

# **EU MIGRATION & ASYLUM PACT** **THROUGH THE EYES OF A WOMAN**



**Brussels, 18 December 2020, International Migrants Day**

On 24 September 2020 European Commission released its new Pact on Migration and Asylum. Announced to be a “*fresh start*” to “*build a system that manages and normalises migration for the long term*” this document is composed of multiple pillars, objectives, roadmaps and Annexes, and, without a doubt, required a considerable effort on behalf of the European Commission.

As a migrant women led platform whose rights and interests the proposed Pact concerns directly, we appreciate the Commission’s attempt to create a framework that must be feasible for the implementation by the Member States and the Union as a whole. However, similar to many migrant and refugee organisations in Europe, we are concerned that the proposed Pact will not meet its stated objectives, some of which are deeply problematic in themselves.

Many European partners and allies have already responded to the Pact based on their areas of expertise. Therefore, the purpose of this short document is not to replicate other responses but to point out problematic aspects of the Pact **from a women’s rights perspective, or, in other words, through the eyes of migrant women and girls.**

## **Policy Incoherence: Disconnect between Migration and Integration**

Coherence between different policy areas is fundamental to ensuring the feasibility and functionality of any legal proposal. From the perspective of human rights of women and non-discrimination on the basis of sex, as well as other multiple and intersecting discriminations faced by women in migration, it is paramount that any regulation on migration clearly acknowledges women and girl as a group and develops such regulation taking into account the existing EU and international frameworks on women’s rights. The lack of such coherence creates a framework in which women and girls migrants are, by default, exposed to double and triple discrimination.

As part of the Migration Pact, on 24<sup>th</sup> November 2020, the Commission released its Action Plan for Integration and Inclusion 2021-2027. In line with the recommendations issued by the European Network

of Migrant Women earlier<sup>1</sup>, we are pleased to see that this Action Plan addresses, to a considerable extent, the specific needs of migrant women and women with migrant backgrounds. It states, in particular, that migrant women “*face additional challenges as they tend to have lower proficiency in the host country language, weaker social networks, and greater responsibilities for childcare and family*”, and it proposes a number of actions directed at meeting those needs.

Among others, the Action Plan also emphasises that integration is a two-way process and stresses the importance of “including migrants and EU citizens with a migrant background”, and “promoting their active participation in consultative and decision-making processes can help empower them and ensure that integration and inclusion policies are more effective and reflect real needs” particularly in promoting the involvement of migrant women. ENoMW is pleased to see the Commission recognising and considering these important factors and including them in the Action Plan for Integration and Inclusion.

However, this intrinsic to the Pact policy document stands in contrast with the rest of the proposals in the Migration and Asylum Pact.

### **Where are the Women and Girls ?**

According to the Pew Research Centre report from November 2019 - almost half (46%) of undocumented migrants entering the European Union are female; and yet, the new **Migration and Asylum Pact fails to acknowledge women and girls** - there is practically no mention of female migrants, as if this group does not exist and does not make up more than 50% of the global population - and to take concrete actions in protecting them. Beside female migrant workers, who are increasingly part of flows of migrant workers, many women and girls are forced migrants leaving their countries in order to flee conflict, persecution or other situations that endanger their security and dignity, prostitution, forced-marriage, rape and sexual abuse, female genital mutilation, exploitation, cultural exclusion, community control, ethnic glass ceiling - even more so if they also belong to another discriminated or at risk group such as lesbians or underage girls.

The new Migration and Inclusion Pact is predominantly designed and targeted towards generic asylum seekers whereas in reality the female asylum seekers face many specific challenges both in the countries of origin and destination. This can be seen by the disparity between females seeking asylum (38.1 %) compared to male asylum seekers (61.9% of) in Europe<sup>2</sup>. Many women, due to the cultural, religious and patriarchal reasons do not have the opportunity, or decision-making powers to flee (home country or refugee camps) and immigrate. The 38.1% of women who take a very difficult decision to seek safety for themselves and their loved ones, take huge risks (not just of being killed, but of torture, imprisonment, different forms of violence, sexual abuse, exploitation, sex discrimination).

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<sup>1</sup> [http://www.migrantwomennetwork.org/wp-content/uploads/The-Future-of-European-Integration-Policies-Where-do-Migrant\\_Refugee-Women-Stand-.pdf](http://www.migrantwomennetwork.org/wp-content/uploads/The-Future-of-European-Integration-Policies-Where-do-Migrant_Refugee-Women-Stand-.pdf)

<sup>2</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics)

**The new Pact should acknowledge migrant and asylum seeking women as a stand alone group, by naming and including them, not only under a single category of “vulnerable” persons, but as a group with distinct needs, causes and routes to migration, often different from men.**

### **Are Women Allowed to Migrate ?**

The Pact’s emphasis on attracting ‘skilled and talented’ migrants, first and foremost, conveys the message that individuals are welcome in Europe only if they are economically profitable assets and can contribute to the advancement of the Union’s economy. Based on our experience as a migrant-women led organisation, we know that there is a deep complexity and multiple barriers in the procedures on qualification recognition in the EU. The process of skills recognition is unfair and discriminatory for third country nationals, women in particular, in most EU states, and it differs from state to state. Complex administrative procedures and associated costs discourage migrants from their initial socio-professional projects, and have an especially negative impact on migrant women’s abilities to access decent employment.

The emphasis in the Pact on attracting only highly skilled migrants, once again, stands in contrast with its own Action Plan on Integration that recognises that, 40.7% of migrant women (compared to 21.1% natives) are overqualified for their jobs, because they “*face additional obstacles to integration compared to migrant men and boys, often having to overcome structural barriers linked to their being both a migrant and female, including facing stereotypes*”. While the high percentage of migrant women are over-qualified in their jobs, 25.9% of migrant girls and young women (age 18-24) is more likely than natives to be “*neither in employment, nor in education*”.

Additionally, globally, a high proportion of women do not receive any kind of formal education, which nullifies their chances to achieve the required skills and talent, and, thus, to be able to migrate. According to UNESCO “*Of the world’s 774 million illiterate adults, 2/3 are women. The share of illiterate women has not changed for the past 20 years. Among the world’s 123 million illiterate youth, 76 million are female. These gender disparities remain persistent, with little change over time.*”

**By focussing solely on ‘skilled and talented’, the Pact places women and girls at an immediate disadvantage compared to male migrants, exposing the women to discrimination on the basis of sex and leading to their disqualification and exclusion from seeking asylum or having the right to stay in Europe .**

### **Women and Girls in Pre-screening and Identification**

According to the Pact, pre-entry screenings at the border of the European Union will become compulsory. These screenings, which are already in practice at the EU borders, are intended to serve identification purposes, health and security checks as well as fingerprinting and registration of individuals in the Eurodac database. In practice, this means that any person entering EU borders must submit herself to checks by police, border agents, and agents of EU agencies, such as FRONTEX. According to many frontline NGOs in the EU’s migration hotspots, this is not a new measure but rather an extension of previous measures to deter migrants from entering the Union.

Regarding women, the [proposal in the Pact, introducing a screening of third country nationals at the external borders](#), the document mentions pregnant women among the “vulnerable groups” in the screening process, and it states that “*the competent authorities should comply with the Charter of Fundamental Rights of the European Union and ensure the respect for human dignity and should not discriminate against persons on grounds of sex*”. However, this is in no way sufficient to protect women and girls from discrimination in screenings as those are undertaken as soon as an individual arrives at borders and hotspots, with no consideration towards the psychological and physical state of female refugees. In particular, the newly arrived have to state the reasons for wanting to enter the EU immediately upon disembarking, which, we know, is extremely difficult for migrant women many of whom are unable to formulate the reason as to why they are seeking asylum. Additionally, there is little to no time to provide legal or any other information while the international organisations’ participation at the EU borders is limited, so is competent staff, including interpreters, lawyers, psychological support and cultural mediators.

In reality this leaves many migrant women and girls at the EU borders with almost no chances to access the EU asylum, in violation of the Asylum Procedures Directive states that it is essential that “[...all decisions on all applications for international protection be taken on the basis of facts by authorities whose personnel has the appropriate knowledge or has received necessary training in the field of international protection](#)”. The pre-entry screenings hamper data collection and the study of facts as they are done in very stressful conditions, with little access to basic needs and no time to properly examine every applicant.

**In practice, for migrant women, particularly those travelling independently, pre-entry screenings and identity checks at the borders of the Union mean that they will never be able to set foot in the European Union and access its asylum system.**

A number of significant questions also remain unanswered by the Pact: for example, whether the screening agents are appropriately trained and know how to deal with the underlying sex discrimination and gender based violence, including domestic violence, sex trafficking, rape and sexual abuse and many other forms of violence that these women may be facing. Whether asylum seeking women will have a choice and access to female agent/s, mediators, social assistants, doctors and lawyers. Whether the women will have the time and conditions to access legal information on asylum procedures. Whether there be any asylum protection NGO worker available or even allowed at the border hotspots?

### **Women in Relocation and Sponsored Return and Deportation**

The relocation procedures may work well for asylum seekers in less resourced Member States and so-called ‘migrant overflowed’ EU countries (such as Greece, Italy and bordering countries which are in financial and resource crises already). The European Commission, however, still needs to make sure that the sponsored asylum seekers receive adequate treatment, including having a chance to reclaim asylum by being able to give restatement if their asylum claims are rejected. The fact that the Pact does not include concrete and clear measures to ensure the fair treatment of women and girls during the process

of relocation, in spite of their specific vulnerabilities, is worrying, while the following, crucial for female applicants, questions remain unanswered: How long does it take for the asylum application to be processed? What are the safety measures for women and children during this process? If the country proposes a 'relocation procedure', what will be the duration of relocation? How many times an asylum seeker can be relocated? What kind of support and services are available for women and children during and after relocation?

**Sponsored return and deportations are particularly problematic for women from the countries deemed "safe" for refugees. They may result in persecution, exploitation, sexual violence and femicide - all gender specific crimes and sex discrimination against women perpetrated against them both in the country of origin and where they are seeking asylum.**

In the latter, in particular, women may become exposed to exploitation in the underground work, as well as the exploitation in prostitution, while being prevented from reporting male violence, including domestic violence. In the former, women may face very specific forms of persecution, due to community stigma **ultimately facing losing lives as well as** risking taking even more dangerous routes to migrate again in order to avoid the dangers to which they are subjected. **Additionally, it remains unclear in the Pact** how exactly a relocating country will decide to deport an asylum seeker? If an asylum seeker comes from a refugee camp, and not from the country of origin, where will they be returned? What kind of legal support can they access in the case of dispute of decisions on their asylum procedures, or the way they have been handled by the immigration services?

These are just some of the many problematic aspects of the Pact and the questions it raises from the perspective of women and girls. ENoMW urges the Commission to review and amend every proposal contained in the Pact accordingly, by, firstly, ensuring that the overall **framework of the work is changed from the economically exploitative and border control oriented to fair and human rights based**, and, secondly, by **introducing targeted measures on women, as well as girls among children, and taking into consideration the needs and conditions of migrant and asylum seeker women and girls' seriously**