

Germany set to introduce further crackdown on migrants and refugees

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A new harsher anti-migration and asylum law is set to come into effect once it is ratified by the upper house of the German parliament, the Bundesrat. The law follows the guidelines of the European Union, which Germany as the largest EU member state itself significantly brought about, and goes much further. Titled the “CEAS Adaptation Act” in administrative language, it undermines fundamental human rights and adapts German migration policy to the practice of US President Trump.

The “Common European Asylum System” (CEAS) was agreed in 2024 and is to be transposed into national law in the EU states by mid-2026. CEAS means a significant expansion of “Fortress Europe” against refugees. The core objective is a harsher common approach against migrants. To this end, fast-track procedures are to be established at the external borders of the European Union in order to deport unwanted immigrants and those seeking protection to their countries of origin or third countries as quickly as possible.

The fast-track procedures apply to all those seeking protection from countries whose nationals are granted asylum in less than 20 percent of all cases. This effectively ends the individual right to asylum, which presupposes an examination of the individual case and the possibility of judicial review of a decision. This fundamental right was enshrined in the German constitution against the backdrop of the crimes of the Nazi regime but has been increasingly undermined for decades.

De facto detention, including of children

CEAS also legalises detention camps for those seeking protection, a practice that the Greek, Hungarian and Italian governments in particular have already introduced. During the border procedures, the fiction of “non-entry” applies under CEAS—This means that although the refugees are physically in a European country, they are still not considered to have entered. During the border procedure, asylum seekers are not allowed to leave the reception facilities at the external borders for up to six months.

The German government argues that this is not detention because a hypothetical departure to third countries remains possible—but since this means the termination of the asylum procedure by the person seeking protection, the reception facilities are de facto detention camps.

With the CEAS Adaptation Act, Germany is now introducing restrictions on freedoms for those seeking protection that go far beyond the European guidelines.

In the future, a “ban on leaving” means asylum seekers will no longer be allowed to leave reception facilities, including the newly added “secondary migration centres.” This drastic restriction of freedom is made possible by CEAS if there is a risk of absconding. However, this risk of absconding is generally assumed by the German law as long as persons are in the so-called Dublin procedure, i.e., as long as the authorities are

investigating which EU member state is responsible for the person’s asylum procedure.

In order to refute the blanket assumption of a risk of absconding, those seeking protection must credibly demonstrate that they will participate in the asylum procedure in Germany due to their “personal circumstances and ... social ties.” This is a practically insurmountable hurdle for the refugees—How are they supposed to have and maintain “social ties” in Germany at all if they are not allowed to leave the facility?

In addition, so-called “asylum procedure detention” is newly introduced. In contrast to the “ban on leaving” a facility, this is detention in the classic sense. The reasons for detention include a violation of the ban on leaving and the asylum border procedure. The threshold for the application of detention is therefore set low.

This also includes the detention of children. The German draft law makes the absurd claim that the detention of children could, under certain circumstances, serve their best interests—namely if their parents or caregiver were in detention or if the detention protected unaccompanied minors.

This is in complete contradiction to all considerations of the child’s best interests that are anchored in international agreements and civil law. For example, the European Court of Human Rights (ECHR) has ruled that the extreme vulnerability of child asylum seekers takes precedence over considerations relating to residence law. Children in detention are at a particularly high risk of having their human rights violated. Because of their young age, children can also perceive an allegedly short period of detention as very long. In addition, they perceive police presence and coercive measures much more intensively than adults.

The detention of children is also diametrically opposed to children’s rights under the U.N. Convention on the Rights of the Child, such as the right to child-friendly accommodation and the primary consideration of the child’s well-being. Germany signed the UN Convention on the Rights of the Child in 1992.

Complete withdrawal of benefits

At the same time, the government plans to drastically cut social benefits for asylum seekers in the future if, for example, they leave the reception centres contrary to the imposed conditions, violate reporting requirements or if they “seriously impair” the “order” in an accommodation centre, for example, through “violations of house rules.” This opens the door to arbitrary disciplinary measures, especially since, as ProAsyl for instance notes, the house rules of reception facilities “in practice often provide for problematic regulations and restrictions on fundamental rights such as visitation bans.”

The German Asylum Seekers’ Benefits Act has already provided for the

possibility of a complete withdrawal of all benefits since October 2024 if asylum applications are “inadmissible” due to the responsibility of another member state and the refugees have therefore received a deportation order. This complete withdrawal of benefits has already been classified as unconstitutional by numerous courts.

Now, however, the government is going one step further. Previously, it had to be established in the case of those obliged to leave the country that departure was “legally and practically” possible before benefits were withdrawn. This condition for the cancellation of benefits will be dropped in the future.

This means that those “obliged to leave the country” will no longer receive any basic state provisions, even if they are practically unable to leave—for example, because they do not have the necessary papers or cannot travel for health reasons.

The severity of this regulation violates not only the German constitution but also European law. According to this, healthcare can be limited to emergency care but not completely cancelled. And according to an EU directive, even this reduction in health services must not be applied to minors and people with special needs, such as pregnant women, the elderly, the sick and traumatised people. With the CEAS Adaptation Act, the German government has bid farewell to the minimum standard for the implementation of fundamental and human rights.

Deportation to third countries

The German draft law opens up the possibility of rejecting asylum applications as inadmissible and referring asylum seekers for their asylum procedure to third countries classified as safe. Such third countries are to be classified as safe by decree, i.e., without a parliamentary process.

Formally, the classification of a third country as safe is linked to the obligation to ensure compliance with human rights standards in the third country for all those seeking protection, including access to a fair asylum procedure. In fact, the human rights of those seeking protection are severely endangered by outsourcing asylum procedures to third countries. Statements by NGOs on the CEAS Adaptation Act also point to this. The German Institute for Human Rights, for example, writes:

Experience with the outsourcing of asylum procedures to third countries shows: In previous outsourcing systems—be it Israel’s transfer of asylum seekers to Rwanda or Australia’s outsourcing of the asylum system to the islands of Nauru or Papua New Guinea—the rights of affected protection seekers were regularly violated. This is also to be expected with the implementation of the outsourcing of procedures to third countries now provided for in the Adaptation Act. Because the practical implementation in (presumably) closed centres entails a high risk of human rights violations.

EU interior ministers had only agreed on a concept for “safe third countries” at a meeting in Cyprus in January. In the future, rejected asylum seekers are to be deported to these countries more easily, even if there is absolutely no connection—for instance, through family or friends—to them and the country was not on the protection seekers’ flight route.

With this in mind, the Netherlands has already concluded an agreement with Uganda to set up a so-called “transit camp” or “return hub” in the East African country. According to this, protection seekers who do not

receive asylum in the Netherlands and cannot return or be deported to their countries of origin are to be penned up in camps in Uganda, in order possibly to return from there to their countries of origin at an unspecified time.

A working group within the EU, consisting of Germany, Greece, Austria, Denmark and the Netherlands, now wants to set up joint “return hubs.”

German Interior Minister Alexander Dobrindt (Christian Social Union, CSU) recently formulated the guiding question: “How can we bring more incisiveness and more rigour into the common European asylum policy?” Dobrindt reaffirmed the goal of developing “innovative models” with third countries. Besides Uganda, Tunisia, Libya, Egypt and Ethiopia are also mentioned as possible third countries where European “return hubs” could be created—all countries where the human rights situation is described by recognised institutions and NGOs as catastrophic.

Right-wing extremist policies

The German government has long since adopted the programme of the right-wing extremists in its migration and asylum policies. While it slashes social benefits for the entire population, protects the growing wealth of the wealthy and super-rich, and pours billions into armaments programmes, the weakest in society are made scapegoats and an attempt is made to direct the growing anger and dissatisfaction in the population against them.

European and German politicians sometimes hypocritically express horror at Trump and his attacks on American democracy. In fact, clear parallels can be seen precisely in migration and asylum policy: The mass incarceration of people considered “illegal immigrants” is the central domestic political lever in the US with which Trump and his henchmen undermine fundamental rights and intimidate the population as a whole. This also includes the detention of children, which Trump already used in his first term in office as a means of deterring migrants. Today, hundreds of migrant families are being held under inhuman conditions in US internment camps.

Trump also relies on a network of compliant regimes to deport migrants to “third countries,” such as El Salvador, where the autocratic President Nayib Bukele locks up the victims in the CECOT mega-prison.

The CEAS Adaptation Act is thus an indicator of how far the German government has converged with the new standards set by Donald Trump in domestic policy. In Germany and Europe, too, the abolition of human rights is directed not only against refugees but against the entire working class.

Disenfranchisement, deportation, denial of health provisions, expulsion into misery and homelessness, penning up in camps here and elsewhere in the world—All this is being introduced for refugees, who are least able to defend themselves. The same measures can quickly be directed against broad sections of the working class if opposition to war and social cuts increases.

The struggle against social cuts and for human rights must be waged across all borders. The international working class must reject every form of national and racist division and stand up for a decent life for all—a truly democratic and realistic goal if social wealth is redistributed according to existing needs and does not merely benefit a small elite.



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