspective it remains at around 49% while personal level is closer to 20%. In 2009 the survey found that roughly 37% of college graduates considered irregular immigration to be of prominent concern for both jobs and livelihood. It is quite a conundrum for college graduates to even consider such an issue when they should be more concerned with competition from other EU member state citizens. The numbers also fluctuated dramatically ranging from 9% in 2008 to 27 and finally 3 percent in 2011. For those Maltese involved in the clerical, administrative, and vocational jobs the concern ranges to about 3.7%.

In the SOS pilot study there were questions with regards to that very concept and the results were engaging. The study first looks at economic incentives given to refugees and TCN (third country Nationals) with per diem allowances being the first. Per Diem allowances is the money allocated by the government through AWAS to TCN and refugees. According to data from a recent JRS (Jesuit Refugee Service) report done

in 2010 entitled “Destitution amongst the migrant community in Malta” we receive a view of the current domestic support for migrant community.⁴⁷

Destitution among migrant community in Malta

Refugees	110 Euro a month
Beneficiaries of Subsidiary Protection	130 Euro a month
Beneficiaries of Temporary Humanitarian Protection	95-130 Euro a month
Families	65 Euro per child

Interestingly enough the allowances listed above in the table are complete discretionary for example the amount of financial assistance is not determined by whether a migrant is employed or not. There is also the problem of not taking into account the status of the BOP, this leads to further isolation and inability to engage the community especially if the bop feels threatened. For example the study can find no legal definition for any decrease in the allowance for a BOP. This leads to what I would call a predatory system in that it fails to accurately support a BOP should the BOP lose their job the system itself becomes extremely combative making it very difficult for them to re-enter the allowance system. One part of the study concludes that “this system does not take into account that in practice, as the survey highlights, most of the interviewees are employed in short term, seasonal or unstable employment.” (SOS, 13) It would also appear that those statement go in contrast with Article 28 of the EU Qualification Directive which stipulates the role of the member

⁴⁷ Pilot study report on destitution among migrant community in Malta by JRS, March 2010
<http://www.jesuit.org.mt/files/634199220606983750.pdf>

state in accordance with BOP's⁴⁸ According to the 1951 convention on status of refugees Article 34 calls on States to facilitate the "assimilation and naturalization"⁴⁹ of refugees. In June 2011 I attended an open forum dedicated to bridging gaps and establishing a communication between the migrant and Maltese community.

The statements from the migrants present indicated exactly what the study from SOS concluded, many discussed their time in detention with feelings of being a criminal and of a shame much more pronounced than many individuals realize. They stated numerous times of how they would move from one job to another if lucky with others having more success like one gentleman who was able to start his own business after getting several ETC courses and another who worked as an engineer. From their statements it would seem a high percentage are not being naturalized and or assimilated into the host culture but rather isolated and or ostracized from Maltese community. Some of the main problems within Malta and upholding EU policy for BOP's is the status of rights and issuing at least the bare minimum of financial assistance which in many cases is not followed through properly. Under international and EU law BOP's should be allowed the same benefits as the host citizen. As the study indicates the only rule of thumb to that is those BOP's who fall under Core benefits.⁵⁰ Despite the promise for BOP from the government that they will be granted these benefits the situation on the ground is of stark contrast. The SOS study along with the 2010 report by JRS found that the minimum social security assistance

⁴⁸ Article 28 EU Qualification Directive: "Member States shall ensure that beneficiaries of refugee or subsidiary protection status receive, in the member state that had granted such statuses, the necessary social assistance, as provided to national of that member state"

⁴⁹ UNHCR: Notes on Integration of Refugees in the European Union
<http://www.unhcr.org/refworld/pdfid/463b24d52.pdf>

⁵⁰ Article 28 of the EU Qualification Directive: "By exception to the general rule laid down in paragraph 1, Member States may limit social assistance granted to beneficiaries of subsidiary protection status **to core benefits** which will then be provided at the same levels and under the same eligibility conditions as nationals."

of 87.67 euro per week for Maltese citizens differed highly with the 4.66 euro a week given to those with subsidiary protection. Clearly this does not equate with the definition outlined in Article 28 of the EU Qualification Directive. Please refer to Appendix F for a breakdown of the benefit numbers issued in 2010 for various states of protection and entitlement. The surveys also go into the Maltese perspective with the Maltese responding with the notion of those BOPS who work for the nation should indeed be allowed access to the various social welfare and protection services that Maltese citizens are able to obtain. Secondly from a simple integration aspect, without properly addressing the financial status of BOP's and other migrants there is a system of imbalance and exclusion which further hampers integration. "Being denied a minimum of corpus of rights, not only in theory but also in practice, it is difficult for beneficiaries of protection to integrate themselves properly into the EU system" (SOS, 14)

Employment is a key indicator with regards to integration and in Malta the situation is again a precarious one especially for BOP's and other migrant groups. EAPN Malta which is the European Anti Poverty Network stresses the importance of employment. EAPN explains that "employment is one of the key means to eradicate poverty and social exclusion." (Handbook, 28) One of the primary misconceptions being displayed is discussed by the JRS report saying the "welfare system currently in place discourages self-sufficiency and creates obstacles to independence and integration by presuming that it is easy for migrants to find stable employment." (JRS report) EAPN continues with the notions that not only is employment good for financial reasons but also to help foster social inclusion, it promotes integration allowing the BOP to have respect, dignity, and ability to engage with the community.

EAPN also acknowledges the trial and tribulations associated with trying to get into the job market, as will be discussed shortly BOP's have a difficult time in obtain and maintain jobs in Malta. EAPN stresses the issue of policy makers, NGOs, and MP's to unite in solidarity with migrants to establish new policy and new procedures which will allow for more efficient change. To be fair this is already occurring today in Malta. Having been part to a weeklong forum which showcased new research and new ideas with the NGO's, Government, and migrant community side by side I gained new perspectives on the entire debate. EAPN continues to adopt the position of allowing TCN's into government policy and debate as a unique form of integration on a larger level which is in the hopes of fostering profound policy change. Another problem with employment opportunities are the issues raised by the BOP's and migrant community as a whole. These range from misperceptions, racism, social exclusion, and economic. It can be said that the main problem affecting migrants and employment is the cycle of dependency that does not foster self sufficient. It has been reported by JRS that individual who get employment be it temporary or otherwise leave the open centers and find themselves some form of residency outside. However once they leave the process of re-admittance is very difficult causing migrants to become destitute. That isolation and financial insecurity leads too many to fall victim to the system deciding to stay in the centers for beds and some allowances rather than risk it all on a game of chance in the employment system. JRS notes that the current system on the ground is feckless especially for giving migrants time to find employment. Under the current system migrants must report to the open center three days a week during a certain time in order to continue their contract. "However, those who do venture out and look for a job risk having their agreement terminated and

losing their allowance.” (JRS report) Several migrants were interviewed stating that they transfer to different open centers in order to be closer in proximity to job openings. One gentleman I encountered during an open forum discussed how at first it was difficult but eventually he was able to get a job as a car repair man and now is in a very good position and he thanked the Maltese people for all their love and support. However should he lose his job he will be in a disastrous position and the likelihood of getting back into an open center will be difficult.

The sheer limitations to open centers are of dire issue to migrant community. As one family described it after having their contract terminated “We cannot afford anything. I have to use cloth instead of nappies for children. When I went to AWAS main office to ask for allowance for the baby, they said they couldn’t help. Till today, I have not found any help” (JRS interview) Indeed the system is the problem with its failed perception that employment is readily available when most of the cases and interviews seem to indicate that most migrants who get employment receive it on a temporary basis and even then it’s not guaranteed that temporary position will last. To help promote a more solid integration approach SOS went into deep discussion with Maltese and BOP’s specifically with regards to cooperation in the workplace and outside. As many Maltese put during the survey "very positive. Although there are a few cultural barriers, these can easily be overcome" This helps validate the notion that integration is occurring be it slow process and with more interaction breeds more integration. What needs to be changed is the way in which (first contact) occurs. On most occasions the first meeting takes place through NGO's or during events like Get up Stand up or world refugee fair day in Valletta. However integration is threatened by misperception and not understanding as the migrants have been quoted of “not

knowing who we are". Too many Maltese there is a disconnect between knowing exactly what the situation is hence various programs started by JRS, AWAS, and the government to promote knowledge on the subject. The Screening for the previously mentioned JRS documentary was witnessed by myself and five others in what should have been a packed house. Another layer to this issue is the isolation aspect, for some BOP's their whole world revolves around the open centre and to some degree there is a level of distrust and lack of compassion. It is a two way straight with migrants also being vocal about not wanting to integrate due to lack of respect as one west African man put it "I don't participate in any cultural activities because first of all we don't have our basic rights respected here. So I don't feel Malta as my country and I don't want to contribute to it in any way." Another dilemma for integration is again the levels of friendship and trust, the study confirmed that for both sides there was a lack of getting to know each other, lack of building friendships. The study found that out of all the Maltese interviews conducted only ten stated to have some contact with BOP's in form of friendship or associate. The most important finding and one that does not bode well for integration was the prospect of joint ventures and coming into unity with BOP's and migrant community with nearly half of Maltese people questioned showed a disfavorable position.

The only positive element is that while the situation looks bleak there are those on both sides of the fence willing to engage the other be it through events or fairs, multicultural education courses, and even through food and music celebrations. SOS recommend that the European Refugee Fund (ERF) continue to support Maltese NGO's and home brewed projects fostering integration and respect for BOP's and migrant community. Indeed this is one of the core benefits of Malta joining the EU

not only the support in terms of finances but also the knowledge and experience to help usher Malta as a premier state for handling asylum, building integration, and creating a prolific unity among two diverse and engaging communities.

The physical conditions on the ground are also in need of improvement, sometimes significantly. While the open and closed centers are not adequate for majority of those stationed there, for those who are of vulnerable populations be it children, women, those with medical issues the situation further compounded. In the documentary 'Suspended Lives', which is a focus on the migrants living in Malta and the various troubles they encounter. For example when touring the Hal Far Tent city the viewer is able to see the horrible conditions migrants are living in. Circus like tents that can barely keep out the elements, inside several migrants cloistered together. According to a report by Amnesty International (2010) there are nearly 16-20 people per container or tent without access to electricity or running water. Onset of disease is rampant due to lack of proper sanitation facilities. The tents themselves as witnessed in the JRS documentary are torn and provide little to no protection from the elements, The Maltese government when questioned on the matter stated "Open centre's should not be pull factors that entice people to stay indefinitely and depend on hand-outs."⁵¹

Amnesty International reported some of the main problems being lack of trained staff, medical and social care work, issues of overcrowding along with abuse and lack of privacy. Everything that is listed as basic minimum such as cooking, restroom and the like are all inside and the ability for diseased to proliferate is of high

⁵¹ Amnesty International Brief (2010) "Seeking Safety, Finding Fear Refugees, Asylum-seekers and migrants in Libya and Malta"

percentage. A migrant from Chad was quoted as saying that “For eighteen months I was detained, I go to the hospital in handcuffs, I feel like a criminal. Why Detention? It does not solve the problem of migration. Maltese people are not understanding who we are, not what we are, what we do is who we are I really wish everyone would try to know one another. Living in the centers is harsh when it is hot you burn and when it is cold you freeze.” the JRS study concludes that the material conditions on the ground in several open centers is detrimental to human health. Moreover, there have been several interviews with open center residents who validate those statements. In one such interview the migrant in question discussed with social services his plight, how due to medical conditions he could not reside at the center. He even showed a valid doctors certificate after a cat and mouse game the social worker eventually told him he would have to leave the center and that he would not be transferred to another one. For those migrants who are BOP’s it would seem the system is counter to the Council Directive of the EU on minimum standards for refugees and asylum seekers.⁵² Mr. Charles Bugetti from Maltese government said that to Malta’s credit the overall asylum status and humanitarian protection is superior to that of many EU countries however after EU accession there was what he describes as a lot of “wishful thinking” on the prospect of rapid change.

Since Accession on the part of Malta there has been sweeping changes the likes of which would have been unheard of without EU support. Third-Country National Support Network or TSN Malta is a system devised to offer support and to promote cooperation within the community. It is the first migrant based organization

⁵² Official Journal of the European Union COUNCIL DIRECTIVE 2003/9/EC laying down minimum standards for the reception of asylum seekers
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>

which focuses on the rights of migrants in the country. TSN's primary goal is to bridge divides between the Maltese/EU community and the smaller migrant community in Malta.

V. RESULTS AND CONCLUSIONS

The following results are from interviews conducted by myself with experts in the fields of migration, integration and asylum. The questions asked range from issues of the role of the EU-what part it has played in Malta's continued growth to the current status of migrants in Malta, to identity perceptions and issues of injustice. The results of the interviews correlate strongly too many of the reports, journals, and academic papers mentioned previously throughout the paper. There is a heavy emphasis on cooperation, promoting education and learning through programs, a removal of Dublin II and a focus on what I would dub a "get up and move" view. The get up and move is more along the lines of repatriation of migrants. From government to independent and even to migrants there seems to be a desire to some degree for a form of repatriation back to one's home country. Another important factor is the role of community building, from the responses below along with interviews conducted by other groups we see a complete disconnect between the two communities with only contact made through either NGO's or third party groups. If both Maltese and migrant community could establish more effective means by which to communicate and understand then the various perceptions, misperceptions and problems would start a resolve on their own.

INTERVIEW ONE: REPRESENTATIVE FROM UNHCR

Question 1: To what degree have EU accession and other outside influences impacted refugee and Asylum seekers in Malta?

Detention was unlimited period of time, some people were in detention for five years or more before the system changed. There is very little support even today due to things such as Dublin II. For rejected asylum seekers some are detained for a year till they can validate their claim of asylum. There have been improvements with regards to the overall length of detention which currently stands at around 18 months. EU accession has led to profound shifts in terms of funding programs and studies which help us understand the core issues at the very heart of the problem. Improvements in detecting vulnerable populations has been made since accession which allows for better humanitarian protection. The overall infrastructure of the centre's and social services has also been improved thanks to EU support.

Question 2: Is there a perceived threat to Malta from migration and refugees?

This is an unknown factor, a dangerous one at that mind you. What you need to understand is that prior to the 2001 rapid influx many Maltese people had never seen a black person. On the streets today in Valletta when Maltese people see a black person chances are they will perceive that person to be a migrant of some kind. In 2001 the rapid influx of several thousand people prompted a strong knee jerk reaction. By some in the community mainly the right wing extremist it was seen as an invasion this helped garner sympathy for those extreme factions in 2005. That same year refugee aid workers and others in support of migrant issues were attacked, property vandalized and cars set on fire. It was a very intense moment for all of Malta. The

violence continued the cycle of fear and over the years studies have shown that high numbers of university students and upper middle class citizens are afraid to this day about the irregular migration trends. The situation in the Maghreb is only furthering that fear and hesitation. Surprisingly enough working class citizens are not as nearly as worried which goes counter to what many would presume. There is something else to that though and that is communication and cooperation, the working class Maltese has a relationship with the migrant community especially in the construction and service industry. Unlike the university students and upper middle class the working class share similar burdens and problems with the migrant community and to an extent there can be a brotherhood or stronger understanding of both groups from the other. However some of the key misperceptions stems from horrible first contacts. For some Maltese the first experience they had with a refugee was witnessing a police or military escort with the handcuffed individual being sent to the hospital for check-ups or around Valletta. Clearly this created a misunderstanding and furthered the notion of criminality. That perception of fear of immigrants and refugees furthers the racism that is present in our society. Racism comes from ignorance and lack of education. In order to engage this misperception there needs to be strong push for education specifically English and Maltese language classes at the open centre's as well as detention. Recently one MEP member Mr. David Casa was quoted as saying in light of the rampant increase of migration, "we cannot extend Malta nor can we turn it into some massive prison" Understandably there is limited space in Malta and the situation in Libya along with other Maghreb countries will only test Malta in the future and to what degree of effect it will have is difficult to say.

Question 3: What is the current status of refugees and migrants in Malta?

Honestly to what extent do we interpret that statement? Sarkozy for example stems from a family of migrants and yet he is president. The whole notion of viewing migrants and refugees as different is absurd and studies have shown that they can contribute and pay taxes just as effectively as any Maltese citizen. Their current status is one of limbo, they remain in the centers or in detention either waiting for asylum status acceptance or for some other form of protection be it subsidiary or temporary. For those with protection the prospects of finding and keeping a job are dim as is integration. Much more needs to be done to help facilitate their role in our society.

Question 4: What other developments and insights are needed in order to progress the situation for migrants in Malta, what role will the UNHCR play?

The UNHCR's role is one of support and outreach for the various programs offered and on the drawing board. We continue to work on studies and survey to gauge the Maltese perspective on various topics related to irregular migration. We also have a hand in defining the welfare benefits system which sadly needs a great deal of improvement. There is far too much inequality and transparency in terms of welfare benefits and overall outreach support. Promoting English learning and awareness building for without such endeavors the prospects of integration will fall flat. We also provide our expertise and knowledge to aid the refugee commissioner's office in addressing claims and conducting interviews.

INTERVIEW TWO: REPRESENTATIVE MINISTRY FOR JUSTICE AND HOME AFFAIRS: ORGANIZATION FOR THE INTERGRATION AND WELFARE OF ASYLUM SEEKERS

Question 1: To what degree has EU accession and influence of multiculturalism impacted Refugee and asylum seeker status in Malta?

EU accession has provided a legislative framework to complement and further develop the local one, and frameworks and mechanisms of solidarity, although much more can and should be done. Regarding “multiculturalism,” I would say that Maltese society has been multicultural for centuries. There have been different phases, different impacts, and different intensities. Given time, i.e. the 2nd or 3rd generation that other countries are judged on, and which I think even Malta should be judged on in 20 or 30 years time, I think we will be able to judge more rationally what the current migratory flow has meant for Maltese society. In my view, it is still too early to draw any important conclusion/s.

Question 2: What is the current status of refugees in Malta and how are they viewed or understood?

Refugees total a very small percentage of the total number of persons granted some sort of protection in Malta. They enjoy significant rights emanating from their status, which assists them significantly in the integration process and opportunities, here or abroad. “How are they viewed or understood?” I can only speak for myself and for AWAS: refugees are persons possessing the dignity that every person possesses, enjoying certain rights in virtue of their status, obliged to certain duties in virtue of

their status, and coming to us with –an often tragic – particular baggage of life experiences.

Question 3: Question 3: From an Identity perspective is there a perceived threat to Malta from refugees?

How can the not-more-than-100 persons granted refugee status per year threaten the identity? of a nation?

Question 4: If there is indeed a threat to Maltese Identity, in what ways can grievances between

the two communities (Refugee/Asylum) & (Maltese) be addressed and resolved?

The issues of “refugees” and “asylum seekers” are two totally different matters. In the former case, as I already explained earlier, we have a scenario where a person enjoys significant rights. In the latter, we have a scenario where the person is given enough rights to protect him/her until the asylum claim has been examined, which examination can either confirm the protection or otherwise. The “grievances” between the two “communities” I am not sure if it is productive to look at the matter in such a static way. Problems are resolved or not resolved at various levels. At the root of every attempt, which should be a “two-way” attempt, there needs to be respect, dialogue, and non-discrimination, always based on full respect for the law and the general direction where society is moving to.

Question 5: To what degree can NGO's or government programs assist and is there currently enough being done?

We have good working relations with a large number of NGOs and converge on many matters. There are then matters where our views diverge; however, even within the NGO community itself there is a very wide spectrum of views and positions. I myself meet NGOs regularly, both at bilateral as well as multilateral level. We are

partners with NGOs in several projects. Of course, our closest operational link to NGOs is the subcontracting by AWAS to FSM of Marsa Open Centre.

The interviews provide a brief glimpse at both the government's position along with the more human rights vocal point. It is evident that the EU has been a tremendous force for good in Malta in promoting programs and fostering support and integration. Without the funds from the ERF several critical studies, surveys and overall reports would have never come to existence. It was nearly two years ago that the European Union's Council of Ministers in a unanimous decision installed the European Asylum Support Office in Malta. This was a groundbreaking measure and furthered solidified the truth that the EU has shaped Malta in a more positive direction for integration, support services and overall compassion for migrants in Malta. The current status quo is to allow for burden-sharing and relocation of individuals to other member states. The problem naturally with this is the separation of families and loved ones, if the EU can put measures to adopt a reasonable policy for relocation then that will be one less burden for the migrants as well as Malta. The EU has also confirmed it will deliver an additional 2.6 million Euros for the office. The EU must also face its share of criticism however in a failure of enforcement in the ECHR along with the convention of human rights rulings which Malta has been found in violation of numerous times. Rather it would seem that Malta is playing the role of facilitator for the EU with regards to relations on the north south divide. The recent conflict in Libya has shown how Malta is willing to position itself as mediator especially in this new paradigm sweeping across north Africa.

RECOMMENDATIONS

There are several recommendations which if explored and followed through could not only curtail the burdens and continuous stress on the part of the BOP's and migrant community but also for Malta as a whole. The first recommendation would be on offering more supportive channel for BOP' and migrants to foster integration and to negate false perceptions. One way to do this is to adopt a benefactor system. The benefactor system would allow Maltese families and corporations/businesses to sponsor a migrant to allow for education and future employment. This could be achieved through use of ETC and other training courses which seek the best candidates from the migrant community that show wiliness, a passion to engage the community and to give back to the Maltese community. The UNHCR could also be involved in this process conducting interviews and attaching benefactor status to most critical need base. This may be somewhat difficult to achieve considering a recent discussion I had with a member of JRS. They discussed with me the difficulty in trying to establish sponsorship; they tried it with various restaurants only for those restaurants to suffer from what could only be described as a blacklisting by the community. While this is not a daily occurrence is still illustrates the difficulties in trying to establish cooperation and sponsorship. However not only would this help

clear negative perceptions showing the Maltese just how willing migrants would be to give back but also allow migrants to feel like they belong or have a chance at a better life.

A second recommendation would be to allow government sanctioned work permit programs for migrants as a means of providing a stable income. Again by working with ETC and NGO's migrants would be able to have a legal and non abusive forms of employment that does not equate to exploitation. One of the biggest problems for integration is employment and through the research it has been determined that the first step is getting the migrant through the door once in their chance in changing the views of Maltese as well as their own dramatically increases. Through several interviews and reports it was shown that many Maltese employers at first are uncertain but after getting to know the migrants and BOP's working for them they realize how hard working they really are. By having this as an official government sponsored program rather than free market one you allow for less risk on the part of both the employer and migrant and allow for a safer and smoother transition into integration.

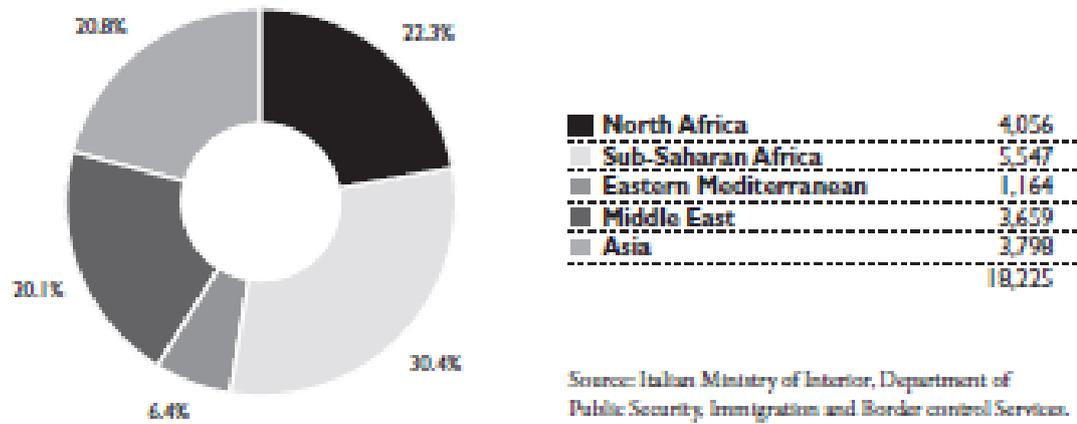
One last recommendation would revolve around issues of residency especially for vulnerable populations. While the debate of burden sharing and relocation rages within the confines of the EU there are still thousands of migrants stuck in Malta living in deplorable conditions. Vulnerable populations must be taken from those conditions and put not in open centers or detention but within the community in a protective and safe space. One way to do this is to ask the church for assistance in providing lodging at the churches or properties owned by the church. A second part to

this is to adapt the many run down and abandoned homes around the island into shelters for vulnerable populations. Funding could come from the ERF in the form of a pilot project for the first few shelters to see if the idea fits and after a successful trial run this could be adopted on a much larger scale. This would not only cut back on tight confined spaces of the centers but also allow for more mobility and protection to those who need it most. These recommendations are merely the beginning, as my one interview noted Malta should be reviewed in 20 years time to judge the overall impact the EU has had along with the migratory process. Irregular migration and the trials and tribulations related is what brings us together and it is that dilemma, that conundrum which has invited more speculation, argument and deduction combined. It will continue to be debated and represented until the EU can assert some legitimacy in creating a unified asylum/migration policy until then it is delineated to sovereignty of member state. While Malta has achieved profound new institutions and new methods to cope with migrant issues it still falls behind where it is needed most, predominantly with integration, freeing up detention and overall humanistic habits. It continues mandated detention policies under the guise of trying to make Malta a place where migrants fear to come. Malta has gained new found prominence within the EU and hopefully will be able to use the chip as sovereign border guard to promote and foster lasting change for migrants in Malta. With regards to the entire irregular migration “crisis” I would recommend that politicians and analyst avoid the promotion and scare tactics of a “boat people” invasion rather they should look at irregular migration of what I would call the “human condition”. Like a human heart irregular migration is in constant flux, at times there is veritable silence-a flat line if you will. At other times the pace picks up in rapid succession. It is as unpredictable as

that human function and until we start looking at irregular migration as something that is constant and ever-changing we will continue to remain fixated generic overused perspectives.

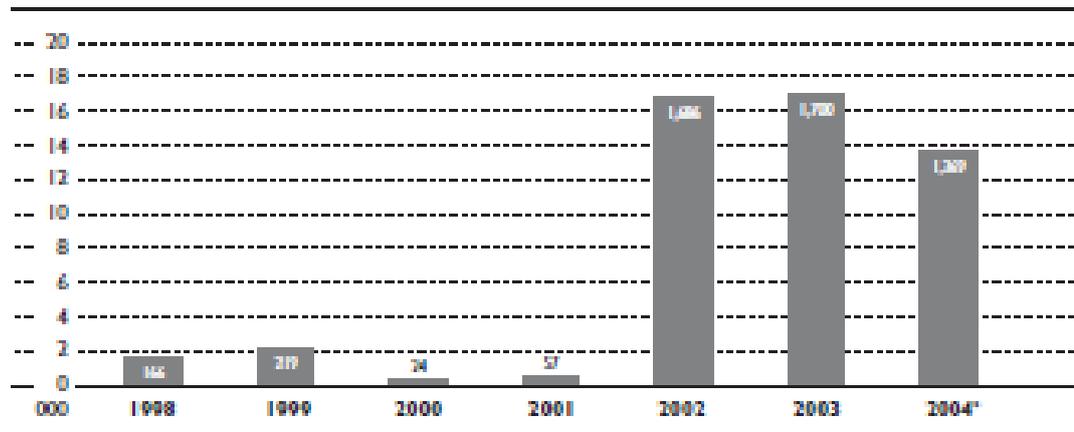
APPENDIX A

Graph 15: Origin of irregular migrants apprehended by the Italian authorities in Sicily and belonging islands in 2002



APPENDIX B

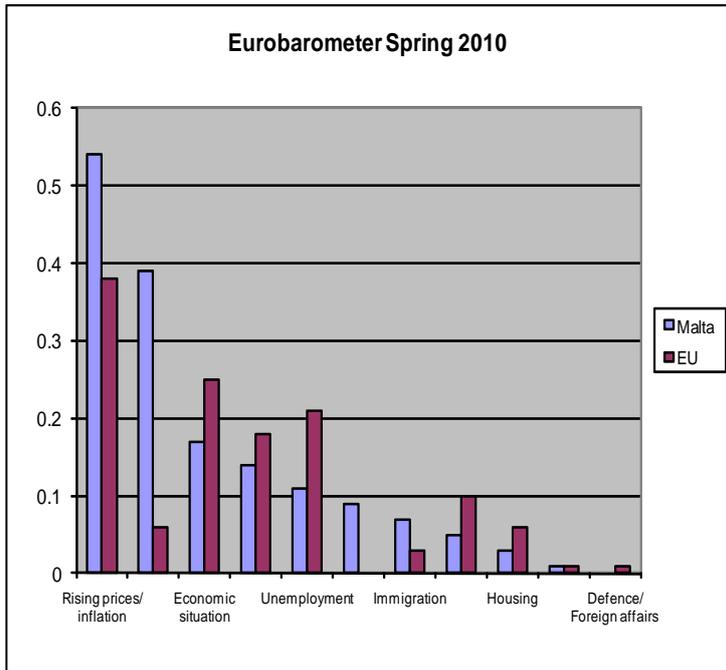
Graph 16: Migrants intercepted by the Maltese authorities



* Until 30.10.2004

APPENDIX C

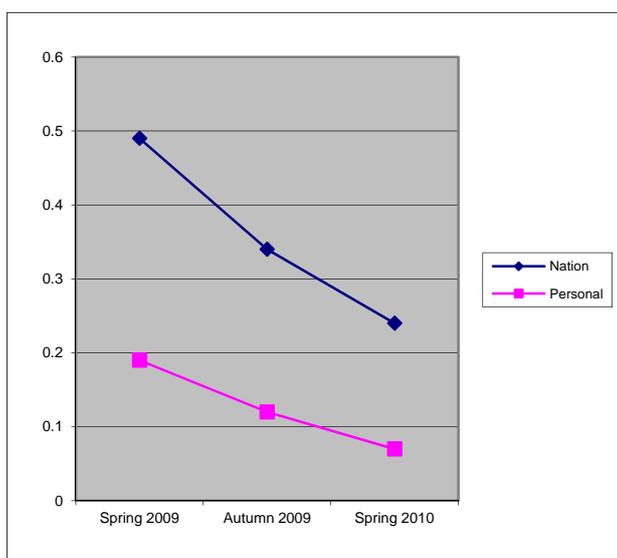
	Spring 2010	
	Malta	EU
Rising prices/inflation	54%	38%
Energy	39%	6%
Economic situation	17%	25%
Healthcare system	14%	18%
Unemployment	11%	21%
Pensions/Taxation/environment	9%	16%/14%/5%
Immigration	7%	3%
Educational system	5%	10%
Housing	3%	6%
Terrorism	1%	1%
Defence/Foreign affairs	0%	1%



APPENDIX D

8.3 IMMIGRATION A TOP CONCERN AS ...

	Spring 2009	Autumn 2009	Spring 2010	Autumn 2010	
Nation	49%	34%	24%	14%	
Personal	19%	12%	7%		



8.4 MALTATODAY SURVEYS - IMMIGRATION AS A ...

	Feb-08	Jun-08	Nov-08	Mar-09	Feb-10
TOP CONCERN	1.70%	9.00%	7.30%	27%	3.70%

Irregular immigration is a top concern for 37% of graduates; it is only a top concern among 20% of respondents who did not pursue a university degree. Mar-09

3.7% is a major source of concern for AB/C1, 2.5% for C2/DE, 2.4% for C2/DE and 3.3% Feb-10

Feb-08 <http://archive.maltatoday.com.mt/2008/02/24/t2.html>

Nov-08 <http://archive.maltatoday.com.mt/2009/03/15/t10.html>

Mar-09 <http://archive.maltatoday.com.mt/2009/03/15/t10.html>

APPENDIX E

European Refugee Fund: Final evaluation of the first phase (2000-2004),
and definition of a common assessment framework for the second phase (2005-2010)

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Asylum applications	90	25	5	45	35	40	110	100	120	100	80	90
Number of decisions	90	40	10	10	25	90	55	75	110	85	80	80
Positive	75	10	5	10	25	85	30	65	90	55	35	45
Rejections	15	25	5	5	0	0	25	10	20	30	45	35

Source: Eurostat, 2005

APPENDIX F

Indicator	Jan-Sept 2003	Jan-Sept 2004
Unemployed (number)	7233	7382
Manufacturing Sales in Lm million	765.8	764.5
Net Investment in Lm million	36.3	40.0
Local Sales – Manufacturing (Lm million)	172.2	163.7
Tourism per capita earnings (Lm)	219	221
Inflation	1.9 (Nov 2003)	2.8 (Nov 2004)
Weighted average weekly wage (Lm)	93.7	95.2
Trade Gap in Lm million, of which with EU ()	275.8 (326.3)	318.9 (370.8)
Balance on current account in Lm million	-61	-144.4

Source: Economic Survey

APPENDIX G

Benefits

Status	Allowance per diem	Allowance per month
Refugee status	€4.08 until they start receiving social security benefits	€114.24
Subsidiary protection	€4.66	€130.48
Asylum seeker	€4.66	€130.48
Rejected asylum seeker	€3.49	€97.72
Returnee	€2.91	€81.48
In employment	€0.00 and has to pay €1.16 contribution for living in the open centre	€0
Termination of employment	€4.08	€114.24
Minors	€2.33	€65.24
Maltese household of only one eligible member	€12.53 minimum	€350.84 minimum

Source: JRS 2010 A report on a pilot study on destitution amongst the migrant community in Malta

APPENDIX H

Table 3: Rates of recognition¹⁾ of asylum applicants by stage of the procedure, 2008 (in %)

	Total positive decisions		Refugee status		Subsidiary protection		Humanitarian reasons	
	First instance	Final decisions on appeal	First instance	Final decisions on appeal	First instance	Final decisions on appeal	First instance	Final decisions on appeal
EU-27 ²⁾	28.3	23.7	13.0	17.8	10.4	5.1	4.0	0.8
Belgium	25.7	7.6	22.3	6.0	3.4	1.6	-	-
Bulgaria	43.8	33.3	4.0	3.7	39.8	29.6	-	-
Czech Republic	15.5	3.1	8.7	0.7	5.0	2.4	1.8	0.0
Denmark	58.3	34.3	16.0	23.2	25.4	10.5	16.9	0.6
Germany	40.7	25.1	37.8	14.7	2.9	10.4	0.0	0.0
Estonia	33.3	0.0	33.3	0.0	0.0	0.0	0.0	0.0
Ireland	30.6	11.9	8.2	11.9	0.1	0.0	24.3	0.0
Greece	0.2	26.8	0.0	25.7	0.1	0.0	0.1	1.1
Spain	5.4	1.1	2.9	0.7	2.1	0.4	0.3	0.0
France	16.2	25.9	14.1	21.3	2.1	4.6	-	-
Italy	48.2	0.0	8.9	0.0	31.2	0.0	8.0	:
Cyprus	:	1.3	:	0.4	:	0.1	:	0.7
Latvia	25.0	0.0	16.7	0.0	8.3	0.0	0.0	0.0
Lithuania	64.1	2.8	13.6	0.0	50.5	2.8	-	-
Luxembourg	38.4	11.5	9.9	11.5	0.0	0.0	28.5	0.0
Hungary	43.7	1.8	18.9	1.8	7.3	0.0	17.5	0.0
Malta	52.4	0.4	0.8	0.0	51.7	0.4	0.0	0.0
Netherlands	52.0	51.6	4.7	9.4	14.7	20.5	32.5	21.7
Austria	61.6	26.1	37.3	19.9	19.9	6.2	4.3	0.0
Poland	65.3	15.8	4.4	3.8	25.4	1.6	35.5	10.4
Portugal	64.2	0.0	8.5	0.0	55.7	0.0	-	-
Romania	16.0	:	12.6	:	1.3	:	2.1	0.0
Slovenia	2.5	0.0	1.2	0.0	1.2	0.0	0.0	0.0
Slovakia	24.0	12.5	5.7	0.0	17.0	12.5	1.3	0.0
Finland	39.1	87.2	5.3	1.1	25.8	60.6	8.1	25.5
Sweden	26.6	49.0	5.7	12.4	16.3	23.3	4.5	13.3
United Kingdom	29.9	31.6	20.1	30.1	9.3	0.9	0.8	0.6
Iceland	17.0	10.0	7.5	0.0	9.4	10.0	0.0	0.0
Norway	33.9	:	11.9	:	13.0	:	8.9	:
Switzerland	64.0	14.3	27.7	2.7	36.3	11.6	-	-
Liechtenstein	:	:	:	:	:	:	-	-

1) Rate of recognition calculated as a share of positive decisions (by status) in the total number of decisions (positive + rejections)

2) Based on the available data

": not applicable

·: not available

Source: Eurostat ([miqr_asvdcfsta](#), [miqr_asvdcfina](#))

BIBLIOGRAPHY

BIBLIOGRAPHY

Amnesty International *Seeking safety, finding fear: Refugees, asylum-seekers and migrants in Libya and Malta*. Malta/Cyprus: Amnesty International, December 14, 2010. <http://www.amnesty.org/en/library/info/REG01/004/2010>.

Alexander Tortell Director, OIWAS Ministry for Justice and Home Affairs. "Needs-Based Approach", Malta, 2008. www.iom.int/jahia/webdav/shared/shared/.../pres_tortell.pdf.

Ariadne Massa. "We keep talking about resettlement but not about integration' – refugee" (June 19, 2011). <http://www.timesofmalta.com/articles/view/20110619/local/-We-keep-talking-about-resettlement-but-not-about-integration-refugee.371212>.

Anna Triandafyllidou. *Undocumented Migration: Counting the Uncountable. Data and Trends Across Europe*. Athens, Greece: Hellenic Foundation for European and Foreign Policy, 2007. http://www.epim.info/wp-content/uploads/2011/01/ clandestino-final-report_november-2009.pdf.

Bjorn Karen. "Malta and Immigration - Sovereignty, Territory and Identity". Lund University, 2008. <http://www.essays.se/about/Bj%C3%B6rn+K%C3%A5r%C3%A4n/>

Cetta Mainwaring. "Small States in EU Migration Governance: the power to exclude?" University of Oxford, 2011. saopaulo2011.ipsa.org/sites/default/files/papers/paper-1384.pdf.

"CoE supports Malta's call for EU asylum rules changes". Malta, September 9, 2010. <http://www.timesofmalta.com/articles/view/20100909/local/coe-supports-malta-s-call-for-eu-asylum-rules-changes.326050>.

Council of Europe. *European Commission Against Racism*. Strasbourg: Council of Europe, 2002. http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-malta-eng.pdf.

Castles, Stephen. "Why migration policies fail." *Ethnic and Racial Studies* 27 (January 2004): 205-227. <http://www.tandfonline.com/doi/abs/10.1080/0141987042000177306>.

Dr. Derek Lutterbeck. "Policing Migration in the Mediterranean". Mediterranean Politics, March 2006. studium.unict.it/dokeos/.../Lutterbeck-Med_Politics-March06.pdf.

EUNET. *HANDBOOK OF BEST PRACTICES FOR INTEGRATION*. Malta: Solidarity Overseas Service, 2009. www.sosmalta.org/file.aspx?f=304.

EUNET. *Immigration to Malta - Overview*. Malta, December 2006. http://www.eunet-integration.eu/index2.php?option=com_content&do_pdf=1&id=15.

European Refugee Fund. *European Refugee Fund: Final Evaluation of the first phase (2000-2004), and definition of a common assessment framework for the second phase (2005-2010)*. Malta, March 2006. http://ec.europa.eu/home-affairs/funding/2004_2007/refugee/docs/evaluation_2006/dg_eval_Malta_0306_en.pdf.

European Commission Against Racism and Intolerance. Strasbourg, December 14, 2001. http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-malta-eng.pdf.

FIDH. *Locking up foreigners, deterring refugees: controlling migratory flows in Malta*, September 22, 2004. http://www.fidh.org/IMG/article_PDF/article_a1929.pdf.

FIDH. "The Mediterranean: NATO finally comes to the aid of shipwrecked migrants, but the European Union refuses to admit them" (July 20, 2011): 3. <http://www.fidh.org/The-Mediterranean-NATO-finally>.

Fiona Texeira. "At The Gate of Fortress Europe: IRREGULAR IMMIGRATION AND MALTA", March 2006. <http://www.docstoc.com/search/fortress-europe>.

Geddes, Andrew (2000). *Immigration and European integration – Towards fortress Europe?* Manchester and New York: Manchester University Press.

Goudappel, Flora A. N. J., and Helena S. Raulus. *The Future of Asylum in the European Union: Problems, Proposals and Human Rights*. Springer, 2011.

Ivan Camilleri. "Human rights blow for EU asylum seekers rules Greece overwhelmed by immigrants." *Times of Malta*, January 22, 2011. <http://www.timesofmalta.com/articles/view/20110122/local/human-rights-blow-for-eu-asylum-seekers-rules.346416>.

Jesuit Refugee Service, *A report on a pilot study on destitution amongst the migrant community in Malta*. Malta: Jesuit Refugee Service, March 2010. <http://www.jesuit.org/mt/files/634199220606983750.pdf>.

KENGERLINSKY, MARAT. *Restrictions in EU Immigration and Asylum Policies in the light of International Human Rights Standards*. Academic Paper, 2010
<http://projects.essex.ac.uk/ehrr/V4N2/kengerlinsky.pdf>.

Kok Lauren. *The Dublin II Regulation a UNHCR Discussion Paper*. Brief. Belgium: UN, 2006. <http://www.unhcr.org/refworld/pdfid/4445fe344.pdf>.

Dr. Leonard Mizzi. *A Success Story of Integration of an Island in a Regional Bloc? The Case of Malta*. Malta Business Bureau. Brussels, December 2004.
http://www.irfd.org/events/wfsids/virtual/papers/sids_lmizzi.pdf.

Mark Thomson. *Migrants on the edge of Europe Perspectives from Malta, Cyprus and Slovenia*. Sussex: Sussex Centre for Migration Research, 2006.
www.sussex.ac.uk/migration/documents/mwp35.pdf.

Matthew Vella. "JRS documentary to shed light on the real poverty of asylum seekers and migrants in Malta." *Malta Today*. Malta, n.d.
<http://www.maltatoday.com.mt/news/national/jrs-documentary-to-shed-light-on-the-real-poverty-of-asylum-seekers-and-migrants-in-ma>.

Matthew Vella. "Minister says Malta detention policy blessed by Strasbourg court". Malta, August 18, 2011. <http://www.maltatoday.com.mt/news/minister-says-malta-detention-policy-blessed-by-strasbourg-court>.

Migration: Malta to press for activation of emergency mechanism." *Times of Malta* (n.d.). <http://www.timesofmalta.com/articles/view/20110402/local/migration-malta-to-press-for-activation-of-emergency-mechanism.357907>

Molly Borden. "A Mediterranean Success Story: Malta's EU Integration." *Council of American Ambassadors* (Spring 2008): 4.
<http://www.americanambassadors.org/index.cfm?fuseaction=Publications.issue&publicationid=32>.

Norman, Lowell, and Tomislav Sunic. *Imperium Europa: The Book That Changed the World*. Lightning Source Inc, 2009.

Piotr Juchno. *75 thousand asylum seekers granted protection status in the EU in 2008*. Population and Social Conditions. EuroStat, 2009.
epp.eurostat.ec.europa.eu/cache/ITY...SF.../KS-SF-09-092-EN.PDF.

Stephen Calleya and Derek Lutterbeck. *MANAGING THE CHALLENGES OF IRREGULAR IMMIGRATION IN MALTA*. Malta: The Today Public Policy Institute, November 2008. <http://www.tppi.org.mt/cms/reports/Irregular-Migration/Report.pdf>.

Step in - Do I thing a preliminary assessment of integration in Malta. Malta: Solidarity overseas Service, August 2011. www.sosmalta.org/file.aspx?f=501.

STUDY ON IMMIGRATION, INTEGRATION AND SOCIAL COHESION. Erasmus University Rotterdam, Faculty of Social Sciences, October 21, 2005.
http://ec.europa.eu/employment_social/social_situation/docs/vc04_171_immigration_report.pdf.

Routledge, and Routledge. "Rejecting Refugees: Political Asylum in the 21st Century (Paperback) - Routledge." Text, n.d.
<http://www.routledge.com/books/details/9780415773768/>.

Thomas Gammeltoft-Hansen. *THE REFUGEE, THE SOVEREIGN AND THE SEA: EU INTERDICTION POLICIES IN THE MEDITERRANEAN*. Copenhagen: Danish Institute for International Studies, DIIS, 2008.
<http://www.eui.eu/Documents/RSCAS/Research/MWG/200809/MWG2008-11-19Gammeltoft-Hansen.pdf>.

Wendi Adelson. "Economic Migrants and Political Asylum Seekers in the United Kingdom: Crafting the Difference". University of Michigan, 2004.
http://www.mjpa.umich.edu/uploads/2/9/3/2/2932559/migrants_article_final_v_1.pdf.

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