

# Germany seeks to tighten European asylum law

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Shortly before the German government takes over the European Union Council presidency on July 1, Interior Minister Horst Seehofer (Christian Social Union-CSU) has presented plans for a further tightening of European refugee policy.

The core elements are the internment of refugees at the EU's external borders and the implementation of fast-track asylum procedures. Seehofer's proposal for a reform of the Common European Asylum System (GEAS) completely overturns international refugee law and perfects the EU's perfidious attacks on refugees.

The plight of refugees is becoming more and more acute worldwide. On June 20, World Refugee Day, the United Nations High Commissioner for Refugees (UNHCR) announced that the number of refugees worldwide had doubled in the last 10 years. Nearly 80 million people were fleeing their homeland in 2019, almost 10 million more than a year ago, and more than ever before. Almost 30 million had to leave their country of origin and seek refuge in another country.

But the European Union is systematically blocking access for these desperate people. Less than 10 percent of the new refugees who have arrived worldwide have managed to apply for asylum in an EU member state. The EU statistics authority registered just 600,000 asylum applications for the year 2019.

This year, the coronavirus pandemic provided governments with a welcome pretext to close their borders. In the first six months of the year, the International Organization for Migration (IOM) counted only about 25,000 arrivals on Europe's Mediterranean coasts and land borders. Nevertheless, Seehofer's Interior Ministry is seeking to destroy existing protections for refugees in Europe.

The reason given for this is the failure of the Dublin system, according to which the EU country a refugee first enters is responsible for carrying out his or her asylum procedure and providing for his or her needs. This system has led to a disproportionate number of refugees having to be received and cared for by the border states—and especially by Mediterranean states such as Italy, Spain and Greece. At the same time, an agreement on the distribution of refugees within the EU failed due to the resistance of states that have no or only little-used external borders.

As a solution, Seehofer now proposes a three-stage plan that radically reduces the number of refugees to be accepted and legitimizes the illegal practices at the EU's external borders and transposes them into EU law. The plan is to be implemented

during the German EU presidency from July to December.

The programme of the German government for the upcoming EU Council presidency states: "Among other things, we want to introduce obligatory procedures at the EU external borders in order to categorize and examine asylum applications at an early stage within the framework of a preliminary procedure, and to refuse entry into the EU if there is an obvious lack of need for protection."

The first pillar of Seehofer's plan is a "mandatory preliminary examination of asylum applications at the EU's external border." During this "preliminary examination"—a fast-track procedure without adherence to internationally binding standards—"measures restricting freedom, if necessary, to ensure that those wishing to enter the EU do not evade the preliminary examination" will be in place, according to the paper of the Interior Ministry.

This means the EU setting up huge internment camps at its external borders, where refugees are not yet legally on EU territory, where they are to be detained and undergo a sorting process so that only a few will have access to a regular asylum procedure.

With the perfidious sleight of hand—placing the detention camps outside EU territory—Seehofer is undermining the standards for asylum procedures binding on EU member states, as laid down in the Geneva Convention on Refugees and the European Convention on Human Rights, among others. According to Seehofer's plans, a newly founded European Asylum Authority (EUAA) will be responsible for the fast-track procedures, while the European border control authority Frontex will take over the task of deporting rejected refugees. To this end, Frontex is to be massively expanded. Both authorities would operate in a legal grey area.

The refugee aid organization Pro Asyl has therefore sharply criticized the plans from the Interior Ministry. "We reject mass procedures at the borders," said Pro Asyl managing director Günter Burkhardt. In asylum proceedings at the EU's external borders, those affected could neither be given legal representation, nor would it be possible to have wrong decisions taken by the authorities reviewed by the courts. "In detention camps, the rule of law is effectively suspended," said Burkhardt.

The second pillar of Seehofer's plan is the distribution among the EU member states of asylum seekers who have passed the preliminary examination. Since Hungary, Poland, the Czech Republic and Austria categorically reject fixed quotas, Seehofer has included the principle of "flexible solidarity" in his paper.

In Brussels, a “handy translation” has established itself for this, according to the *Süddeutsche Zeitung* —“one takes refugees and the other supplies horse blankets.” States that refuse to take in even one refugee should send police and border guards to stop refugees at the EU’s external border. The border police and soldiers from these countries are notorious for their brutality in dealing with asylum seekers.

The third pillar is designed to prevent refugees from moving from the country to which they have been allocated to an EU member state of their choice. “Accommodation and social benefits will only be granted in the responsible member state,” according to Seehofer’s paper. An asylum application in another member state should be immediately rejected as “manifestly unfounded” and the applicant sent back to the responsible state.

The procedure outlined in Seehofer’s paper largely coincides with the plans being prepared in the EU Commission. Originally, EU Commission head Ursula von der Leyen had intended to present a draft for a future European migration and asylum system as early as March, but now the draft is to be presented at the end of June.

However, EU Commission Vice-President Margeritis Schinas has recently stated that EU authorities and EU regulations would take effect in the new system from the first moment, “so that we can very quickly distinguish who is eligible for asylum and who is not.” Like Seehofer, the EU Commission is trying to tighten up anti-refugee procedures at the external borders.

Much of what Seehofer and the EU Commission are proposing is already being practised in individual EU states. Seehofer is essentially advocating a combination of the most inhumane practices.

Internment and preliminary asylum checks at the EU’s external borders are practised in so-called “hotspots” on Greek islands, such as Camp Moria on Lesbos, and have led to disastrous conditions in these camps. Germany has created a similar procedure with closed refugee camps with the “Anchor Centres.”

The returning of rejected asylum seekers is part of the dirty refugee agreement between the EU and Turkey. Deportation back to the state responsible for the asylum procedure is already practised in the Dublin process, and withholding social benefits is common practice in many EU states. Recently, the Greek government decided to stop providing assistance to recognised asylum seekers, with the result that more and more refugees are becoming homeless and have to camp out and beg in the city centres.

Internment camps and preliminary examinations, which take place outside EU territory, have so far only existed in a similar way in Viktor Orbán’s Hungary. The European Court of Justice (ECJ) recently condemned this practice as a violation of existing EU law. The conditions in the camp near Röszke on the Hungarian-Serbian border resembled imprisonment, the Luxembourg judges found. Asylum seekers, however, could only be detained if a justified order had been issued beforehand.

The UNHCR is also concerned that the EU wants to seal itself off even more strongly against refugees. “We urge countries not to tighten their borders,” says a communication to the EU urging it to respect international obligations.

The occasion was reports of sharply increasing pushbacks at Europe’s external borders. For example, the Greek coastguard acts violently against refugee boats, destroying the flotation chambers of inflatable boats, dismantling the engine and driving the boats out of Greek waters. In addition, refugees are said to have been abandoned on life rafts and left to their fate. In early March, Greek soldiers fired live ammunition at refugees on the land border with Turkey, killing at least three refugees.

The Maltese and Italian coastguards also refuse to rescue refugees in the central Mediterranean and have closed their ports to refugees on the pretext of the coronavirus pandemic. They have also chartered a fishing boat to deport apprehended refugees back to inhumane Libyan detention camps. This is a blatant violation of the non-refoulement order, which forbids a country receiving asylum seekers from returning them to a country in which they would be in likely danger of persecution.

Greece has completely suspended asylum procedures for months.

Croatian border police systematically mistreat refugees who are apprehended near the border with Bosnia-Herzegovina. They have been beaten, robbed and recently even maltreated by painting coloured crosses on their heads. In all these cases, the refugees have been deprived of the right to apply for asylum. Seehofer’s plan will further encourage such practices, which are contrary to international law.

Refugees must regard it as a mockery when the EU Commissioner responsible, Ylva Johansson, and High Representative for EU Foreign and Security Policy Josep Borrell said in a press statement on the occasion of World Refugee Day: “The European Union reaffirms its unbroken solidarity with the millions of people who flee their country and sometimes have to leave their families behind because their homeland is no longer safe.” Nothing could be further from the truth than this brazen lie.

Johansson and Borrell continued, “The EU is committed to upholding the Geneva Convention on Refugees, which is the cornerstone of refugee protection. It also insists on respect for the right to asylum and the principle of non-refoulement as enshrined in the EU Charter of Fundamental Rights. It is essential that these fundamental principles continue to apply worldwide during the coronavirus pandemic so that those in need can continue to have access to procedures for international protection and find protection.”

The events of recent weeks—the targeted mistreatment of refugees, the systematic refusal to carry out asylum procedures, the crackdown on refugees in the Mediterranean who are drowning en masse—show that exactly the opposite is happening. Seehofer’s plans are aimed at legitimising the breach of international law that has already taken place, at making it general EU practice and at perfecting the sealing off of Europe against refugees.



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