

Open Letter to Maltese MEPs on the vote for EU Migration and Asylum Pact

Dear Members of European Parliament,

As you are aware, political agreement has been reached on the **EU Pact on Migration and Asylum**. The next and final step remains that you and the other MEPs will vote on it on 10 April. After more than three years of debates and constant reform proposals, the EU institutions are presenting this as a historic agreement. However, the Pact will increase human suffering and reduce protection to refugees and migrants – making it indeed **historic, but for the wrong reasons**.

Whilst we acknowledge that current systems of migration management and responsibility sharing are not working, the EU Pact represents a serious backsliding for the human rights of those seeking protection. We have several concerns about the Pact and the impact that different measures will have on people. These concerns include, but are not limited to, an increase in detention and pushbacks to countries outside of the EU.

Once the Pact is in place, **most asylum seekers arriving irregularly**, including **women, children and families**, will be **detained** at the EU's borders and denied access to territory whilst their fate will be decided, based primarily on where they come from. In our experience, refugees could also come from countries generally deemed safe, which is why nationality-based assessments run the risk of missing those needing protection.

As organisations working on the ground to protect the rights of asylum seekers and refugees in Malta, we know firsthand the impact that detention has on people, having provided services to asylum seekers in detention for more than 20 years.

In the vast majority of detention situations, physical conditions are often basic at best, and inhuman and degrading at their worst. Furthermore, global research continues to underline that prolonged deprivation of liberty, even in the best living conditions, causes a **marked deterioration** in a person's psychological **wellbeing**, breaking even the strongest and most resilient. In the words of one asylum seeker, which we have heard repeated countless times over the years: *'This detention is so hard, you don't recognise the person you have become.'*

The Pact will undermine many of the guarantees currently in place to ensure that **individuals in a vulnerable situation, such as children, victims of trafficking, or people experiencing mental ill-health, are not detained**. Instead, they need in depth care and support.

Detention does not only curb individual freedom of movement; it also deprives people of all control over their life, and severely limits their access to the outside world and to information and essential services from

independent sources. In recent years, Malta has significantly restricted NGO access to detained persons. This inevitably means that asylum seekers' access to information and legal assistance, both essential to ensure that asylum seekers' rights are protected, has been seriously curtailed.

For newly arrived asylum seekers who do not have friends or family in Malta, NGOs are not only service providers; they are also an important source of support and human contact. The presence of external service providers and visitors is also key to ensuring that individual needs are identified, and that any violations that occur come to light.

Additionally, the EU plans to work with third countries deemed "safe", with a view to securing agreements with these countries to allow the return of asylum seekers. Such agreements are already in place, such as the most recent deal with Egypt and the highly controversial deal with Tunisia, aiming to stop people crossing the Mediterranean, and entering the EU. The way in which asylum seekers' links to these **"safe" third countries** will be established and how such returns will be carried out is still totally unclear, and cause for great concern.

Beyond this, we are very worried that this will mean that people will be returned to places where they are not safe and where they will possibly experience **trauma** and/or **violence**.

Over the years, we have met countless asylum seekers who arrived in Malta after residing in, or transiting through, countries where they experienced arbitrary detention, abuse, exploitation, or even violence. Often, in these countries, asylum seekers were not only unable to access the asylum procedure but also unable to seek and obtain redress for the violations that they had suffered. **This happened even though the country was, in principle, considered 'safe'**.

For these reasons we believe that a vote for a Pact, that will introduce a reception system characterised by social and physical exclusion with limited guarantees of care and support, is a vote for a system that punishes people who have already suffered so much and fails those who most need protection.

Ultimately, this Pact **lacks humanity**, reinforcing barriers instead of embracing solidarity. We are therefore calling on MEPs to reject it and uphold the values of dignity and compassion. We would like to extend the invitation to get in touch with us, if you wish to discuss the Pact and any other migration matters in further detail.

Yours Sincerely,



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Director, JRS Malta



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