

SMASH CEAS

Brochure on the Common European Asylum System
(CEAS)



3 Rosen gegen Grenzen
August 2024



Huge prisons for 120,000 people in Italy, Spain or Greece, asylum decisions after 12 weeks, and Türkiye as a safe third country?

On April 10, 2024, the final reform of the Common European Asylum System (CEAS) was approved by the EU Parliament and the Council of the EU. A large part of the regulations of this reform relate to the external borders of the EU and are to be applied from 2026. These include fast-track procedures under conditions of detention and deportations to “safe third countries”.

European politicians have already celebrated it as a “historic success – for the European Union, for a new, solidarity-based migration policy and for the protection of human rights”.¹

It is clear to us that this (not so) new migration policy is not based on solidarity, but it is rather deeply inhumane and racist. It is not about protecting people, but about protecting capital and global power relations.

The CEAS reform practically means the abolition of the right to asylum and is another step in the constant buildup of the EU’s external borders.

This reform relates to a total of 10 laws and contains a long list of articles. The implementation will probably take years and much of it is still very unclear.

As it is impossible for us to go into everything, we have described the three aspects that concern us the most here. We are a group of people who are trying to come to terms with the changes and understand what they would concretely mean.

1. The border procedures
2. The “safe third countries”
3. The crisis regulation

1. Statement by SPD (The Social Democratic Party of Germany) Minister of the Interior Nancy Faeser

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THE BORDER PROCEDURE AND DETENTION AT THE EXTERNAL BORDERS

One of the most far-reaching changes brought about by the CEAS reform is the introduction of so-called border procedures.

Huge prisons for 120,000 people are to be built at the external European borders. Although these are located on EU soil, the people detained there are legally considered to not have entered the EU yet.

All people who want to enter the EU are therefore first brought to these camps and subjected to a screening there within 7 days. Their biometric data is then recorded, and docu-

ments are scanned in order to be fed into the Eurodac database². After 7 days, a decision is made as to whether a person will undergo a so-called border procedure or be transferred to the regular asylum procedure.

During the entire screening procedure, as well as the border procedure, people are not allowed to leave the camps, as they are not considered to have entered the EU.

The border procedure is a fast-track procedure lasting up to 12 weeks. People in border procedures

do not receive legal representation, only legal advice. The decision to enter a border procedure can no longer be contested. In practice, this means that people must present their reasons for fleeing within a very short amount of time and under inhumane conditions.

Who is subjected to this border procedure?

- ▶ Anyone who comes from a country where the EU-wide chance of receiving a positive asylum decision is less than 20%.
- ▶ Anyone who has entered through a “safe third country”.³
- ▶ Anyone who wants to “mislead the authorities” (e.g. does not show a passport or provides contradictory information) or poses a “security risk”.

The conditions are so comprehensive that almost anyone can end up in a border procedure. The obvious goal is to maintain control over people, from the first day of arrival until they are deported (or the rather unlikely positive asylum decision).

In theory, no person should be able to enter the EU without having been in one of these detention centres.

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2. So far, the Eurodac database mainly includes fingerprints and date of entry. In the future, however, it will also store facial scans, passports and other comprehensive data. It will also be accessible to all law enforcement authorities in the respective countries.
 3. This is not mandatory. The EU Member State carrying out the border border procedure can decide this itself. It can currently be assumed it can currently be assumed that many member states will decide in favour of this.

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SAFE THIRD COUNTRIES

As part of an upstream “admissibility check”, it is decided whether people are deported to a safe third country in order to apply for asylum there.

To be categorised as safe, it is also sufficient if only parts of a country meet the requirements.

For example, if a person entered the EU via a “safe third country” to which there is a “reasonable” connection, their asylum application is inadmissible and the person can be deported to that country without the content of their application being examined.

However, merely having travelled through a “safe third country” is not enough to be considered a “reasonable” connection, the stay must be of a certain duration.⁴

The criteria for such a “safe third country” are being softened by the EU Commission so much so that a country such as Türkiye is also considered a “safe third country”.

Describing Türkiye as a “safe third country” is completely absurd and life-threatening. The Turkish state systematically tortures people in its prisons and carries out massive repression against Kurdish people, political groups and genderqueer people, among others.

In practice, this would mean, for example, that people from Syria or Afghanistan who

have fled via Türkiye⁵ would be deported directly back there without examination of their asylum application. There are reports that Türkiye is deporting people to Syria.

Many countries along the escape routes, such as Türkiye, Tunisia and countries in the Sahel region are to become “safe third” countries in the future. It will therefore be very unlikely not to pass through one of these safe third countries on the way to the EU. If the EU can classify many neighbouring countries or states along the refugee routes as “safe”, they will no longer have to carry out asylum procedures, but will be able to deport people to these countries directly.

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4. The required duration of this stay is not known to us
 5. And have spent a certain amount of time in Türkiye

3 CRISIS REGULATION

In the event of various crisis scenarios, the regulations in the European member states can be massively tightened. A member state cannot declare such a crisis on its own, but must submit a request, which the EU Commission and EU Council must approve. However, given the political mood of the Council, it can be assumed that such requests are regularly approved and that the state of emergency will become the normal state.

There are three crisis scenarios:

1. A “force majeure”: this refers to circumstances that are unusual and unforeseeable and which make it impossible for the state to fulfill its obligations under asylum law (e.g. natural disasters)
2. “Mass arrivals”: However,

it is not clear from what number “mass arrivals” are considered

3. “Instrumentalization”: If other states or “non-state actors” attempt to destabilize a state by allowing people to cross its borders or bringing them there, a crisis can be declared. The best-known example of what has been described as such “instrumentalization” was the situation on the Belarusian-Polish border in the Fall of 2021, which still exists today.⁶

When this crisis regulation comes into force, it will mean that border procedures can take up to 18 weeks instead of 12. In the case of “mass arrivals”, not only people who fall below the 20% protection quota would end up in border procedures, but also people from countries with a

European protection quota of up to 50%. In the event of “instrumentalization”, all people arriving would end up directly in the border procedure.

There are fears that sea rescues could be described as instrumentalization and that this could trigger the crisis regulation. Which would mean that all people arriving from a ship will end up directly in a border procedure.

6. In July 2021, Lukashenko publicly stated that he would no longer hold back people heading west. The people arriving experienced, and still experience, systematic violence at the hands of Polish and Belarusian border officials.

WHAT EXACTLY DOES THAT MEAN?

Whether the reform can be implemented in practice in this way is still uncertain and much of it is also unlikely.

At the same time, there are many aspects that are already taking place in practice. Be it the camps on the Greek islands, mass pushbacks or deportations to Türkiye.

But now all of this has a legal basis. Laws that a few years ago were still considered fantasies of right-wing populist politicians have now been adopted by a large majority of the EU. In view of the shift of the discourse to the right, this is not surprising either, but the concrete conditions have left us with feelings of shock and powerlessness. But above all: *anger*.

Anger not only at the reform, but at the entire European system of isolation.⁷

Anger at the European states that are driving wars all over the world, exploiting people and the environment and forcing people to flee as their livelihoods are destroyed.

We reject this system as a whole. We do not want any positive aspects of the reform, we do not want to achieve improvements within the CEAS, but we want a world without borders.

And we know that no border is strong enough, no fence is too high to not be overcome. Because there have always been people who have not let this stop them and there will continue to be these people.

This flyer is intended to encourage further discussions of the CEAS reform.

Let us think together about how we can turn our anger into action and resist against the CEAS.

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7. Entire European isolation system (Gesamtes Europäisches Abschottungssystem in German) is a term that we have adopted from the "No CEAS" alliance. There are various groups and structures that are working intensively on understanding the content of the reform and are trying to achieve improvements or choose a parliamentary path. Even if we choose a different path, we see these attempts as valuable and see ourselves in a common struggle.



Where to get more information!

consilium.europa.eu/en/press/press-releases/2024/02/08/asylum-and-migration-reform-eu-member-states-representatives-green-light-deal-with-european-parliament/

borderviolence.eu/app/uploads/New-Pact-Final-Outcome.pdf

ecre.org/editorial-migration-pact-agreement-point-by-point/

sosf.ch/de/publication/bulletin-nr-2-2024

3rgg.ch

#nogeas #stopgeas #gegenlager