



Mehrdad Mehregani and Klaudia Wegschaider | May 2018

Death in the Mediterranean

Are Asylum Centers Outside of Europe the Way Forward?

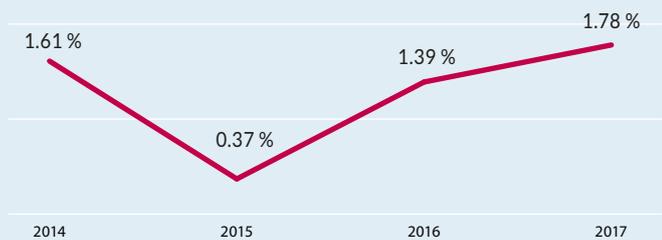
Thousands have died crossing the Mediterranean to seek asylum in Europe. Neither increased border security measures nor actions against smugglers have prevented that seeking refuge in Europe has become increasingly dangerous. Proposals involving the establishment of asylum centers outside the EU intend to stop asylum seekers from crossing the Mediterranean. However, these ideas are not expedient. Instead, there is a need for practical and durable solutions.

At first glance, the situation appears to have improved. The number of people crossing the Mediterranean to seek refuge in Europe has decreased. 172,301 people fled across the Mediterranean in 2017, nearly half the number recorded in 2016 (UNHCR 2018a). The number of deaths fell from 5,096 in 2016 to 3,139 in 2017.

Nonetheless, crossing the Mediterranean has become increasingly dangerous over the past years. According to UNHCR data (ibid.), in 2015, 0.37 percent of all asylum seekers who tried to reach Europe via the Mediterranean died at sea. This fatality rate significantly increased to 1.39 percent in 2016 and 1.78 percent in 2017. According to UNHCR figures for the first months of 2018 (last updated 21 May), the fatality rate has further increased to 2.27 percent. It should be noted, however, that crossing the Mediterranean during the winter months has also been particularly dangerous in previous years.

In other words, in 2015, four out of every 1,000 people who attempted to cross the Mediterranean died on the way. In 2017, this number increased to 18 people. For the first five months of 2018, the fatality rate increased even further – 23 out of 1,000 people died at sea. The increased fatality rate seems to be partly caused by the fact that asylum seekers diverted to other pathways to-

FIGURE 1 Percentage of deaths in the Mediterranean in relation to the total number of irregular sea arrivals to Europe (2014-2017)



Authors' calculations based on UNHCR data (2018)

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wards Europe after the EU-Turkey deal was launched in March 2016. In 2017, 70 percent of all asylum seekers who arrived in Europe via the Mediterranean took the much longer and more perilous Central Mediterranean route – particularly from Libya towards Italy (UNHCR 2018b)¹.

Are asylum centers outside of Europe the answer?

In light of continued crossings via the Mediterranean and the high death toll, there has been enormous political pressure to take action and provide solutions. This includes finding solutions for refugees in need of international protection. But this also involves finding answers for asylum seekers with very limited prospects of receiving a refugee status. Since many of the latter are fleeing situations in which their fundamental human rights are threatened, classifying them all as “economic migrants” is misleading. In this context, Alexander Betts (2013) coined the concept of “survival migration”.

to deter people without a legal claim to international protection from crossing the Mediterranean. A variation of this concept advocated recently by the Austrian government is to establish so-called “rescue centers” where people seeking protection would be brought after being apprehended at sea. To discourage irregular migration to the EU, migrants in these “rescue centers” would have no perspective to enter EU territory.

Given that Austria has announced its intention to hold a migration summit during its Presidency of the Council of the EU in the second half of 2018, the debate over these concepts is likely to resurface.

The idea behind establishing reception, asylum, or rescue centers outside of Europe is not new (Léonard und Kaunert 2016). In fact, Denmark pushed for similar facilities back in 1986. At that time, however, the draft resolution, which included the establishment of refugee processing centers, received little support at the United Nations.

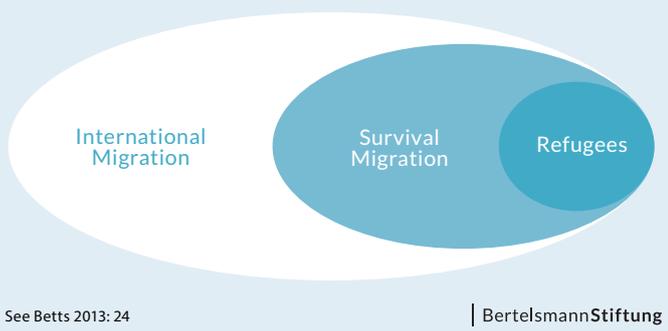
In 2003, the United Kingdom proposed regional protection zones and transit processing centers. One year later, the German Minister of the Interior, Otto Schily, voiced his support for reception facilities outside of Europe. In 2014, Germany’s Interior Minister, Thomas de Maizière, proposed setting up “welcome and departure centers” in North Africa for asylum seekers.

Advocates of the idea often point to the supposed success of the so-called Pacific solution, launched in 2001 by Australia. Initially intended as a short-term measure, the Australian government has continued to pursue this approach, though with interruptions. The approach involves intercepting asylum seekers attempting to reach Australia at sea and transferring them to detention centers located outside of Australian territory. International observers continue to heavily criticize these centers due to their dismal conditions and repeated human rights violations.

A viable solution for refugees only if local perspectives and resettlement capacities increase

At first glance, these centers could offer safety and the prospect of a better future to people in need of international protection. Support for third countries hosting such asylum centers should involve the resettlement of particularly vulnerable refugees to Europe and other countries willing to receive them. It remains questionable, however, whether European states would sufficiently increase their resettlement capacities to adequately support third countries

FIGURE 2 Survival migration – a gray area in migration



Yet, finding solutions for asylum seekers with limited prospects of receiving international protection remains a significant challenge for EU Member States. Especially, since many people whose asylum applications are rejected either cannot be returned or refuse to voluntarily return to their countries of origin.

The high fatality rate in the Mediterranean demands a short-term response involving the expansion of European rescue missions. In addition, more durable solutions are urgently needed. Solutions that reduce the necessity for asylum seekers to come to Europe on irregular pathways via the Mediterranean and effectively counter the business of smugglers. Against this background, the idea of asylum centers outside of Europe has gained increasing attention in politics. The goal of these centers would be to provide shelter and the prospect of resettlement to Europe for refugees in need of international protection. At the same time, these centers are meant

1 The fatality rate is calculated as follows: Number of deaths in the Mediterranean divided by the sum of the total number of asylum seekers arriving in Europe via the Mediterranean and the number of deaths in the Mediterranean.

challenged by high arrival numbers of asylum seekers. Asylum centers outside of Europe might be an option for those seeking international protection *only* if they had realistic chances of resettlement.

It is also doubtful whether these external asylum centers would, in the long run, prevent people from seeking refuge elsewhere. Continuing conflicts in countries of origin often make it impossible for asylum seekers and refugees to return home. At the same time, they would be unlikely to stay in these centers in the absence of adequate economic perspectives and education opportunities to enable local integration.

Resettlement ...

... is an instrument of international protection for refugees defined by the UNHCR as “the selection and transfer of refugees from a State in which they have sought protection to a third State that has agreed to admit them (...)”. A decision for resettlement is made particularly in cases where “local integration is not an option, and voluntary repatriation is not viable or feasible in the near future (...)”. Source: UNHCR 2018c

No solution for people without a legal claim to international protection

Asylum centers are not a sustainable solution for survival or irregular labor migrants since these individuals will have no chances to qualify for resettlement to Europe. At the same time, voluntary return to a country of origin will not be a possible or appealing option for many. Similar to deportations, voluntary returns to countries of origin require determining an asylum seeker’s nationality and involve the origin country’s willingness to repatriate the person. These hurdles present significant challenges to European states who have rather advanced administrative and legal infrastructures. ‘Outsourcing’ these challenges to third countries would likely exacerbate the situation. As a result, by trying to prevent asylum seekers from coming to Europe, it seems possible that these asylum centers could become de facto detention camps. From a humanitarian and human rights point of view, this would be unacceptable.

In practice, implementation is unlikely

Many African states will have little interest in agreeing to the establishment of asylum centers on their territory. They might consider that such centers could become a pull factor, increasing the number of people trying to seek asylum there.

Furthermore, they would be faced with the challenge of integrating stranded refugees or repatriating denied asylum applicants to their countries of origin. In light of European migration policies in recent decades, there has also been a lack of trust between African states and the European Union. African states have long criticized Europe for not living up to its international responsibility. From the African perspective, establishing external asylum centers could be regarded as a further attempt to shift responsibility from Europe to Africa with an “out of sight, out of mind” approach (see Carrera and Guild 2017).

Among EU Member States, there has been no majority in support of establishing asylum centers outside of Europe so far. Therefore, it remains to be seen to what extent potential attempts by Austria at (further) promoting the idea during its EU presidency in the latter half of 2018 might change the interests and positions of other EU Member States. Thus far, the European Commission has not promoted the establishment of extraterritorial asylum centers.

UNHCR, holding the global mandate for the protection of refugees, has also been very critical of the concept. However, the international acceptance of this idea, let alone the implementation of it, would require UNHCR’s cooperation.

Alternative solutions

Efforts to establish extraterritorial asylum centers cannot deliver on their promises. There is a need for practical and durable solutions for refugees as well as for survival and labor migrants.

Support and capacity building for countries of initial reception

Given that asylum seekers usually first look for protection in their region of origin, a primary objective should be to significantly increase the financial and structural support for countries of initial reception. Successfully applying this approach requires giving asylum seekers perspectives there, enabling them to live a dignified and independent life in safety. Thus, this would necessitate significant investments by the international community in countries of initial reception, particularly on education, work and health care. Development cooperation efforts should thereby pay greater attention to the political, economic and social challenges faced by those host countries.

Increase resettlement and humanitarian admission programs

In light of the ongoing wars and conflicts in the Middle East and parts of Africa, even considerable financial and structural support for countries of initial reception will not be enough to address the challenges. Additional measures are needed in order to adequately support countries of initial reception. Humanitarian visas for particularly vulnerable asylum seekers could be one possible measure in this regard – not only in the context of family reunification.

Essentially, however, it will be key to increase the resettlement capacities of European Member States. Resettlement procedures offer significant advantages. Asylum applications could be processed either entirely or in expedited procedures already in the country of initial reception. The procedures would be conducted by UNHCR in cooperation with Member States willing to resettle refugees. The final decision to resettle a person would be the responsibility of a Member State. The European Commission's proposal of July 2016 to establish a common European Union Resettlement Framework would help institute a coherent EU-wide approach to resettle particularly vulnerable refugees to Europe. However, the European Commission's resettlement scheme for 50,000 refugees, which was proposed

in 2017, will not be sufficient to adequately support countries of initial reception.

Improving Migration Partnerships

The challenge of dealing with asylum seekers without a legal claim to international protection is considerably more complex. To better control irregular movements of labor and survival migrants to Europe, advanced border security measures will not be effective on their own. While the vast majority of migration in Africa takes place on the continent itself, the pressure to migrate from Africa to Europe is not likely to decrease but to increase given demographic changes on both continents.

There is a need for a constructive approach involving fair migration partnerships between European and African states. Such partnerships may yield positive effects only if, besides facilitating control over irregular migration, they would offer legal pathways to labor migration – not only for the highly skilled. These partnerships must generate benefits for everyone involved – for people seeking a safer and better future for themselves and their families, for countries of origin that can benefit from remittances, and for destination countries in Europe that increasingly need skilled labor but must also emphasize social cohesion given the increasing domestic skepticism towards migration and refugees.

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Bertelsmann Stiftung, Gütersloh

Bertelsmann Stiftung
Carl-Bertelsmann-Straße 256
33311 Gütersloh
www.bertelsmann-stiftung.de

Authors:

Mehrdad Mehregani
Project Manager
Program Integration and Education
Telephone +49 5241 81-81506
mehrdad.mehregani@bertelsmann-stiftung.de

Klaudia Wegschaider
Project Manager
Program Integration and Education
Telephone +49 5241 81-81322
klaudia.wegschaider@bertelsmann-stiftung.de

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