



Migration

Killing the Right to Asylum

The Reality of the New Pact on Migration

The new Migration Pact falsely promises an historic change in EU migration policies. In reality, the Pact reinforces current failed policies and practices by focusing on deterrence, containment of people fleeing third countries, strengthening external borders, detention, and acceleration of procedures at the expense of the individual right to asylum.

This Migration Pact constitutes a dramatic blow to human rights of people on the move, effectively putting an end to the individual right to asylum in the EU. The reform of the Common European Asylum System deprives people of their rights, enabling a whole range of illegal and violent practices by EU member states against people on the move.

This explainer cuts through the bluster surrounding the new Migration Pact, debunking some of the myths spun by the European Commission and political forces across Europe while putting forward six points for a solidarity-based and humane European asylum and migration policy.

“The New Pact will ensure clear, fair and faster border procedures”

Mandatory and accelerated “border asylum and return procedures” are always accompanied by reduced fundamental rights guarantees for the applicants. This reform contains a set of provisions which systematically undermine applicants’ access to a fair and efficient asylum procedure. A large proportion of people arriving will not be sent through the regular asylum procedure but rather go through a shortened procedure directly at the border, where their individual claim for asylum will not be assessed, but they will be returned immediately based on the safe-third country principle. Vulnerable groups and children are also detained in the fast-track procedure.

“The New Pact will finally lead to a solidarity-based and mandatory distribution of those seeking protection in the EU”

This reform is not a reform: it is old wine in new bottles. There is no such thing as an automatic distribution mechanism; rather, the Pact will maintain the failed Dublin system. First-entry member states will continue to hold responsibilities for people-on-the-move arriving at their borders, while other member states can decide to pay through the “flexible solidarity” instrument and not accept people on the move.

“There will be no more ‘Morias’”.

The purpose of the newly proposed accelerated border procedures is precisely to detain people at the border and deport them in fast-track procedures. Not only does this not break with the so-called ‘hotspot approach’, it actually reinforces it, generating mass detentions in places like the Greek islands, Canary islands or Lampedusa in Italy.

“The reform will build balanced and tailored partnerships with third countries that benefit everyone”

The concept of “safe third countries” and its comprehensive expansion in EU law is a worrying development. In practice, it will be possible to classify countries as “safe third countries” even if they persecute their own nationals or if they do not grant legal status to people-on-the-move. The basis to earn the category of “safe” can be a single arrangement in which a country agrees to fair and regular treatment of people and the right to remain there, without this being verifiable or enforceable. The externalisation of EU borders goes hand in hand with millions of euros of public money going to Sudan, Libya, Egypt, Turkey, Morocco and Tunisia for closed borders and migration control. Europe’s silence on verified human rights violations in these countries is a deafening and integral part of this new Pact.

6 POINTS FOR A SOLIDARITY-BASED & HUMANE EUROPEAN ASYLUM AND MIGRATION POLICY

1. Defend the individual right to asylum

The individual right to asylum was born out of the horrors of two world wars. Every asylum seeker has the right to a detailed and individual examination of the asylum application. No application should be declared inadmissible on the basis of the “safe third country” principle. Such a practice de facto abolishes the individual right to asylum.

2. Solidarity instead of Fortress Europe!

A humane and human rights-based reception system must be created in which dignified care and accommodation for those seeking protection is fully guaranteed at all times. The first entry principle does not allow fair distribution, nor does it take into account the individual concerns of those seeking protection such as family reunification throughout the EU.

3. Abolish inhumane (detention) camps at the external borders

Detention camps at the EU’s external border are a direct outcome of the EU’s policy of deterrence and migration prevention. The long-term internment of those seeking protection under conditions that lead to child suicide attempts and systematic human rights violations are intolerable and incompatible with the fundamental values and rights of the EU.

4. Use and expand legal and safe pathways

Since 1993, at least 44,000 people seeking protection have died in the Mediterranean. Europe urgently needs legal and safe escape routes for refugees into the EU, humanitarian visas for legal entry or the lifting of the visa requirement for those seeking protection and an unrestricted guarantee of family reunification

5. Stop externalisation of asylum and migration policy – No more deals with third countries

We firmly oppose the EU-Turkey deal and cooperation with authoritarian regimes such as Libya or Tunisia: they are not part of the solution, but part of the problem. The European Commission should reverse the outsourcing of EU border protection, search and rescue services, including the suspension of the agreement with the Libyan Coast Guard, put the Khartoum process on hold and end EU financial bilateral support for regimes responsible for human rights abuses such as Egypt, Eritrea and Sudan.

6. Replace Frontex with a European search & rescue mission

There is substantial evidence of Frontex involvement in illegal pushbacks at the EU’s external border. The agency is out of control and unsuitable to take on tasks in a reception system for those seeking protection within the EU. The billion-dollar budget planned for the next few years would be better invested in a European sea rescue mission. There must also be an end to the criminalization of civilian sea rescue!