

Hotspot system as a new device of clandestinisation: view from Sicily

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The 'hotspot' system for migrants remains an experiment, but it entails the implementation at the national level of human-rights-violating policies elaborated at the EU level.



Lampedusan authorities disembark migrants from Libya, February 2015. Flickr/Jordi Bernabeu Farrus. Some rights reserved. In early December 2015 a group of Gambian migrants arrived at the local office of an Italian cultural association in Palermo. They each carried a 'deferred refoulement decree', or "7-days decree" as migrants have begun to call it, which obliged them to leave Italy via the airport of Fiumicino in 7 days. This was, however, an impossible order to fulfil, considering that they had been abandoned by the Italian Police at the railway station of Agrigento, without any money or information about where to go.

These young men from Gambia, having set off from the Libyan coast on a small vessel, had been rescued at sea on 20 November, after which they were brought to Lampedusa. They spent five days in the reception centre on the island where they had to undergo identification procedures and were forced to sign a paper they were unable to read as it was written in a language they did not understand. These procedures are part of the new EU 'hotspot' approach, which has recently been adopted in Lampedusa. Whilst UNHCR officers informed the migrants about the possibility of asking for international protection, they reported that they had no real access to any asylum procedures.

Ticking the right box

It was on the boat from Lampedusa to Porto Empedocle (near Agrigento) that the migrants received the 7-days decree. Moreover, whilst in the reception centre in Lampedusa they had been separated from a group of migrants from Eritrea, who were already in Lampedusa when they arrived, and who were also being transferred to Sicily. This last group had been given access to the asylum procedure however. This was a separation on the basis of nationality: migrants from countries with a high rate of international protection recognition versus migrants coming from all the other countries.

Indeed, this is the main declared function of the hotspot system, as it has been elaborated by EU Institutions in

response to the so-called 'refugee crisis', and as it is being implemented by the Italian government: to divide migrants into different categories directly after arrival by sea. Migrants considered to be potential refugees are allowed to claim asylum and, if they come from countries with more than 75% of international protection recognition might be eligible for relocation to other EU countries.

On the contrary, people defined as 'economic migrants' are to be deported. The process of division is partially based on a form with a multiple-choice question that migrants must answer. To the question why they have come to Italy, they can answer: a) to work; b) to escape misery; c) to escape for other reasons; d) for family reunification. The problem is not only that migrants who answer 'to work' are de facto excluded from the asylum procedures. In addition, a number of associations have critiqued the use of the form by employees of the Ministry of the Interior on the basis of a sort of 'colour line', corresponding to country of origin. Many migrants have received their 7-days decree after giving the 'wrong' answer to a multiple-choice question, or after that the agent of the Ministry of Interior decided which box should be marked.

A highly flexible device for governing migrants

A variable set of criteria appears to create a highly flexible informal device for governing migrant multiplicities, by separating them into groups with different levels of access to rights and liberties: from skin colour to nationality, to country of transit, to ethnic or religious affiliation.

What this kind of separation of people into 'forced' and 'economic' migrants does not consider is that, in the majority of countries of origin, poverty is often connected to a lack of democracy and widespread violence.

Moreover, it fails to consider the particular circumstances of individual migration trajectories as people are categorised on the basis of the group they are thought to belong to. During the last decades, this kind of division between 'genuine' refugee and 'bogus' asylum seekers or 'economic' migrants was at the heart of mainstream narratives on migration, which were influenced by a whole range of external factors - political and economic conjunctures, geopolitical relationships and bilateral and multilateral agreements between governments.

In 2011, for instance, when thousands of migrants from the Maghreb reached Lampedusa by boat as one of the effects of the Arab uprising, only Sub-Saharan migrants would be recognised as asylum seekers.

After a first short period of 'extraordinary humanitarian measures' enacted by the Italian government that granted a limited number of temporary permits to stay also to migrants coming from the Maghreb, thousands of Tunisian men got stuck on the tiny island for several weeks, without any form of assistance.

They were suddenly treated as irregular migrants to be repatriated, while Sub-Saharan migrants, who arrived from Libya at that time, were transferred to other parts of Italy and granted the right to claim asylum. As it happens, Sub-Saharan migrants are currently the group that is often denied the right to claim asylum, except for Eritreans, that is. The groups that suffer this kind of exclusion thus change over time. That said, migrants from the Maghreb have been largely excluded from access to asylum throughout this period.

Experimental phase

The 'hotspot' approach is still in an experimental phase both in Sicily and in Greece, which means procedures and practices are not yet consolidated. Nonetheless, it has become clear that discriminatory and rights-violating practices are well in place, also with respect to the migrant group that is currently 'privileged'.

For instance, between November 2015 and January 2016, a group of two hundred Eritrean, Sudanese and Somalian migrants were not allowed to leave Lampedusa, without a clear juridical basis, for refusing to have their fingerprints taken.

Under the [Dublin Regulation](#), migrants must claim asylum in the first country of arrival in the EU, i.e. there where their fingerprints are taken. Unwilling to claim asylum in Italy, the migrants organised two demonstrations on the island, targeting the Dublin Regulation, but also the new relocation system. The migrants contest being forced to seek asylum in Italy, or in other countries they cannot choose, and seek to claim their right to travel to other EU countries where they have relatives and networks.

At that point, the Italian police were not accustomed to taking fingerprints by force, in contrast to recent EU recommendations. Nonetheless, the prolonged detention of migrants refusing to be fingerprinted is evidence that the simple fact of being identified as a potential asylum seeker does not automatically give one access to a clear set of rights.

Although the treatment of migrants is differentiated, in the chaotic context of experimentation anything can happen: at the same time that the first demonstration in Lampedusa occurred, several Sicilian migrant advocacy associations reported that a group of migrants from Somalia received 7-days decrees when they refused to be identified through fingerprinting.

Deceits and rights violation

At the end of 2015 and in January 2016, two ‘hotspots’ were formally opened in Sicily: one in Lampedusa and one in Trapani (Milo). In February, also the reception centre of Pozzallo has become a hotspot after a difficult transition. This was the ‘gift’ the Italian government has offered to the EU, or perhaps one should say that Italy is finally bowing to EU pressure to comply with its migration management policies, including the obligation to identify all migrants, respect ‘Dublin’, and expel all migrants not recognised as asylum seekers.

Yet, whilst the ‘hotspot’ system remains an experiment, and procedures are not fully up and running, it has become clear that it entails the implementation at the national level of human rights violating policies elaborated at the EU level.

The main deceit of the ‘hotspot system’ is the claim that the filtering operation – whereby migrants are divided into ‘economic’ migrants and those allowed to claim asylum within a few days upon arrival – can be implemented legally and in accordance with human rights principles.

What follows, to repeat, is that those identified as asylum seekers will increasingly be redistributed to other EU countries, whilst other migrants will be sent back to their countries of origin or transit on the basis of a series of bilateral agreements. Neither of these conditions is currently in place, whilst two things are becoming evident. Firstly, the hotspot system implies the annihilation in Europe of the right to asylum as a perfect individual right that everyone, regardless of his or her origin and condition, can claim in any country. In compliance with this principle, Italy has formally never adopted any ‘safe-third-countries list’. Moreover, people who are given access to asylum procedures also face rigid restrictions of their rights and liberties, as illustrated by the case of migrants protesting in Lampedusa.

Clandestinisat

Secondly, the hotspot system as it has been implemented in Sicily until now produces a new form of ‘clandestinisat’: all migrants who received the 7-days decree risk being irregularised without having had a chance to claim asylum either in Italy or elsewhere in the EU.

Moreover, in the event that they manage to claim asylum without making an appeal against the 7-days decree, they risk being held in a detention centre until the end of the procedure, and then being quickly rejected.

In both cases, despite declarations of intent by both EU and Italian institutions, they will not be deported. This is, firstly, because the main agreements with countries of origin and transit have failed, insofar as these countries often

refuse to recognise the migrants as their citizens. Therefore, all these migrants will soon become invisible. Along with an increasing number of rejected asylum seekers who have arrived in the last two years, they will become part of a 'clandestine' workforce with no rights in different Sicilian and Italian labour market sectors, starting with agriculture. Like thousands of migrants before them, they are already feeding into the most marginalised and exploited part of Italian society.



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