

Stop CEAS

A perspective from European Borderlands

We, initiatives and organizations working along the 'Balkan route', shed light on the disastrous and inhumane consequences the reform to the Common European Asylum System (CEAS) might have, with a special focus on a southeast European perspective. At the beginning of December, the planned tightening of asylum law will be discussed in a triilogue between the EU Commission, the EU Parliament and the Council of the European Union. If the EU Parliament compromises on the planned regulations, the asylum system could be abolished!

For years, the European Union, to which only a small proportion of the current total of 114 million refugees worldwide arrive, has been using its neighboring non-member countries to outsource its migration and border policies "in partnership". The states' compliance is ensured primarily through promises of visa liberalization, financial incentives through EU accession funding, and pressure regarding joining the European Union and the Schengen Area.

The now planned reforms to the CEAS will reinforce this relationship characterized by exploitation and political pressure, in which the Western Balkan countries are envisioned as 'outposts' of EU migration policy and European

'backyard' at the same time. Countries in southeast Europe, such as Bosnia and Herzegovina or Serbia, will become "safe third countries" and "deportation zones" for people seeking protection in the EU.

We therefore resolutely oppose the outsourcing of the EU's asylum obligations, the imprisonment and criminalization of people on the move, and appeal to the members of the European Parliament, the EU Commission and the Council to prevent the tightening of asylum law!

Readmission agreements lead to the legalisation of pushbacks

Since 2005 various countries in southeast Europe have signed readmission agreements with the EU. According to these agreements, countries in the 'Western Balkans' commit themselves to readmit nationals who are 'illegalized' in the EU, as well as so-called 'third-country nationals', if they were previously on their territory. The agreements can be used to circumvent the principle of non-refoulement enshrined in international law.

As a result of the planned CEAS reform, readmissions will drastically increase. People who will not pass the planned 'border procedures', will be

confidently placed in the hands of the 'Western Balkan' states. Moreover, only transiting through a country will be reason enough to be deported there within the framework of a readmission agreement. Thus, almost all people on the move traveling along the 'Balkan route' could be subject to this readmission procedure. According to the EU Commission, this is the "backbone" of cooperation with the 'Western Balkans'. EU countries like Romania and Hungary are already deporting high numbers of third country nationals, including people seeking international protection, back to non-EU countries such as Serbia without effective assessment of protection needs or asylum claims.

"Serbia is a good partner to the EU and our government will sign whatever is requested and whatever is needed. It has the role of keeping the refugees here, stopping smuggling and preventing people from going further to the EU", Milica Svabic from the Serbian NGO *KlikAktiv - Center for Development of Social Policies* states.

It becomes clear that the EU not only externalizes its responsibility to non-EU states but also accepts that these procedures will be used to legalize illegal pushbacks that are characterized by violence. The effective access to territory is an essential precondition for exercising the right to seek asylum and must be guaranteed under all circumstances.

Sanela Lepirica, from the Bosnian NGO *Daily integration center INTER-Great* reports that the instrumentalisation of readmission agreements is already a reality in Bosnia and Herzegovina: ***"From January to May this***

year, 5.000 people have been deported from Croatia to Bosnia within the framework of a readmission agreement. There are reasonable doubts that those readmissions have been following the needed legal and administrative procedures." She shares that with the support of lawyers the NGO is currently collecting testimonies of affected people to ensure due processes.

Ineffective Asylum systems and a lack of legal protection

Once people have been readmitted to countries in the 'Western Balkans' they will be confronted with largely ineffective asylum systems. According to Amnesty International, in 2022 applications in BiH have been taking an average of over 400 days to process and recognition rates remained very low in the sense that not even a single refugee status was granted.

It becomes clear that there are insufficient safeguards for people on the move to access asylum or other forms of protection if readmitted. More likely, the CEAS reform in all its aspects will lead and encourage states in the Western Balkans to further deport people from their territory Svabic points out to the fact that ***"the Serbian deportation system is not in line with EU standards and there are no proper procedural guarantees."*** And that ***"[..] people who are detained do not have access to effective legal remedy since they are not entitled to free legal aid and they are not informed about decision and deportation procedure in a language that they understand."***

Detention of People on the Move at the external borders of the EU

The German government announced that border procedures will take place on EU soil and follow certain standards that are in line with the law, however discussions at the highest level within the government are being held and proposals of externalization of procedures following the Rwanda-UK failed model are being considered. The German government also stated that detention of people on the move outside EU-territory will not take place. However the reality at European borderlands is different: It is foreseen that the he countries of the 'Western Balkans' will be expected to manage borders the EU's way: detention, rejection, deportation. Furthermore, the new deal between Italy and Albania suggests that there are plans to further outsource the detention and alleged protection of people to non-EU countries, which has also been demanded especially from right-wing populist parties.

Experience shows that this will lead to more and bigger camps, worse conditions and unlawful detention. Especially with the current proposal for an instrumentalisation regulation, standards of asylum procedures and accommodation can be massively lowered in case of a 'mass influx' triggered by manufactured of 'crises' or alleged 'instrumentalization' as we have already witnessed at the Greek-Turkish borders in 2020, the Polish, Latvian, and Lithuania-Belarus borders in 2021, and as we are witnessing at the Finnish-Russian borders.

Pro Asyl estimates that up to 120,000 people on the move could be detained in detention facilities at the EU's external borders each year. Detention of people on the move is already reality too. The attempt of the EU to open a prison in the Lipa camp in Bosnia and Herzegovina without the consent of local government and the population to prevent people fleeing to the EU and to enforce deportations, could be stopped by the efforts of transnational cooperation of civil society actors and local politicians. It was revealed that the detention unit at camp Lipa, which EU Commissioner Varhelyi called a pilot project for prisons at the EU's external borders, - was built without a building permit by the local authorities and without a legal basis. The ICMPD, which was contracted to build the detention facility, responded to the activist's clarification efforts by filing an injunction against *SOS Balkanroute*. Instead of creating clarity and transparency, attempts are being made to silence critical voices. The case was dismissed on July 18, 2023.

The consequences of the reform of the CEAS for people on the move along the Balkan migration route and southeast European states will be profound. We therefore demand from the Members of the EU Parliament, the European Commission and Council to:

- Ensure that readmission agreements are not just a formal substitute for illegal pushbacks. We demand that the prohibition of non-refoulement under international law is adhered to as an inviolable principle of international human rights law. Member States must not readmit third country nationals to third countries if they are in need of international protection, but instead they have a legal obligation to assess the merits of their asylum claims.
- Hold the EU accountable from using financial pressure, visa policies, and the prospect of EU membership to externalize its own asylum obligations on the states in the border regions to deter flight to the EU.
- Ensure that asylum procedures and the care of protection seekers adhere to the EU's highest legal standards of human rights at the European Convention on Human Rights (ECHR, the 1951 Geneva Convention on the Status of Refugee, and other UN Conventions, and not be outsourced.

We demand a Europe that builds bridges! Stop the CEAS reform!



Border Violence Monitoring Network



BALKANBRÜCKE

klikAktiv

center for development of social policies



**CENTRE
FOR PEACE
STUDIES**

**BLIND
SPOTS**