

Solidarity? Responsibility? Deportation! - The EU Commission's plan for a new asylum system

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At the end of 2019, 79.5 million people were forced to flee their homes, according to figures released by the UN refugee agency UNHCR. This is a record high. Last year alone, the figures rose by 9 million. With the corona pandemic, the situation is likely to worsen further. 45.7 million are seeking refuge in their own countries and are considered internally displaced persons. In addition, there are 26 million refugees in other countries and 4.2 million asylum seekers. For the first time, the UNHCR counted 3.6 million Venezuelans who had fled abroad but do not have refugee status.

With 3.6 million refugees and 300,000 asylum seekers, Turkey took in the most people, followed by Colombia, Pakistan, Uganda and Germany. Pakistan and Uganda each received 1.4 million last year. In total, 85 percent of all refugees were accommodated in so-called developing countries and less than 10 percent in Europe. Fewer and fewer people are returning home because of ongoing conflicts. In the 1990s the average was 1.5 million per year, last year it was 385,000.

The Commission's plan

The EU has 513 million citizens and only just over 2 million refugees. The latter figure is therefore a mere trifle compared to the above figures. At the end of September, the EU Commission presented its plan to reform the European asylum system. It provides for asylum procedures at the external borders, faster deportations and the appointment of a repatriation coordinator. In case of "high refugee numbers", all member states are to be obliged to show "solidarity" with the countries of arrival, whether that is by taking in refugees or by helping with deportations. In the event of such a "crisis", migrants will be distributed among individual countries, even without the prospect of protected status. Deportations are accepted as granting assistance and must take place within 8 months. Otherwise the country must take in the refugees. At the same time, the office of Ursula von der Leyen is planning more legal immigration possibilities. In 2016 the attempt to win over the then 28 EU states to reform the asylum law failed.

Günter Burkhardt, managing director of Pro-Asyl, complains that the pact amounts to the abolition of fair asylum procedures by means of a preliminary examination at the external borders to determine who will be admitted to the procedure. Cornelia Ernst, Member of the Left in the EU Parliament, sees it as crossing red lines such as the Universal Declaration of Human Rights, the Geneva Convention on Refugees and the EU Charter of Fundamental Rights. In particular, she criticised the possibility that countries may buy their way out of accepting refugees.

The Dublin system, under which the state whose territory the protection seeker first enters is responsible

for the asylum procedure, is not altered by the plan. It has given countries the pretext of shifting all responsibility to the "outer ring" (Greece, Italy, Malta). The Commission wants to strengthen external border protection through Frontex, but also through new contracts with neighbouring countries along the lines of the deal with Turkey and use of the EU visa system. The Swedish Commissioner for Home Affairs, Ilva Johansson, announced a five-day mandatory "screening" process for migrants upon arrival, with police registration and a first decision on the prospects of an asylum claim. This is basically the line that Germany's Federal Minister of the Interior, Horst Seehofer, has been following for years!

Opposition from the Right came from Hungary and the Czech Republic. They dislike the fact that in exceptional cases they are to be obliged to accept asylum seekers. They want negotiations with North African countries on the establishment of hotspots such as Moria on Lesbos, where the fugitives would then be crammed together and registered. The idea is not new, but there are no agreements yet.

Our conclusion: the new proposal is nothing more than a tinkering with an inhumane system and a continuation of the isolation, the expansion of "Fortress Europe". The Commission does not want to change the disastrous system at the Greek external borders, for example, where minimum standards of accommodation and protection are being disregarded. On the contrary, what they want is to prevent refugees ever reaching the EU's borders in the first place by making them stay in Libya, Turkey, Morocco, Niger, Mali or anywhere else.

5 years of changes

The EU, however, has found ways to stop asylum seekers from crossing Europe's borders not only with Turkey but also with the so-called Libyan coast guard. The latter was trained by Europeans and given technical support. Amnesty International can list the violations of the human rights of boat refugees who were picked up by the "coast guard" and brought back to Libya. Governmental and non-governmental agencies imprison them in inhumane camps, kill them, make them disappear or force them into slave labour.

Five years ago, in the face of the wave of refugees, Merkel exclaimed, Obama-style: "We can do it!" But what has happened since then? In which direction has migration policy moved? The EU's original sea rescue operation in the Mediterranean has been discontinued (Mare Nostrum, Sophia). Civilian sea rescue is being obstructed and criminalised (Italy, Malta). The German Ministry of Transport demands costly and unaffordable measures from rescue organisations. A new federal ordinance for sea-going boats and ship safety, authorised by the Maritime Tasks Act, prohibits, for example, the NGO Mare Liberum from carrying out sea rescue operations with its boat of the same name. The Greek coast guard illegally repatriates fugitives to Turkey, or leaves them on inflatable rafts in the open sea. A protection status for persecuted lesbians and gays remains a matter of discretion in Germany. Greece stopped accepting asylum applications for a month in March and for the first time fully involved the military in the control of refugees.

The conference of interior ministers in June 2019 tightened the regulations for repatriation to Afghanistan. With regard to Syria, the stop on deportation was extended until 31 December 2019, but Germany's Office for Migration and Refugees (BAMF) is no longer to grant subsidiary protection, but rather the weaker protection against deportation. The 8 amendments to the law passed by the Grand Coalition in the same month, including the Immigration of Skilled Workers Act and the "Second Act to Improve the Enforcement of the Obligation to Leave the country" (the "Ordered Return Act"), tightened, among other things, the provisions on detention pending deportation. The risk of flight is no longer a precondition. The police now have the nationwide right to enter the accommodation of fugitives without a search warrant. In the case of "imminent danger" the agency responsible for foreigners can also authorise the police to enter.

On 23 July 2020, representatives of 20 participating states met in Vienna to establish an early warning

system for the so-called Balkan route. Border protection, repatriation of people without residence rights and accelerated asylum procedures were named as goals. In the future, if they are not stopped at the external borders, an office in Vienna authority decide the fate of those who have made it to the landlocked countries of the EU in line with the ministers' intentions. This office is obviously the blueprint for the "repatriation coordinator" in von der Leyen's plan. Croatia is playing the desired role in protecting Germany, among others, from unwanted migration at the Bosnian border: thousands of people who were apprehended there were locked up for hours, beaten and deprived of their belongings before being sent back. Such push-backs are not allowed under international law.

Disagreements

During the recent fire disaster in the Moria camp, a debate was sparked in the EU as to whether, and if so how many, refugees should be admitted to each country. Germany and France had already made attempts to form a "coalition of the willing". At an EU ministerial meeting in Helsinki in mid-July 2020, they had grouped 14 states around their proposal, 8 of which were prepared to "actively cooperate" to push through a joint distribution of those rescued at sea. Italy opposed the idea that boats with rescued migrants should be able to dock in its or Maltese ports for redistribution to other countries. Italy complained that their disembarkation, for example, in French ports, was not considered.

Already in March the "willing coalition partner" Germany had promised to take in 1,500 refugee children from the Greek islands. These were children of relatives who were already in Germany. The quota of 1,000 people per month for family reunification decided by the Bundestag had not yet been used up. After the fire disaster, NGOs such as Seebrücke, Sea-Watch and others pointed out that many German cities and states had long since declared their readiness to accept refugees. But Seehofer blocked this, initially allowing only 150 refugees to be taken in, only agreeing to raise the number to 1,500 under pressure from numerous demonstrations. The Greek government announced that only those whose asylum procedures had been approved would have a chance to leave the country, including the 408 refugee families who are now to be taken in by the FRG.

In September, the Federal Minister of the Interior stopped the state reception programmes of Berlin and Thuringia because they endangered the distribution negotiations in the EU. Those who, like the Greens, the Left Party and some SPD politicians, point to the willingness of many municipalities to accept more refugees, must also look to Italy, Malta, Spain and the Balkans, where there are many asylum seekers.

Away from humanitarian gibberish, the German EU Council Presidency (from 1 July 2020) follows the familiar line. On 7 July, the meeting of interior and justice ministers discussed dovetailing and data exchange between national police authorities and strengthening Europol. The "refuseniks", who do not accept the distribution mechanism for refugees rescued at sea negotiated last September in Malta, were gently admonished. The Greek asylum law, which came into force at the beginning of 2020 and is based on deterrence and deportation, making access to the asylum procedure more difficult and shortening both application and decision deadlines, was not criticised.

Despite all the dissonance, the "willing" as well as the "refusing" stick to the common goal of a far-reaching tightening of the European asylum system. The humanitarian fuss of some of the "willing" only serves its flexibility and stabilisation. The blockade of the hardliners is a welcome pretext to polish up the philanthropic facade of the "do-gooders" while keeping concessions to a minimum.

Demands

- Away with the Dublin system!
- Away with Frontex!

- Unhindered state and civil sea rescue!
 - Free entry for fugitives into any country of their choice!
 - For open borders! For full democratic and civil rights for all who want to live in the country!
 - Link the fight against Fortress Europe with the fight against the crisis!
 - Create an anti-racist united front of workers and anti-racist self-defence against right-wing attacks!
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