

# Refugees and visas: while the UK is entrenched in its longstanding position that all refugees must be kept out, Europe is now at a crossroads



[Lucy Mayblin](#) compares the EU's response to Ukraine's refugee crisis to earlier responses.

Refugees don't need visas. In the [Refugee Convention](#), signed by 1951 by most European states, and with 149 signatories today, it is clearly stated that since refugees might have to flee quickly and in difficult circumstances, they should be able to [cross borders](#) without appropriate travel documents like passports and visas. They should be able to present themselves in a signatory state and say 'I would like to apply for asylum' and have their application assessed properly. What has happened, then, in the intervening years that means that Ukrainians can only travel across Europe because the EU has waived visa conditions? And Ukrainians cannot enter the UK because they do not have a visa? A lot has happened.

It began in the 1990s, when people started to apply for asylum in Europe who were not white and were [not European](#). These people, exercising their human right to make an application for asylum, were perceived by European governments to be not 'real' refugees. It is hard to say why, since they were fleeing wars and persecution, without drawing attention to the fact that they were not white and that they were arriving often from former European colonies, from 'developing' countries.

The response was rapid, extensive, and [expensive](#). There has been a proliferation of border controls, biometric monitoring, detention centres, deportation, and economic sanctions such as limitations on welfare. Measures have been introduced at scale to prevent people who might seek asylum from setting foot in a country and exercising their right to then apply for asylum. To board a plane or boat they now need a visa. European countries became obsessed with what they called '[asylum shopping](#)', where someone passes through a designated 'safe' country such as Italy or Poland and goes somewhere else, perhaps where they have family. So, new rules were introduced meaning that when people arrive in a European country they are [fingerprinted](#) and can then later be deported back there if they are found to have committed the crime of moving on.

When the Syrian civil war broke out and some of the [millions](#) of displaced Syrians started to make their way to Europe for safety, they had to do so via dangerous clandestine means. [Carrier sanctions](#) meant that they could not board a plane or a ferry because the companies running them would be fined by European governments for taking people without valid visas – refugees or otherwise. No waivers were made to allow them to escape safely. Many [walked](#) miles and miles, boarded [unseaworthy vessels](#), stowed away in the backs of lorries. [Many died](#).

The border regime in Europe is so extensive that it is impossible to list everything that has been done since the 1990s to halt the movement of refugees – the [billions](#) of Euros that have been spent on keeping refugees out. But here are a couple of examples. In Hungary, Syrian and other refugees were met by [riot police in 2015](#), with quickly erected barbed wire fences along the border, with the release of repellent gasses, water cannons, anything to stop the 'waves' of unwanted 'migrants'. The [border with Serbia](#) has become a bottleneck for thousands of migrants, including asylum seekers, in the years since. So, Hungary changed its laws to make asylum applications made on the Serbian border inadmissible; it introduced 'alien policing procedures' (including the denial of food to starve people out); and an extensive zone in which [no humanitarian activity](#) is allowed. In the early 2000s states also started to punish their own citizens if they helped such migrants. There are hundreds of cases of people being [arrested](#) and subjected to lengthy legal proceedings for giving [food](#), [shelter](#), [a lift](#), or even saving people from [drowning](#) in the sea or dying in the mountains. Politicians in places like [Calais](#) and [Ventimiglia](#) have banned the giving of food, shelter or even showers to asylum seekers.

There were some exceptions to the hostility that met Syrians in 2015/16. Sweden offered refuge to many, to [great economic benefit](#) it turns out, and [Angela Merkel](#) famously opened the doors of Germany to those in search of asylum (all the while quietly deporting Afghans). All other EU governments refused to [share responsibility](#). There are squalid [camps](#) on Greek Islands holding thousands of people who sought asylum in Europe in that period. [The Atlantic](#) described the Moria camp (which later burned down) as 'where Europe's ideals—solidarity, human rights, a haven for victims of war and violence—dissolve in a tangle of bureaucracy, indifference, and lack of political will'. Most recently, the UK and Denmark have actively sought 'offshore' solutions to people seeking asylum, where any applicants who do manage to make it to these remote territories on the edge of Europe will be deported to detention centres in developing countries (though no countries have actually agreed to date).

This truly vast and dystopian architecture of indifference is deeply embedded. And yet now there is a war in Europe, in a country which is not an EU member state. Those of us who know about the border regime for refugees in Europe wondered what would happen when Ukrainians encountered this architecture of control and repression. Would they be beaten back at borders and starved out in forests, would they be refused entry onto flights? Knowing everything that we knew about the senseless inhumanity of the European border regime, we feared that they would. These days, in spite of the Refugee Convention, refugees do need visas, and this fact endangers people's lives every day.

It was a great relief to see the EU activate the [2001 Temporary Protection Directive](#), a measure to deal with mass influxes of displaced persons from outside the EU. It means that Ukrainians (though not all Ukrainian residents -it excludes [foreign students](#) for example) can travel without visas across the EU, there are no safe country rules (which would mean they cannot leave a bordering state such as Poland), and they can board planes. States can offer people temporary status, and they can later, if needed, apply for asylum. People have rights to access housing, healthcare, education and family reunion.

This Directive was, of course, also relevant in other crises. For example, during the exodus from Syria, the most recent conflict in [Ethiopia](#), or during the Taliban's recent takeover of [Afghanistan](#). But it was not activated for these refugees.

There is a [hierarchy of humanity](#) underlying the responses to different refugee situations which is difficult to ignore. Some lives seem less important to policymakers than others and European publics have largely tolerated shameful levels of institutionalised cruelty and endangerment for two decades now. While the post-Brexit UK is [entrenched](#) in its longstanding position that all refugees are a security threat to be kept out, Europe genuinely is at a crossroads. Could we now imagine a Europe in which refugees, again, do not need visas?

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## About the Author



[Lucy Mayblin](#) is Senior Lecturer in Sociology in the Department of Sociological Studies at the University of Sheffield.

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