

EU interior ministers abandon the Geneva Refugee Convention

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At their meeting in Luxembourg last week, EU interior ministers effectively abandoned the right of asylum for refugees. According to its member states, refugees are to be interned in detention camps at the EU's external borders in the future, their asylum applications to be decided in a fast-track procedure and then deported to almost any third country.

The legal foundations for the Asylum Procedure Regulation and the Asylum and Migration Management Regulation negotiated in Luxembourg were drafted under the current Swedish Council Presidency but were essentially pushed forward by the German government.

On Twitter, German Interior Minister, Nancy Faeser (Social Democratic Party, SPD), described the agreement reached as a "historic success—for the European Union, for a new immigration policy based on solidarity and for the protection of human rights". German Foreign Minister Annalena Baerbock (Green Party), who worked intensively on the drafting of the legislation and now claims that "the status quo will improve for many refugees", sounded the same note.

The opposite is the case. The agreements reached express the spirit of far-right and racist parties and further expand "Fortress Europe". Swedish immigration minister Maria Malmer Stenergard is implementing almost word-for-word the anti-refugee demands of the far-right Sweden Democrats, on whose votes Ulf Kristersson's minority government relies.

The German government has also adopted the demands of the far-right Alternative for Germany (AfD), despite all the lofty words about human rights. Stirring up anti-refugee sentiments and employing "the boat is full" rhetoric, Berlin refers to empty budgets and overstretched cities and municipalities.

The hypocrisy of the German government in particular is breathtaking. Baerbock declared that the agreement was years overdue, that it prevented "conditions at the EU's external borders like those in Moria". The completely overcrowded Moria refugee camp on the Greek Aegean island of Lesbos, where refugees were held for months under appalling conditions, burnt down in 2020 and is a symbol of the European Union's inhumane refugee policies.

In the future, there will be many Morias at the EU's external borders. The new Asylum Procedures Regulation stipulates that EU member states must carry out asylum checks at the external borders.

Only refugees from countries with a recognition rate of at least

20 percent throughout the EU will be given the chance of lodging a claim under regular asylum procedures. For all others, there will be fast-track procedures that are to be completed within twelve weeks. During this time, refugees will be interned in detention camps. Even families with children will not be spared internment; only unaccompanied minors seeking protection are exempt.

The refugee organisation Pro Asyl rightly points out that this will massively extend the detention period of refugees at the EU external border, which could last up to four months. Moreover, there will be no fair asylum process. Since refugees in detention centres at the external borders are legally considered as "not having entered" the EU, standards that have applied so far no longer apply. In addition, access for refugee aid workers and lawyers in the detention camps will be severely restricted.

The EU wants to set up at least 30,000 detention places at the external borders, so that with a procedure lasting four months, up to 120,000 refugees per year could be turned away in a fast-track process. These people would then be threatened with up to 18 months' detention pending deportation, so that they could be interned for up to two years simply because they fled wars, misery and hardship out of desperation.

Countries of origin with a recognition rate below 20 per cent already include Russia, Pakistan, Egypt, Nigeria, Bangladesh and others. And even refugees from Syria and Afghanistan are threatened with fast-track procedures, for example, if they arrive without a valid passport and are accused of deliberately throwing it away.

On the other hand, the Mediterranean states of Greece, Italy and Spain have had it written into their regulations that refugees who enter via so-called "safe third countries" will also be transferred onto the fast-track procedures. In the case of Greece, this applies to all refugees, as the Greek government has designated Turkey as a safe third country.

Since the deportation of rejected refugees does not seem effective enough to the European governments, the standards of protection will also be massively lowered. According to the EU interior ministers, agreements are to be concluded soon with third countries that undertake to take in refugees who are not welcome in the EU.

To this end, the definition of "safe third countries" will be expanded enormously. In future, it should also suffice for a deportation if only parts of a state are designated as safe. It will also include states that have not ratified the Geneva Refugee

Convention.

The only condition for deportation to these third countries is that the refugees must have a “connection” to that state. What is so deceitful about this is that each EU member state conducting the asylum procedure can decide for itself which “connection” is considered sufficient. Even a transit on the escape route can be defined as a “connection”. This opens the door to arbitrary deportations from Greece to Turkey, from Spain to Morocco or from Italy to Tunisia.

The regulation on asylum and migration management also facilitates such arbitrary deportations. It is to the detriment of the refugees. The agreement reached is intended to replace the Dublin Regulation, which has failed in practice, and to tighten it massively.

According to the Dublin Regulation, the member state in which first entry occurred is responsible for conducting the asylum process and accommodation of refugees. However, the repatriation of asylum seekers to countries of first entry has regularly failed because they refused to take them back or the courts prohibited repatriations because the asylum seekers were threatened with inhumane living conditions in countries like Greece and Bulgaria. Unaccompanied minors are also excluded from the Dublin Regulation.

Therefore, there will now be compulsory readmission, repatriation will also be extended to minors and legal protections—i.e., the possibility to have a deportation reviewed in court—will be drastically restricted. This will also massively increase the pressure on the EU border states to get rid of refugees as quickly as possible, using any means.

The newly introduced “solidarity mechanism” leaves the possibility open for EU member states to buy their way out of taking in refugees. The interior ministers have cynically set the price per refugee at 20,000 euros. This sum can be offset against border security measures. The cost of Polish or German border police officers deployed for the EU refugee agency Frontex in Bulgaria can be claimed here, as can financial aid for the erection of walls and fences and payments to third countries that support the EU in warding off refugees.

Refugees who are to be distributed throughout the EU via the solidarity mechanism can also be offset against people who are to be returned to the country of first entry. In this way, instead of taking refugees from Greece, the German government can forego an equal number of transfers back to that country.

The Luxembourg interior ministers’ conference passed its resolutions with a qualified majority. Opposition came only from the right. Poland and Hungary voted against; Malta, Slovakia, Bulgaria and the Czech Republic abstained. Polish Interior Minister Bartosz Grodecki declared that his country would not abide by “absurd regulations”. The Czech government also made it clear after the meeting that it did not want to participate in the negotiated solidarity mechanism.

Nevertheless, the EU Commissioner for Migration and Asylum, Ylva Johansson, declared the agreement a “historic event”. In fact, it is historic only in the sense that the European Union is abandoning the Geneva Refugee Convention and significantly increasing the misery of refugees at the EU’s external borders and

on the escape routes.

In future, there will be many Morias, with the difference being that the refugees will be forcibly interned in slum camps and even children will not be spared. The conditions in these camps can already be seen in the so-called “Closed Controlled Access Centres” on the Greek Aegean islands. With EU funds, the Greek government has built high-security prisons for refugees there, without access to adequate medical care or legal counselling.

The supply of food is often completely inadequate.

The deputy chairperson of Médecins Sans Frontières in Germany, Parnian Parvanta, said the decision of the EU interior ministers would have “catastrophic consequences for people in need of protection. Prison-like camps as on the Greek islands will become the standard on European soil.”

There will also be more brutal pushbacks, i.e., the forcible rejection of refugees without an asylum hearing. To escape the fast-track procedures in detention camps, refugees will be forced to undertake riskier and more expensive escape routes.

With the ink not yet dry on the decisions of the interior ministers, Commission President Ursula von der Leyen was already putting them into practice. Together with the neofascist Italian Prime Minister Giorgia Meloni and Dutch Premier Mark Rutte, she travelled to Tunisia on Sunday to pay her respects to President Kaïs Saïed.

The EU Parliament had recently reprimanded Saïed for his authoritarian style of government. He has ruled by presidential decrees since his coup in July 2021, and more than 20 politicians and journalists are in prison. Now the delegation offered him over a billion euros to block refugees from leaving the country and, if they make it anyway, to take them back and imprison them.

Brussels wants to transfer €100 million to him for sealing off the borders and repatriating migrants. €150 million is to flow to Tunis as budget support and another €900 million euros as a macroeconomic financial injection. Italy wants to add another €700 million if Tunisia reaches an agreement with the IMF.

Saïed, who provoked violent riots against refugees with a racist diatribe in February and fueled the wave of refugees—53,800 migrants coming from Tunisia have already been registered in Italy this year—is now being paid to take back and imprison people who fled his dictatorship and racism.

From Tunisia, von der Leyen, Meloni and Rutte travelled on to civil war-beset Libya to make a similar deal with Prime Minister Abdul Hamid Dbeibah, who is accused of vote buying and money laundering and controls only part of the country.



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