

European Union to deport immigrants

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Plans by European Union interior ministers to establish a joint border protection authority were revealed earlier this month. Beginning in 2005, the new EU agency will coordinate the protection of European borders in a bid to block the entry of immigrants and refugees. In addition, the authority will be responsible for deporting immigrants and those seeking asylum who lack official residence status.

The plan envisages the use of specially chartered transit flights. At their last council meeting in Brussels, the EU interior ministers agreed on a detailed plan for the financing and regulation of such an enterprise.

Italy, which currently chairs the EU council, presented a motion for the “Organisation of transit flights for the return of third-country nationals, who are subject to individual state repatriation measures.”

This proposal, along with the plan for the creation of a joint border agency, is to be voted on at the next summit meeting of EU heads of state in December. The background to these measures is an intensified crackdown against refugees and immigrants in practically every European country. Additionally, the measures are expected to cut government expenditures and are being introduced as part of the preparations for the eastward expansion of the EU due to take place next year.

The planned joint border agency is not expected to encroach upon the sovereignty of individual EU countries, which will retain control over immigration policies. The agency is to provide technical assistance to coordinate the patrolling of borders and to organise and finance mass deportations.

Belgium, the Netherlands and Germany have already used specially chartered airplanes to carry out mass deportations of immigrants lacking residency permits. These flights are now to be reevaluated and then organised on a cheaper basis.

An important reason for the increased use of charter

flights for deportations is to avoid the publicity and protests that have taken place when governments have used regular passenger flights to carry out forced deportations. A number of such deportations have had to be aborted because passengers or members of flight crews have objected to the violent methods used by police to restrain deportees.

There have been a number of deadly incidents involving the deportation of immigrants from Germany and a number of other EU countries. The interior ministers saw no reason to stop this inhumane and barbaric practice, however. Instead they have drawn up a list of minimum standards which are thoroughly general in character and nonbinding upon the member states.

The recommendations state: “The use of force is to be limited to a reasonable level.” Another point addresses the number of deaths of deportees through suffocation over the past few years and states that in the course of implementing forcible measures it is necessary to ensure “that the deportee is able to breathe.” In cynical fashion, the text continues: “It is possible to immobilise the person giving resistance by means that respect dignity and bodily freedom.”

In the charter airplanes, deportees will be assigned their own “stewards.” Such individuals do not have to be police officers. According to the new guidelines, private security guards can be used.

One must assume that the dangers of abuse with possible deadly consequences will only increase with the move to mass deportations in charter planes in which the treatment of deportees will take place outside of public view.

According to a November 7 report in the *Süddeutschen Zeitung*, German Interior Minister Otto Schily (Social Democratic Party—SPD), is planning even more far-reaching attacks on the right to asylum. According to the newspaper, Schily insisted at a

meeting of EU interior and justice ministers at the beginning of November in Brussels that non-European states should also be assessed as “safe third countries.”

The designation “safe third country” was introduced in 1993 in connection with major changes to German law that did away with the traditional right to asylum. It means that a refugee who arrives from a country that the German authorities deem to be “safe” can be sent back to that country without any investigation as to whether the individual has a valid right to asylum.

Schily wants to extend the existing arrangement to states that have refrained from signing, and are not required to abide by, the Geneva refugee convention or the European Human Rights convention. It would also be deemed irrelevant whether so-called “safe third countries” themselves allow refugees to file asylum claims.

Faced with objections from other interior and foreign ministers, Schily was forced to withdraw his proposal. However, his measures are entirely in line with a course he has pursued for some time—a course that has also been accepted by some other EU countries, notably Great Britain.

Arising from the revised asylum law of 1993, Germany has declared all countries with which it shares borders to be safe third countries—a move that has had dramatic consequences for many refugees seeking asylum. In a commentary in the *Süddeutschen Zeitung* (November 7), journalist Heribert Prantl described the bureaucratic logic used by those in power in Germany and increasingly in the EU as a whole:

“Whoever flees to Germany from Poland, Austria or the Czech Republic can tell of the political repression he has suffered until he is blue in the face; he can even show the signs of torture on his body, he could present the authorities with a copy of his death sentence—all of this doesn’t count. The only thing that counts is the route taken by the refugee to get to Germany. On this basis he will be checked and then immediately sent back.

“In line with the new EU guidelines, according to Schily, the regulation governing minimum standards for initial asylum procedures, which lies at the heart of the new German law of asylum, would not only be adopted but made significantly more severe. According to this view, virtually any country in the world could then be declared to be a safe third country.”

In the run-up to the conference of EU interior ministers, a number of human rights groups have also warned against any further intensification of measures against refugees by the EU.

There has been discussion for some time about a list of “safe third countries.” Following the completion of the current round of eastward expansion, all states bordering the EU, such as Russia and Belarus in 2004 and Moldavia in 2007, could be declared “safe third countries.” In the event the EU is not able to decide jointly on a list of “safe third countries,” then every individual member country will be free to draw up its own list of states to which those seeking asylum can be deported—without any consideration given to the fate of those seeking to escape political repression.



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