



RELOCATION FROM GREECE TO GERMANY:

Relief for the Hotspot System
or Alibi Policy?

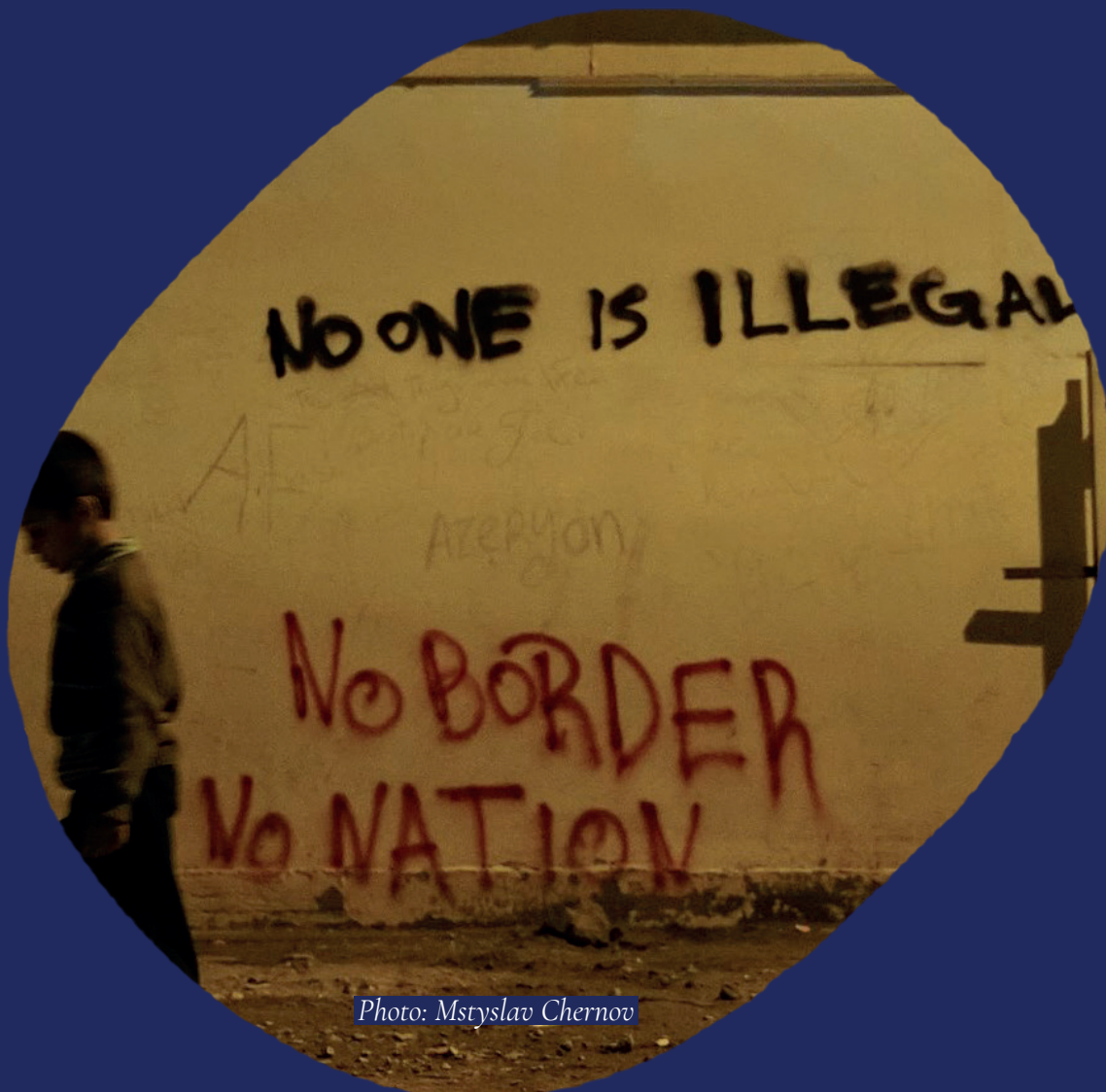


Photo: Mstyslav Chernov



Editors:

borderline-europe - Menschenrechte ohne Grenzen e.V.
Gneisenaustraße 2a
10961 Berlin

Tel.: +49 (0)30 23880311
www.borderline-europe.de
mail@borderline-europe.de

A cooperation between borderline-europe,
Borderline Sicilia, Flüchtlingsrat Berlin, Sea-
Watch and Equal Rights Beyond Borders.

Title:

**Relocation from Greece to Germany: Re-
lief for the Hotspot System or Alibi Policy?**

Authors:

Paula Edling, Anna Schenkenberger

Editors:

Imke Behrends, Kristina Di
Bella, Sara Bellezza, Nora Brezger

Translation:

Philippa Cummings

Design und Layout:

WIBES Agentur

Formating:

Gustavo Guevara

Lizenz:

Creative Commons BY-NC-ND 4.0
Erste Ausgabe, Juni 2022

**BORDERLINE
SICILIA**



Contents

List of abbreviations

- **List of abbreviations** 5
- **Relocation to defuse hotspot camp policy?** 8
 - Background: EU Relocation 14
 - EU Relocation Programme between 2015 - 2017 18
 - In contrast: The resettlement programme 28
- **Relocation from Greece to Germany 2020 - 2021** 32
 - How did the renewed relocation measures come about? 34
 - The Relocation Resolutions of the federal government 50
 - Implementation: Relocations realised in 2020 and 2021 58
 - Participation by other EU member states 68
- **Testimonials** 74
 - Baran and Amira: The rejection letter awaits in Germany 74
 - In Greece: Selection for relocation participation 74
 - Arrival in Germany: The Destruction of Hopes 77
 - Karim and Zahra: The gruelling wait 82
 - Catastrophic conditions in the camp: only hope is redistribution 82
 - Arrival in Germany: Left Alone 85
- **Outlook: Relocation in political programmes** 88
 - Relocation in the Coalition Agreement of the Federal Government 2021-2025 91
 - Relocation in the new EU-Pact on Migration and Asylum 2020 97
 - Relocation in the EASO Operating Plan 2022 - 2024 101
- **Closing** 106
- **Acknowledgement** 112

ARSIS	Association for the Social Support of Youth, Greek NGO for the social support of young people
Para.	Paragraph
TFEU	Treaty on the Functioning of the European Union
Art.	Article
BAMF	Federal Office for Migration and Refugees Germany
BIA	Best Interest Assessment
CDU	Christian Democratic Union of Germany
CSU	Christian Social Union in Bavaria
CRC	UN Committee on the Rights of the Child
EASO	European Asylum Support Office
EUAA	European Union Agency for Asylum
ECJ	Court of Justice of the European Union
EURODAC	European Dactyloscopy, European Fingerprint Identification System
EUROSTAT	Statistical Office of the European Union
FDP	Free Democratic Party Germany
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Border and Coast Guard Agency
IOM	International Organization for Migration
ICRC	International Committee of the Red Cross
NGO	Non-Governmental Organization
PRAKSIS	Programs of Development, Social Support and Medical Cooperation, Greek NGO for humanitarian and developmental purposes.
SPD	Social Democratic Party of Germany
UNHCR	United Nations High Commissioner for Refugee
UNICEF	United Nations International Children's Emergency Fund

This report is the result of a research project on EU relocation procedures funded by the Safe Passage Foundation. The project is a cooperation between borderline-europe - Menschenrechte ohne Grenzen e.V., Borderline Sicilia, Equal Rights Beyond Borders, Sea-Watch and the Flüchtlingsrat Berlin.

As activists standing in solidarity with people on the move, we advocate for freedom of movement for all people.

In this report, we critically examine the 'solidarity' solution propagated by the EU for the arrival and redistribution of people detained in so-called hot-spot camps in Greece. We focus on the extent to which this procedure allows people seeking protection to preserve their autonomy as well as to escape situations of extreme insecurity. What does relocation offer people seeking protection within the EU to arrive and build a future? Does European asylum policy also relieve the burden on asylum seekers or is relocation exclusively about relieving the burden on EU member states that are located at an external border of the Schengen area due to the Dublin Regulation?

RELOCATION TO DEFUSE HOTSPOT CAMP POLICY?

September 2020: The pictures of the burning camp 'Moria' on the Greek island Lesbos lead to a media outcry and strengthen the demands of the European civil society to accept camp residents into other EU member states.

The hotspot policy that had been in place for five years at the time, and due to which asylum seekers have to wait at the external borders for months or even years, briefly attracted critical attention: Both amongst civil society and political actors, there was renewed indignation about the inhumane conditions caused by the EU's camp policy. However, there was no adequate response from the EU or its member states: Only a small proportion of the approximately 40,000 protection-seekers who were at times on the Greek islands¹ - 4,783 people as of April 2022² - were redistributed to other EU states, without fundamentally questioning or transforming the hotspot policy and its devastating consequences. At the same time, there was a lack of transparency and assurance about what awaits the relocated people at the end of the supposed rescue operation.

1 UNHCR. 07.04.2020. Greece - Update on Covid19 Response and Other Acute Needs. <https://reporting.unhcr.org/sites/default/files/UNHCR%20Greece%20Update%20on%20COVID-19%20Response%20and%20Other%20Acute%20Needs%207APR20.pdf> (last access: 29.05.2022).

2 UNHCR. 07.04.2022. Voluntary Scheme for the Relocation from Greece to Other European Countries. In: Operational Data Portal - Refugee Situations. <https://data2.unhcr.org/en/documents/details/92326> (last access: 23.05.2022).

Our report 'EU Ad Hoc Relocation. A Lottery from the Sea to the Hotspots and back to Unsafety' (2021),³ about relocation processes in Italy and Malta for people rescued from distress at sea, showed EU relocation programmes lack transparency and the fair and appropriate treatment of people in need of protection. Therefore, in this report, we aim to critically examine the relocation measures between Greece and Germany in 2020 and 2021, within which 2,765 people were brought from Greek camps to Germany.⁴

Our report provides an overview of the political and legal background of these relocation processes, the official relocation regulations as well as an insight into the actual implementation practice, based on two testimonials. The stories of two families who were relocated in 2020 and 2021 show the realities that people are confronted with in the context of relocation. Finally, we provide an outlook on relocation measures within current political memoranda.

3 Borderline-europe. 2021. EU Ad Hoc Relocation. A Lottery from the Sea to the Hotspots and back to Unsafety. https://eu-relocation-watch.info/pdf/BE_RelocationReport.pdf (last access: 23.05.2022).

4 Deutscher Bundestag 19. Wahlperiode. 05.05.2021. Plenarprotokoll 19/226, Rn. 28846. <https://dserver.bundestag.de/btp/19/19226.pdf> (last access: 29.05.2022).

What does **Relocation** mean?



Greece Macedonia border fence
Photo: Georgi Licovski

Background: EU-Relocation

The concept of relocation of asylum seekers within the EU emerged in April 2015. Until then, the Dublin system designated the EU's external border states (primarily Italy, Malta and Greece) with the sole responsibility for asylum procedures for protection-seekers arriving via the Mediterranean region and from Turkey. This simultaneously justified the formal non-participation by the other EU member states.

The central stipulation of the Dublin III Regulation (EU) No 604/2013⁵ is that applications for international protection are to be examined by a single EU member state, usually the one entered first. The Dublin system aims to prevent the intra-European movement of people without EU citizenship or visa within the Schengen area. This prohibits so-called 'secondary migration' and makes it effectively impossible for people to apply for asylum in the EU state they wish to arrive in.⁶ In reality, this means that it is predominantly the EU's external border states (Italy, Greece, Spain, Hungary, etc.) that are made responsible for taking care of asylum seekers upon arrival and during their asylum procedures.

To defuse the unfolding 'emergency' situation in Greece and Italy the EU Commission proposed relocation as an EU-wide measure for collective 'crisis management' within the framework of the *European Agenda on Migration*⁷ in April 2015. This envisaged distributing a certain number of asylum applications among the 25 EU member states outside of the still applicable *Dublin III Regulation*. Accordingly, the relocation plan focused on the situational and short-term relief of the two EU external border states.

At its inception, the relocation concept was considered to be a precursor for other, more sustainable solutions. The actual need for a permanent and sustainable system of solidarity-based, EU-wide responsibility for future asylum and migration policy was simultaneously envisioned for future debates.⁸

Relocation, therefore, is not a generally applicable EU agreement that can be used to define the independent obligations of all EU member states and, above all, the associated rights of individuals seeking protection. Rather, relocation originally referred to a ('crisis') situation-driven, temporary declaration with one-off redistribution quotas. Since the termination of the first relocation programme in September 2017, the participation of member states in further redistribution measures has been voluntary. Accordingly, relocation was never designed to structurally address the unequal distribution of asylum processes in the EU caused by the Dublin system and its devastating consequences for people seeking protection, but only to provide selective and short-term relief for external border states.

5 Regulation No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). L108/31. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:de:PDF> (last access: 24.05.2022).

6 Niebauer, David: (In)Order of Control. Political disputes around the asylum system of the European Union after the crisis of the border regime in 2015. In: Weber, Florian/Wille, Christian/Caesar, Beate/Hollstegge, Julian (2020): *Geographies of Borders*, pp. 225-245, p.230.

7 European Commission. 13.05.2015. A European Agenda on Migration. COM (2015) 240 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0240> (Last viewed: 24.04.2022).

8 *ibid.*, p. 3 (last access: 16.05.2022).



Common European Asylum System (CEAS)

The Common European Asylum System is a legal framework established by the EU. The CEAS consists of two regulations, the *Dublin III Regulation* (EU) No. 605/2013) and EURODAC (EU) No. 603/2013), which regulate the responsibilities for asylum procedures between member states as well as the necessary data collection, and five directives which establish: 1) who *qualifies* as a refugee (*Qualification Directive* (RL 2011/95/EU)), 2) the rights granted to long-term residents (*Residence Directive* (RL 2011/51/EU)), 3) how asylum seekers and refugees are to be received and treated (*Reception Directive* (RL 2013/33/EU)), 4) the principles on which the asylum procedure is to be based (*Asylum Procedures Directive* (RL 2013/32/EU)) and 5) the *Mass Influx Directive* (RL 2001/55/EC). The CEAS also includes the EASO (see EASO info box, p.13).

EU-RELOCATION-PROGRAMME BETWEEN 2015 - 2017

The reallocation of a total of 160,000 asylum seekers from Italy and Greece to other EU member states within a period of two years (September 2015 - September 2017), as envisaged in the *European Agenda on Migration*, should, according to the decisions of the EU Commission, be based on a binding distribution key with objective and quantifiable criteria: 40% is based on the population size and 40% on the gross domestic product of the respective member states. 10% is based on the average asylum applications already processed, and the final 10% on the unemployment rate of the respective member state.⁹

On 3 May 2015, the EU adopted the first relocation programme under the *European Agenda on Migration*, for 40,000 persons from Italy and Greece. To this end, the first corresponding implementation measures were presented on 27 May 2015 and the emergency mechanism pursuant to Art. 78 (3) TFEU was activated:

“Where one or more member states are confronted with a crisis caused by a sudden inflow of third-country nationals, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the member states concerned. It shall act after consulting the European Parliament.”

⁹ European Commission. 13.05.2015. A European Agenda on Migration. COM (2015) 240 final, p. 23. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52015DC0240> (last access: 24.04.2022).

Eligibility to participate in the relocation programme was only granted to people with nationalities whose average EU-wide asylum recognition rate, based on EUROSTAT data for the previous quarter, was 75% or more.¹⁰ Based on this rate, some people with legitimate protection claims were already structurally excluded in advance.

The first relocation programme was followed by another on 9 September 2015, which provided for the redistribution of further 120,000 protection seekers¹¹: 15,600 people from Italy, 50,400 people from Greece and 54,000 people from Hungary.¹²

The decision to increase the number of relocations from 40,000 to a total of 160,000 triggered an institutional crisis within the EU that remains today, as the EU Council decided with a qualified majority against the votes of the Visegrad states group (Czech Republic, Hungary, Romania and Slovakia).¹³

¹⁰ European Commission. 16.03.2016. First report on relocation and resettlement. COM (2016) 165 final, p. 6. [https://www.europeanmigrationlaw.eu/documents/COM\(2016\)165-First%20report%20on%20relocation%20and%20resettlement.PDF](https://www.europeanmigrationlaw.eu/documents/COM(2016)165-First%20report%20on%20relocation%20and%20resettlement.PDF) (last access: 26.05.2022).

¹¹ European Commission. 22.09.2015. Refugee Crisis - Q&A on Emergency Relocation. https://ec.europa.eu/commission/presscorner/detail/en/memo_15_5698 (last access: 25.04.2022).

¹² European Commission. 22.09.2015. Refugee Crisis - Q&A on Emergency Relocation. https://ec.europa.eu/commission/presscorner/detail/en/memo_15_5698 (last access: 25.04.2022).

¹³ Bauböck, Rainer. 10.10.2017. Refugee Protection and Burden Sharing. In: Journal for Common Market Studies (JCMS). Volume 56 (1), pp.141-156, p.152. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/jcms.12638> (last access: 25.05.2022).



Photo: Ralph Ravi Kayden

However, after the EU Commission introduced the need to redistribute 160,000 people who ‘clearly’ needed international protection under the existing legal framework, the target number was reduced again to 98,000 people. This was justified on the basis that the number of eligible candidates had decreased.¹⁴

According to the ICRC, however, even the initial target of 160,000 people only accounted for about 20% of the total number of refugees arriving in the EU in 2015.¹⁵ The actual structural ‘relief effect’ of the planned redistribution must therefore be critically questioned beginning in its conception. It becomes already clear at this point that the published figures in political memoranda have a potentially token nature, which only partially indicates a will to assume binding responsibility and a ‘solidarity-based’ solution orientation for the EU, to counteract the consequences of the Dublin system.

¹⁴ Crawley, Heaven. 19.07.2017. Named and shamed: EU countries are failing to share responsibilities for refugees. In: the conversation. <https://theconversation.com/named-and-shamed-eu-countries-are-failing-to-share-responsibility-for-refugees-80918> (last access: 25.04.2022).

¹⁵ Home Affairs Committee. 03.08.2016. Migration Crisis. Seventh Report of Session 2016-2017, p. 31. <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/24/24.pdf> (last access: 26.04.2022).

Following these decisions, Hungary elected not to participate in the relocation programme, meaning the relocation quota was divided between Italy (39,600 places) and Greece (66,400).¹⁶ However, following an EU Council decision on 29 September 2016, the 54,000 places originally intended for Hungary were reallocated for admissions from Turkey under the *EU-Turkey Agreement*.

In 2017, lawsuits filed by Hungary and Slovakia (with the support of Poland) against the EU relocation measures caused debate and political unrest. Although the ECJ ruled at the time that the relocation measures were lawful, this did not directly impose an obligation on EU member states to accept refugees under the relocation programme.¹⁷ To this day, there is no common EU directive on relocation.



The EU-Turkey Statement of 18 March 2016

The EU-Turkey Declaration (also called the 'EU-Turkey Deal') was concluded between the Republic of Turkey and the EU on 18 March 2016 and was mainly intended to reduce the number of incoming asylum seekers via the Eastern Mediterranean route.

All refugees who reached the Greek islands from Turkey after 20 March 2016 and did not apply for asylum there or whose asylum application has been rejected as unfounded or inadmissible according to the *Asylum Procedures Directive* (RL 2013/32/EU) are affected by the regulation.¹⁸ Among other things, Turkey pledged to readmit migrants arriving on the Greek islands without prospects of remaining in the EU. The EU simultaneously agreed to take from Turkey one person of Syrian nationality entitled to protection for every person of Syrian nationality returned to Turkey.¹⁹ In return for this one-for-one swap mechanism, the EU promised to accelerate the resettlement of 2.2 million Syrian people in Turkey through financial support and to promote visa liberalisation.²⁰ The decision to classify Turkey as a safe country of origin was just one of the points of the EU-Turkey declaration that triggered widespread criticism. It was criticised not only from a human rights perspective but also from the perspective of European and international law.²¹

16 European Commission. 22.09.2015. Refugee Crisis - Q&A on Emergency Relocation. https://ec.europa.eu/commission/presscorner/detail/en/memo_15_5698 (last access: 25.04.2022).

17 Rath, Christian. 02.04.2022. EuGH-Urteil zur Flüchtlingsumverteilung. Osteuropäer hätten solidarisch sein müssen. In: Legal Tribute Online. <https://www.lto.de/recht/hintergruende/h/eugh-c715-718-719-17-umverteilung-fluechtlinge-europa-polen-ungarn-tschechien/> (last access: 25.04.2022).

18 Rohländer, Jonas. 2017. Clean Deal or Dirty Solution? In: Critical Justice. Quarterly Journal of Law and Politics. Vol. 50 (2017) No. 1, pp. 81-93, p. 83.

19 Presse Information - Wissenschaftlicher Stab. 16.03.2021. Die Hotspots auf den griechischen Inseln: Was die EU aus ihren strukturellen Problemen für die gemeinsame Asylpolitik lernen sollte. In: Sachverständigenrat für Integration und Migration. <https://www.svr-migration.de/presse/presse-forschung/hotspots/> (last access: 12.05.2022).

20 Rohländer, Jonas. 2017. Clean Deal or Dirty Solution? In: Critical Justice. Quarterly Journal of Law and Politics. Vol. 50 (2017) No. 1, pp.81-93, p. 83.

21 Rohländer, Jonas. 2017. Clean Deal or Dirty Solution? In: Critical Justice. Quarterly Journal of Law and Politics. Vol. 50 (2017) No. 1, pp.81-93, p. 86.

Overall, the implementation of these ‘decongestion’ measures cannot only be considered a failure from the perspective of the persons affected by the Dublin system, but the EU has also failed to achieve its target: Although 96% of eligible persons (those with corresponding recognition rates above 75% in the last quarter) had been relocated by the end of March 2018,²² according to the EU Commission’s November 2016 progress report, a total number of only 6,925 people had been relocated since October 2015 (5,376 from Greece, 1,549 from Italy) - falling far below the planned 6,000 relocations per month.²³

-
- 22 Luyten, Katrien/Orav, Anita. 25.09.2020. Hotspots at EU external borders: State of play. In: European Parliamentary Research Service (EPRS). <https://policycommons.net/artifacts/1426565/hotspots-at-eu-external-borders/2041011/> (last access: 25.04.2022).
- 23 Bauböck, Rainer. 10.10.2017. Refugee Protection and Burden Sharing. In: Journal for Common Market Studies (JCMS). Volume 56 (1). pp. 141-156, p. 152. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/jcms.12638> (last access: 25.05.2022).



Harbour, Lesbos island
Foto: Julia Winkler

Germany also continued to fall short of the promises made. In total, the federal and state governments admitted only 8,479 protection seekers under the 2015 relocation programme: by no means fulfilling the quota of 19,057 places for protection seekers.²⁴

After two years, a total of 29,401 instead of the targeted 160,000 people were distributed to other EU states through the relocation arrangement. The failed implementation of the first programme can be attributed to several different factors: an insufficient and limited number of formal commitments by the EU member states, long response times to relocation requests, unjustified refusals, lack of information by the EU member states prior to relocations, and insufficient responses to EASO’s call for expert proposals and more led to extreme difficulties in the implementation of the first relocation measures in the EU member states.²⁵ In the face of this, the actual intentions of member states to participate in asylum applications according to their structural capacities seem to have been overall almost non-existent.

-
- 24 Sabic, Senada Selo. October 2017. The Relocation of Refugees in the European Union. Implementation of Solidarity and Fear. In: Friedrich Ebert Stiftung Zagreb, p. 8. https://www.researchgate.net/profile/Senada-Selo-Sabic/publication/320452615_The_Relocation_of_Refugees_in_the_European_Union_Implementation_of_Solidarity_and_Fear/links/59e62027a6fdcc3dcd33e81d/The-Relocation-of-Refugees-in-the-European-Union-Implementation-of-Solidarity-and-Fear.pdf (last access: 23.05.2022).
- 25 European Commission. 16.03.2016. First report on relocation and resettlement. COM (2016) 165 final, p. 8. [https://www.europeanmigrationlaw.eu/documents/COM\(2016\)165-First%20report%20on%20relocation%20and%20resettlement.PDF](https://www.europeanmigrationlaw.eu/documents/COM(2016)165-First%20report%20on%20relocation%20and%20resettlement.PDF); European Commission. 12.04.2016. Second report on relocation and resettlement. COM (2016) 222 final, p. 2. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52016DC0222> (last access: 26.05.2022).

THE EU MEMBER STATES THUS MISSED A RELATIVELY UNDEMANDING OPPORTUNITY TO SHOW SOLIDARITY WITH THE BORDER STATES OF GREECE AND ITALY AND, ABOVE ALL, WITH THE NUMEROUS PROTECTION SEEKERS IN OVERCROWDED HOTSPOTS.



The European Asylum Support Office (EASO)

The European Asylum Support Office (EASO) is established by Regulation (EU) No 439/2010 and by the European Parliament and the European Council. The EASO should in particular assist in the implementation of the CEAS and strengthen cooperation between the EU member states. It was established on 1 February 2010 and replaced by the European Union Asylum Agency (EUAA) on 19 January 2022.²⁶

A detailed account of this hotspot policy is provided in our previous report 'EU Ad Hoc Relocation. A Lottery from the Sea to the Hotspots and back to Unsafety' (2021)²⁷ about relocation processes of people rescued from distress at sea in Italy and Malta.



The hotspots on the Greek islands

The Greek islands of Chios, Leros, Kos and Samos were declared so-called hotspots by the European Union in 2015, along with four other hotspots in Italy (Lampedusa, Pozzallo, Taranto, Trapani). The classification hotspot demands that all newly arriving asylum seekers must first register at these locations, and their eligibility to file an asylum application is checked before they can move on.²⁸ This centralised application processing aims to 'intercept' the arrivals at the EU's external borders in a controlled manner and to above all facilitate quick deportation to the respective country of origin or, in the case of Greece, a forced return to Turkey. During the examination period, there is a residence obligation; this means as a result of the hotspot policy, protection seekers have to hold out for months or years in camps with catastrophic humanitarian conditions while awaiting their results. Not only are the hotspots chronically overcrowded and inhumane, but the system is also completely dysfunctional.²⁹ The EU-Turkey Declaration of 2016 has made this situation much worse on the Greek islands: following this, protection seekers must stay in the hotspot camps not only during the reception phase but for the entire duration of their asylum procedure: otherwise they must go back to Turkey and file their asylum application there.

26 European Union Agency for Asylum. 19.01.2022. New EU Agency for Asylum starts work with a reinforced mandate. <https://euaa.europa.eu> (last access: 12.05.2022).

27 More information in our 1st report „EU Ad Hoc Relocation. A Lottery from the Sea to the Hotspots and back to Unsafety“ (2021), https://eu-relocation-watch.info/pdf/BE_RelocationReport.pdf, pp. 22-23 (last access: 23.05.2022).

28 Hänsel, Valeria / Kasperek, Bernd. 05.2022. Hotspot camps as a blueprint for the reform of the Common European Asylum System? <https://rat-fuer-migration.de/wp-content/uploads/2020/06/rfm-expertise-hotspots.pdf>, p. 7 (last access: 24.05.2022).

29 Presse Information - Wissenschaftlicher Stab. 16.03.2021. Die Hotspots auf den griechischen Inseln: Was die EU aus ihren strukturellen Problemen für die gemeinsame Asylpolitik lernen sollte. In: Sachverständigenrat für Integration und Migration. <https://www.svr-migration.de/presse/presse-forschung/hotspots/> (last access: 12.05.2022).

IN CONTRAST: THE RESETTLEMENT PROGRAMME

The EU relocation programme is often mentioned in the same context as the resettlement programme or mistaken for it. However, there are important differences between the two procedures, which are explained below for a distinctive consideration.

In contrast to the intra-European mechanism of relocation, resettlement is an internationally recognised refugee protection programme.³⁰ Since 1999, the EU has been working on a 'Common European Asylum System' (CEAS). Against this background, resettlement is to become an integral part of EU foreign policy. In the EU context, resettlement refers to the transfer of a third-country citizen³¹ or a stateless person from a third country to an EU Member State in cooperation with the United Nations High Commissioner for Refugees (UNHCR), based on individual need for international protection.³² Participation in the resettlement programme guarantees protection against refoulement and grants them and their family rights similar to those of nationals. Resettlement is therefore also associated with the later possibility of obtaining citizenship in the respective EU Member State.³³

Here lies an important difference to the relocation programme, the extent of which is often not known: Participation in the relocation programme does not secure the person any status in the country of destination, in contrast to resettled persons. Relocation merely means that another EU member state is entrusted with the processing of the open-ended asylum process. Relocations therefore also regularly end in rejection notices and deportations from the newly responsible state, as our previous research has shown.³⁴

The above-mentioned *European Agenda on Migration* of 2015 also included calls by the EU Commission to the EU member states to accept protection seekers via the resettlement programme, which have so far hardly been implemented. Only with the agreement concluded with Turkey on 18 March 2016 did resettlement become an essential instrument of European asylum policy: the implementation of which is still called for today, while its quota is still far from being exhausted.

30 Kleist, Olaf J. 04.07.2016. Resettlement in comparison to other admission programmes. In: Federal Agency for Civic Education. <https://www.bpb.de/themen/migration-integration/kurzdossiers/230509/resettlement-im-vergleich-zu-anderen-aufnahmeprogrammen/> (last access: 25.04.2022).

31 Third countries are all states that are not EU member states.

32 European Commission. Resettlement. https://ec.europa.eu/home-affairs/pages/glossary/resettlement_en (last access: 25.04.2022).

33 United Nations High Commissioner for Refugees. 2011. UNHCR Resettlement Handbook, p. 9. <https://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=46f7c0ee2&query=resettlement%20handbook> (last access: 23.05.2022).

34 Borderline-europe. 2021. EU Ad Hoc Relocation. A Lottery from the Sea to the Hotspots and back to Unsafety, p. 76ff. https://eu-relocation-watch.info/pdf/BE_RelocationReport.pdf (last access: 23.05.2022).

A BRIEF OUTLOOK ON THE RESETTLEMENT PROGRAMME

As the EU Commission communicated in its announcement on 6 April 2016 titled *Reforming the Common European Asylum System and Facilitating Legal Routes to Europe*,³⁵ it wanted to create a more structured, harmonised and permanent framework for resettlement throughout the Union, building on previous experiences.³⁶ Since then, it has regularly called on the member states to declare to the EU Commission, within the framework of the EU Resettlement Programme, the number of reception places made available for asylum seekers from specific states voluntarily (so-called 'pledging').³⁷ Germany, for example, announced in 2017 that it would take in a total of 10,200 refugees as part of the programme published by the EU Commission; however, in the end only 4,800 people were admitted.³⁸

An analysis by UNHCR shows that in 2022 alone, a total of 1.47 million resettlement places will be needed for people worldwide in need of protection.³⁹

On 9 July 2021, the European Commissioner for Home Affairs, Ylva Johansson, announced her intention to fund €300 million for the resettlement of 30,000 refugees by the end of 2022. Given the high demand, this quota is in no way sufficient or proportionate. Johansson's decision supposedly referred to the request by the United Nations High Commissioner for Refugees, Filippo Grandi, for Europe to resettle 36,000 people from third countries in need of protection by 2022.⁴⁰ But how imminent a concrete commitment of the individual EU member states or EU institutions remains open. If this intention is serious, the figures must be adjusted upwards as soon as possible, especially given the current situation in Ukraine.

Germany has also announced its intention to continue its commitment to the EU Resettlement Programme in 2022. 6,000 places are therefore to be made available for resettlement, humanitarian admissions from Turkey as well as two country reception programmes - this is more than in previous years and the most relative to the EU.⁴¹ Nevertheless, the implementations of the memoranda remain to be seen.

GERMANY, FOR EXAMPLE, ANNOUNCED IN 2017 THAT IT WOULD TAKE IN A TOTAL OF 10,200 REFUGEES AS PART OF THE PROGRAMME PUBLISHED BY THE EU COMMISSION; HOWEVER, IN THE END ONLY 4,800 PEOPLE WERE ADMITTED.

35 European Commission. 06.04.2016. Towards a Reform of the European Asylum System and Enhancing Legal Avenues to Europe. (COM (2016) 197 final), p. 3. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0197> (last access: 23.05.2022).

36 European Commission. 13.07.2016. Proposal for a Regulation of the European Parliament and the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council. COM (2016) 468 final, p. 3. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0468&from=en> (last access: 23.05.2022).

37 Bundesministerium des Innern und für Heimat. 2022. Resettlement und humanitäre Aufnahme. <https://www.bmi.bund.de/DE/themen/migration/asyl-fluechtlingsschutz/humanitaere-aufnahmeprogramme/humanitaere-aufnahmeprogramme-node.html> (last access: 25.04.2022).

38 Statista Research Department. 21.01.2022. European Union: Number of resettled refugees in the member states. <https://de.statista.com/statistik/daten/studie/1171303/umfrage/anzahl-neuangesiedelter-fluechtlinge-in-den-eu-mitgliedstaaten/> (last access: 16.05.2022).

39 UNHCR. 24.06.2021. UNCHR report: 1.47 million vulnerable refugees in need of resettlement in 2022. <https://www.unhcr.org/dach/de/66367-unhcr-bericht-147-millionen-schutzbeduerftige-fluechtlinge-2022-auf-resettlement-angewiesen.html> (last access: 16.05.2022).

40 ANSA. 13.07.2021. EU aims for 30,000 refugees' resettlement until 2022. In: INFOMIGRANTS. <https://www.infomigrants.net/en/post/33578/eu-aims-for-30000-refugee-resettlements-until-2022> (last access: 25.04.2022).

41 Bundesministerium des Innern und für Heimat. 2022. Resettlement und humanitäre Aufnahme. <https://www.bmi.bund.de/DE/themen/migration/asyl-fluechtlingsschutz/humanitaere-aufnahmeprogramme/humanitaere-aufnahmeprogramme-node.html> (last access: 25.04.2022).

Relocation from Greece to Germany 2020-2021



Photo: Trinity Moss

How did the renewed relocation measures come about?

In addition to the ad-hoc measures with Italy and Malta in 2019 for the relocation of persons rescued from distress at sea,⁴² there has since the end of the first EU relocation programme in 2017 been a permanent blockade of further redistributions to receptive federal states and municipalities by the German Ministry of the Interior. However, in the course of 2020, after years of ‘turning away’, three redistribution measures were initiated for a total of 2,765 persons from the Greek camps to Germany, due to developments on the Greek islands and to increasing pressure from protest movements.⁴³

Alongside a chronological description of events, this chapter traces the path to the redistribution measures for the 2,765 people in. These measures are based on decisions by the German Federal Government between 8 March 2020 and 15 September 2020, as well as subsequent relocation measures with Greece under the EU’s Voluntary Scheme for the *Relocation from Greece to other European Countries*.⁴⁴

2020: THE SITUATION ON THE ISLANDS COMES TO A CRISIS

With the EU practising an increasingly restrictive policy, sealing itself off for years and especially since the ‘Summer of Migration’ in 2015, its inhumanity and harshness became increasingly visible in Greece at the beginning of 2020, as a predictable consequence of the Dublin system, the EU-Turkey deal and the related hotspot policy: At that time, there were around 20,000 people in camp Moria, a space that was originally designed for only 2,840 people.⁴⁵ The capacities of the Greek camps consequently more than exceeded the politically-driven situation and the prolonged asylum processes. The continuous new arrivals were an ongoing testimony to the devastating errors of the pursued ‘deterrence policy’ and measures for so-called migration control.

42 More information in our 1st report „EU Ad Hoc Relocation. A Lottery from the Sea to the Hotspots and back to Unsafety“ (2021), https://eu-relocation-watch.info/pdf/BE_RelocationReport.pdf (last access: 23.05.2022).

43 Deutscher Bundestag 19. Wahlperiode. 05.05.2021. Plenarprotokoll 19/226, Rn. 28846 <https://dserver.bundestag.de/btp/19/19226.pdf> (last access: 29.05.2022).

44 International Organization for Migration: Voluntary Relocation Scheme from Greece to Other European Countries. <https://greece.iom.int/voluntary-relocation-scheme-greece-other-european-countries> (last access: 24.05.2022).

45 Christides, Giorgos/ Kuntz, Katrin. 15.03.2020. Elendslager Moria auf Lesbos. „Wir schaffen das nicht allein“. In: Spiegel.de. <https://www.spiegel.de/ausland/griechenland-fluechtlingslager-moria-auf-lesbos-wir-schaffen-das-allein-nicht-a-779f2cae-cb6d-443d-b96a-3d8e43e5e6e9> (last access: 23.05.2022).



'Voices from Moria' poster in Cologne
Photo: Mika Baumeister



The Moria camp

Moria was a camp for asylum seekers on the eastern Aegean island of Lesbos, near the village of Moria in the municipality of Mytilini. Although it was originally designed for about 2800 people, at times up to 20,000 people lived in the camp,⁴⁶ making it the largest for asylum seekers in the EU. In 2020, it was destroyed by fire. The devastating and completely inhumane situation in Moria had been deplored by human rights activists and NGOs for years.

Inside the camp, the situation was precarious due to a lack of medical and basic hygienic care, with desperation growing.⁴⁷ In February, some of the camp residents tried to fight their way to the Greek mainland by protesting at the ports of Mytilini. However, they were violently detained by the police and prevented from escaping.⁴⁸

Violence and aggression also occurred outside the camp. The growing number of protection seekers on the small islands was met within a short period with several violent attacks by right-wing extremist groups and island residents on Samos, Lesbos and Chios, directed against protection seekers, aid workers and journalists.⁴⁹ Due to the increasingly insecure situation, many aid workers and NGO employees left the islands.

⁴⁶ Backhaus, Andrea. 27.03.2020. Lesbos. „Moria ist die Hölle“. In: ZEIT ONLINE. https://www.zeit.de/politik/ausland/2020-03/lesbos-fluechtlingslager-moria-griechenland-gefluechtete?utm_referrer=https%3A%2F%2Fwww.google.com (last access: 23.05.2022)..

⁴⁷ Backhaus, Andrea. 27.03.2020. Lesbos. „Moria ist die Hölle“. In: ZEIT ONLINE. https://www.zeit.de/politik/ausland/2020-03/lesbos-fluechtlingslager-moria-griechenland-gefluechtete?utm_referrer=https%3A%2F%2Fwww.google.com (last access: 23.05.2022).

⁴⁸ Smith, Helena. 04.02.2020. Greece sends more riot police to Lesbos after migrant clashes. In: The Guardian. <https://www.theguardian.com/global-development/2020/feb/04/greece-sends-more-riot-police-to-lesbos-after-migrant-clashes> (last access: 23.05.2022).

⁴⁹ Lünser, Andres v. 03.03.2020: Camp Moria auf Lesbos. Wut und Gewalt statt Willkommenskultur. In: Spiegel.de. <https://www.spiegel.de/panorama/camp-moria-auf-lesbos-wut-und-gewalt-statt-willkommenskultur-a-7bd75b72-5bf0-4c7f-b21f-0d0d31630f5e> (Zuletzt eingesehe: 23.05.2022).

DE FACTO BREACH OF THE EU-TURKEY DEAL

Four years after the resolution of the EU-Turkey Deal, on 28 February 2020 the Turkish President Recep Tayyip Erdoğan made the politically motivated decision to no longer prevent Syrian protection seekers in Turkey from entering the EU, as the Deal originally intended.⁵⁰ This decision led to a humanitarian crisis, as tens of thousands of people tried to cross the border within a short period into the EU at the Evros river and via the Aegean sea route and were forced back by European border guards with tear gas, stun grenades and batons.⁵¹ Since the way back to Turkey was also blocked, the people were partly enclosed for days without any supplies.⁵²

As Turkey's official commitment to block further arrivals on the Greek islands and to 'repatriate' migrants no longer seemed to be valid, the Greek Prime Minister Kyriakos Mitsotakis announced the suspension of the right to asylum on 1 March 2020.⁵³

In doing so, Greece deliberately broke international law, namely the Geneva Refugee Convention - without intervention or much opposition from the EU.



Protest in Germany
Photo: Mortaza Shahed

50 Drossou, Olga. 05.03.2020. Turkey opens the gates - Greece closes the borders. In: Heinrich Böll Foundation. <https://www.boell.de/de/2020/03/05/die-tuerkei-oeffnet-die-tore-griechenland-schliesst-die-grenzen> (last access: 23.05.2022).

51 N.N. 18.03.2020. Greek-Turkish border. Refugees fail to tear down border fence. In: Zeit Online. <https://www.zeit.de/politik/ausland/2020-03/grenze-griechenland-tuerkei-fluechtlinge-konflikt-migration> (last access: 23.05.2022).

52 Drossou, Olga. 05.03.2020. Turkey opens the gates - Greece closes the borders. Commentary. In: Heinrich Böll Foundation. <https://www.boell.de/de/2020/03/05/die-tuerkei-oeffnet-die-tore-griechenland-schliesst-die-grenzen> (last access: 23.05.2022).

53 N.N. 01.03.2020. Nach Grenzöffnung der Türkei: Griechenland setzt Asylrecht für einen Monat aus. In: Spiegel.de. <https://www.spiegel.de/ausland/fluechtlinge-griechenland-setzt-asylrecht-fuer-einen-monat-aus-a-14421c7e-80da-43d7-976c-9d00cae92127> (last access: 23.05.2022).

FURTHER ESCALATION DUE TO THE SPREAD OF THE PANDEMIC

In March 2020, over 40,000 people were crowded into the camps on the Greek islands.⁵⁴ The already fatal hygienic situation and lack of medical care became more critical for the residents: Only a handful of doctors, nurses and midwives were available in each of the camps, far too few to take effective action against the possible spread of a pandemic, or to adequately care for those who became ill. As a protective measure for the surrounding island population, the residents were isolated and locked in the camps - thus effectively abandoned to their fate.⁵⁵ In the face of this disregard for their human rights, residents founded advocacy platforms such as the 'Moria Corona Awareness Team' and demanded their evacuation.⁵⁶

54 Tsianos, Vasilis/Rahmlow, Axel. 20.03.2020. Corona und die Flüchtlinge in Griechenland. „Die Lager müssen sofort evakuiert werden“. In: Deutschlandfunkkultur.de. <https://www.deutschlandfunkkultur.de/corona-und-die-fluechtlinge-in-griechenland-die-lager-100.html> (last access: 23.05.2022).

55 Tsianos, Vasilis/Rahmlow, Axel. 20.03.2020. Corona and the refugees in Greece. „The camps must be evacuated immediately“. In: Deutschlandfunkkultur.de. <https://www.deutschlandfunkkultur.de/corona-und-die-fluechtlinge-in-griechenland-die-lager-100.html> (last access: 23.05.2022).

56 Jakob, Christian. 12.05.2020. Aktivist über Zustände im Camp Moria: „Bewohner haben sich Masken genäht“ In: taz.de. <https://taz.de/Aktivist-ueber-Zustaende-im-Camp-Moria/!5681846/> (last access: 26.04.2022).

REACTION FROM EU & MEMBER STATES

For some time, as the situation on the islands worsened, nothing happened at the EU level to emphatically defuse it except for expressions of solidarity and sympathy. And yet the pressure and corresponding demands grew for an end to the policy of looking the other way practised by the EU and the member states.⁵⁷

At the beginning of March 2020, EU Commission President Ursula von der Leyen finally visited the Greek islands. Obviously, the ‘problem’ of the precarious situation for the local people could no longer be ignored. This was followed on 4 March 2020 by the Action Plan for *Immediate Measures to Support Greece*, adopted by the EU Commission.⁵⁸ The action plan initially referred in particular to personnel and financial support for Greece, for the care of people seeking protection and for the implementation of asylum processes, as well as to strengthen a ‘return programme’.

This term must be understood as a euphemism for violent practices; referring to programmes that force the deportation of asylum seekers to the country from which they fled.⁵⁹

Just two days later, in a press release by the EU Commission on 6 March 2020, the 2015 relocation plan was reverted to: The EU Commission announced the initiation of a voluntary relocation programme for minors and children in need of protection and their nuclear families in the other EU member states.⁶⁰

A corresponding coordination mechanism was established involving the Greek authorities of the Ministry for Migration and Asylum (i.e. the Special Secretary for the Protection of Unaccompanied Minors, the Greek Asylum Service and the Reception and Identification Service), as well as the international institutions EASO, IOM, UNHCR, UNICEF, FRA and the UNHCR partners, and the participating member states.⁶¹

57 N.N. 27.04.2020. Griechenland. Flüchtlingslager auf Samos nach Bränden teilweise evakuiert. In: ZEIT ONLINE. https://www.zeit.de/politik/ausland/2020-04/griechenland-samos-fluechtlingslager-brand-evakuierung?wt_zmc=sm.int.zonaudev.facebook.ref.zeitde.redpost_zon.link.sf&utm_term=facebook_zonaudev_int&utm_campaign=ref&utm_content=zeitde_redpost_zon_link_sf&utm_source=facebook_zonaudev_int&utm_medium=sm&page=3 (last access: 23.05.2022).

58 European Commission. 04.03.2020. Extraordinary Justice and Home Affairs Council: Commission presents Action Plan for immediate measures to support Greece. https://ec.europa.eu/commission/presscorner/detail/en/ip_20_384 (last access: 23.05.2022).

59 European Commission. Return and Readmission. https://ec.europa.eu/home-affairs/policies/migration-and-asylum/irregular-migration-and-return/return-and-readmission_en (last access: 24.05.2022).

60 European Commission. 06.03.2020: Migration: Commission takes action to find solution for unaccompanied migrant children on Greek islands. https://ec.europa.eu/commission/presscorner/detail/en/ip_20_406 (last access: 23.05.2022).

61 Joint NGO Briefing Paper. 27.10.2021. Relocation from Greece. Lessons learned and looking ahead, p. 4. https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf (last access: 24.05.2022).



This cooperation formed the *Voluntary Relocation Scheme from Greece to Other European Countries* on 01.04.2020.⁶²

Meanwhile, in Greece, transfers to the mainland were planned in the subsequent months to alleviate the situation on the islands. This was partly due to fires that broke out in the camp on the island of Samos in spring 2020, increasing the need for rapid evacuation measures.⁶³ However, these transfer operations were hindered and slow to start due to the COVID 19 pandemic and its consequences such as travel restrictions, isolation guidelines in the camps and limited authority capacities.⁶⁴

62 International Organization for Migration. Voluntary Relocation Scheme from Greece to Other European Countries. <https://greece.iom.int/voluntary-relocation-scheme-greece-other-european-countries> (last access: 24.05.2022).

63 N.N 27.04.2020. Greece. Refugee camp on Samos partially evacuated after fires. In: ZEIT ONLINE. https://www.zeit.de/politik/ausland/2020-04/griechenland-samos-fluechtlingslager-brand-evakuierung?wt_zmc=sm.int.zonaudev.facebook.ref.zeitde.redpost_zon.link.sf&utm_term=facebook_zonaudev_int&utm_campaign=ref&utm_content=zeitde_redpost_zon.link_sf&utm_source=facebook_zonaudev_int&utm_medium=sm&page=3 (last access: 23.05.2022).ebd. (Zuletzt ibid. (last

64 access: 23.05.2022).

THE FIRE IN MORIA

The growing unrest and the fear of infection by COVID-19 led eventually to a large-scale fire in the Moria camp in early September 2020. At the time, 12,600 residents were living there.⁶⁵ Many people consequently lost their makeshift accommodation and their belongings. Some lived for a time on the streets of the island without necessary supplies such as access to water.

However, solution-oriented action from the EU and member states was a long time coming: rather than drawing logical conclusions and ensuring humane accommodation, people were brought to an alternative camp, Kara Tepe. And in a few days the Moria 2 camp, officially known as Mavrovouni or Kara Tepe II, was established, with conditions as inhumane as in Moria. As the camp was built directly on the coast of a former military base, its inhabitants were exposed to all kinds of weather.⁶⁶ As the inhabitants and their supporters reported, the people were after the fire disaster and the involuntary move worse off than in Moria; and many were 'worn down' by the months and years in the hotspot camps.⁶⁷

WHAT IS CLEAR IS THAT THE SITUATION ON THE GREEK ISLANDS WAS NOT SUSTAINABLE AT ANY MOMENT WITHIN THIS PERIOD OUTLINED. IT SHOULD SIMPLY NEVER HAVE COME TO SUCH A PREDICTABLY PRECARIOUS SITUATION.

The fate of the residents of the burnt-down Moria camp made (more) visible the devastating consequences for people seeking protection and asylum on the Aegean islands of the hotspot policy, the EU-Turkey Deal and the Dublin III regulation to a broad public. This led to a renewed increase in demands for redistribution within the EU.

⁶⁵ Marquard, Eric/Müller, Dirk. 09.09.2020. EU-Abgeordneter zum Brand im Flüchtlingscamp Moria „Ich frage mich, warum man Menschen über Jahre entwürdigt“ In: Deutschlandfunk. <https://www.deutschlandfunk.de/eu-abgeordneter-zum-brand-im-fluechtlingscamp-moria-ich-100.html> (last access: 26.04.2022).

⁶⁶ N.N. 07.09.2021. Forgotten misery: One year after the fire in Moria. In: Pro Asyl. <https://www.proasyl.de/news/forgotten-miseries-one-year-after-the-fire-in-moria/> (last access: 26.04.2022).

⁶⁷ Selin, Katerina. 05.03.2021. Suicide attempt on Lesbos: Greek justice investigates pregnant refugee who set herself on fire. In: World Socialist Web Site. <https://www.wsws.org/de/articles/2021/03/05/grie-m05.html> (last access: 23.05.2022).

The EU's quota for relocation measures was however only slightly expanded: ten European countries (Germany, France, Finland, Luxembourg, Slovenia, the Netherlands, Croatia, Portugal, Belgium and Switzerland) agreed to share just 400 unaccompanied minors⁶⁸ from Moria amongst themselves.⁶⁹ At least symbolically, after the Moria camp burnt down in September other member states also joined the *Voluntary Scheme for the Relocation from Greece to Other European Countries*.⁷⁰ In total, 16 states pledged to ensure the immediate redistribution of just over 5,200 unaccompanied minors, asylum seekers or recognised refugees and subsidiary beneficiaries.⁷¹

To put this into perspective, 5,200 amounts to not even half the residents of the former Moria camp made homeless by the fire, not to mention those seeking protection facing similarly devastating conditions on the other islands. The willingness to grant protection impacts once again only a small number of asylum seekers and offers no solution to those remaining on the island. The actual implementation of these memoranda is presented in the following sections of the report.

68 Unaccompanied children, as defined by UNHCR, have been separated from both parents and other relatives and are not being cared for by an adult who is responsible for them under law or custom. (Bigg, Matthew Mpoke. 26.08.2020. Explainer. Relocation of Unaccompanied children from Greece to other Countries. In: UNHCR. The Refugee Agency. <https://www.unhcr.org/neu/43303-explainer-relocation-of-unaccompanied-children-from-greece-to-other-eu-countries.html> (last access: 23.05.2022)).

69 N.N. 11.09.2020. Großbrand im Lager Moria. Deutschland nimmt bis zu 150 minderjährige Flüchtlinge auf. In: Spiegel.de. <https://www.spiegel.de/politik/deutschland/moria-deutschland-nimmt-bis-zu-150-minderjaehrige-auf-a-3c396c4f-2670-4357-8269-93df31263ebb> (last access: 23.05.2022).

70 Deutscher Bundestag 19. Wahlperiode. 01.04.2021. Schriftliche Fragen mit der in der Woche vom 29. März 2021 eingegangenen Antworten der Bundesregierung. Drucksache 19/28193. <https://dserver.bundestag.de/btd/19/281/1928193.pdf>, p. 26 (last access: 23.05.2022).

71 Deutscher Bundestag 19. Wahlperiode. 01.04.2021. Schriftliche Fragen mit der in der Woche vom 29. März 2021 eingegangenen Antworten der Bundesregierung. Drucksache 19/28193. <https://dserver.bundestag.de/btd/19/281/1928193.pdf>, p. 26 (last access: 23.05.2022).

Landscape, Lesvos island
Photo: Julia Winkler




The Relocation Resolutions of the federal government



Abandoned camp in Calais, France

Photo: Radek Homola





08.03.2020: Admission of 1000-1500 children

Following this examination of the EU relocation measures for Greece in 2020, we now address the relocation decisions taken by the German government.

Following the EU Commission's call for the redistribution of unaccompanied minors and children, and their families, in need of protection on 6 March 2020 (see above), the German Federal Government passed a coalition resolution two days later, on 8 March 2020, to participate in the measure.

In the CDU archives, we came across a classification of the decision. We present this excerpt as an example as it illustrates the fundamentally restrictive attitude of the federal government at the time toward a humanitarian and solidarity-based European asylum policy. This is an important contribution to a retrospective evaluation of the relocation mechanisms from Greece to Germany.

"As a country on the external border of Europe, Greece must protect this border. Greece has our support and solidarity in this. [...] That is why we want to support Greece in the difficult humanitarian situation of about 1000 to 1500 children on the islands. These are children who either are in urgent need of treatment due to serious illness or are unaccompanied and under 14 years old, most of them girls. [...] At the European level, a humanitarian solution is currently being negotiated. [...] In this context, Germany stands ready to accept an appropriate share."⁷²

⁷² CDU. 08.03.2020. Results of the Coalition Committee. <https://archiv.cdu.de/artikel/ergebnisse-des-koalitionsausschusses-vom-08-maerz-2020> (last access: 18.05.2022).

It is clear that the then German government considered its participation, or rather its 'support and solidarity', in the framework of the relocation programme as a generous concession to the Greek government. The justification for the planned admission of 1,000 to 1,500 children was not exclusively about the protection of minors but about structural 'relief' for the member states.

Accordingly, the basis for the redistribution is not the inhumane situation or the collective failure of EU migration and asylum policy, but instead European 'border protection', which remains the responsibility of the Greek state. Rather than a consequential reflection on the political situation, the discourse implies Greece is not fulfilling its task and is thus indirectly responsible for the miserable situation in the camps.

In addition, the classification of the ages as well as the reference to the female gender of unaccompanied minors must be critically examined. According to UNHCR, in August 2020 (i.e. a few months after the situation in March 2020 and thus presumably not dissimilar) 4,511 unaccompanied minors in Greece would have required accelerated registration, family tracing, family reunification and/or resettlement to a third country according to Greece's 'National Centre for Social Solidarity'. Of these, 93% were registered as boys, only 7% as girls, and 92% of the total were 14-18 years old.⁷³

As NGOs rightly criticised in this context, such claims and selection criteria from member states complicate the allocation processes of the relocation measures, without apparent cause absurd considering that the majority of the underage unaccompanied children in the camps were male and older than 14 years old.⁷⁴ The reasons behind this statement; the federal government may have been guided by group-based stereotypes and racism towards young, male people with a migration history or by the patriarchal concept that female people are more in need of protection. Most likely, with this selection, they suspected the least opposition from right-wing conservative parts of society. In any case, they did not consider the situation accurately or the needs of the protection-seeking minors on the islands.

73 Bigg, Matthew Mpoke v. 26.08.2020: Explainer. Relocation of Unaccompanied children from Greece to other Countries. In: UNHCR. The Refugee Agency. <https://www.unhcr.org/neu/43303-explainer-relocation-of-unaccompanied-children-from-greece-to-other-eu-countries.html> (Zuletzt eingesehen: 23.05.2022).

74 Joint NGO Briefing Paper v. 27.10.2021: Relocation from Greece. Lessons learned and looking ahead, S. 5. https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf (Zuletzt eingesehen: 24.05.2022).

11.09.2020: Additional reception of minors from Moria

It remains questionable by whom and according to which criteria the selection of children in special need of treatment was made. On the one hand, the assessment of the need for treatment based on medical diagnoses cannot be considered complete due to the extremely limited medical capacities in the camp. On the other hand, there are and were numerous people living in Moria with disabilities, serious illnesses or war injuries who would also have needed urgent evacuation.⁷⁵ Seehofer's Ministry of the Interior was therefore rightly accused of a 'token policy', given the promised admission of 243 children in need of treatment,⁷⁶ with the specially established criterion of 'need for treatment' appearing evacuation inconsistent.

On 11 September 2020, Germany, alongside France, Finland, Luxembourg, Slovenia, the Netherlands, Croatia, Portugal, Belgium and Switzerland, agreed to jointly admit a total of 400 underage asylum seekers from the burnt-down Moria camp, who had already been evacuated to the Greek mainland. France and Germany were to accept the majority of the responsibility, each taking in 100 to 150 minors.⁷⁷ However, given the situation in Moria before and after the fire, the promise of admission by the two largest and economically strongest member states can be viewed as extremely low.

15.09.2020: Admission of 1553 persons with recognised protection status

The further redistribution measures originate from the coalition decision of 15 September 2020. In this decision, the admission of 1,553 people from the Greek islands of Lesbos, Chios, Samos, Kos and Leros already recognised as refugees, or beneficiaries of subsidiary protection in family groups, was determined. These people have already been granted international protection in Greece according to the so-called *Qualification Directive* (Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011⁷⁸).

The redistribution of people within this quota was thus limited to people who had been granted protection in the Greek asylum procedure by the cut-off date of 9 September 2020. Accordingly, in contrast to unaccompanied minors and children in need of treatment including their families, the people redistributed with protection status no longer have to apply for asylum in Germany but can transfer their (normally temporary) status to their target country.

⁷⁸ Directive 2011/95/EU of the European Parliament and of the Council of 13.12.2011 on standards for the qualification of third country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (Qualification Directive).

⁷⁵ N.N. 09.08.2020. Mainzer Sozialmediziner fordert weiteres Aufnahmeprogramm. In: Berlin.de. <https://www.berlin.de/aktuelles/berlin/6257142-958092-mainzer-sozialmediziner-fordert-weiteres.html> (last access: 23.05.2022).

⁷⁶ N.N. 27.08.2020. Alibi Politik. Kranke Kinder aus griechischen Camps in Deutschland angekommen. In: MiGAZIN. <https://www.migazin.de/2020/08/27/ranke-kinder-aus-griechischen-camps-in-deutschland-angekommen/> (last access: 23.05.2022).

⁷⁷ Deutscher Bundestag 19. Wahlperiode v. 02.10.2020: Schriftliche Fragen mit der in der Woche vom 28. September 2020 eingegangenen Antworten der Bundesregierung. Drucksache 19/23047. <https://dserver.bundestag.de/btd/19/230/1923047.pdf>, p.14 (last access: 23.05.2022).

IMPLEMENTATION: REALISED RELOCATIONS IN 2020 AND 2021

According to official data, a total of 2,765 persons were brought to Germany from Greece in the period from 18 April 2020 to 29 April 2021.⁷⁹ In this chapter, we take a closer look at the actual implementation of these relocation measures. In the first part, we describe each preparatory step of the relocation process in Greece. Subsequently, the arrivals of the planned contingents in Germany will be presented using specific data.

⁷⁹ Deutscher Bundestag 19. Wahlperiode v. 05.05.2021: Plenarprotokoll 19/226, Rn. 28846. <https://dserver.bundestag.de/btp/19/19226.pdf> (Zuletzt eingesehen: 29.05.2022).

⁸⁰ UNHCR v. 21.12.2021: Voluntary Scheme for the Relocation from Greece to other European Countries. In: Operational Data Portal - Refugee Situations. <https://data2.unhcr.org/en/documents/details/90360> (Zuletzt eingesehen: 24.05.2022).

⁸¹ ebd. (Zuletzt eingesehen: 24.05.2022).

⁸² Bigg, Matthew Mpoke v. 26.08.2020: Explainer. Relocation of Unaccompanied children from Greece to other Countries. In: UNHCR. The Refugee Agency. <https://www.unhcr.org/neu/43303-explainer-relocation-of-unaccompanied-children-from-greece-to-other-eu-countries.html> (Zuletzt eingesehen: 23.05.2022).

THE STEPS TO REDISTRIBUTION

In this chapter, we present the general progression of relocation processes within the framework of the EU's *Voluntary Scheme for the Relocation from Greece to other European Countries*⁸⁰ in cooperation with IOM, UNHCR, EASO, UNICEF and Greek authorities. The following descriptions are based primarily on the official information of the institutions involved; consequent gaps in information remain.

1

The first step in the relocation programme is the identification of suitable (classified as particularly vulnerable) people for the redistribution process by the Greek authorities of the Ministry of Asylum and Migration.⁸¹ The selection process also takes into account asylum status and respective family relationships that would allow for redistribution via the Dublin system.⁸² However, the concrete selection processes of the people who relocate their asylum application filed in Greece to another EU member state, or who relocate with their protection status already recognised, remain largely opaque. There is no information published by the actors involved on the underlying decision-making criteria and selection processes of individuals within the imposed quotas.

THE STEPS TO REDISTRIBUTION

According to NGOs in Greece who published a joint briefing paper on this issue, the lack of information on the eligibility criteria not only makes it more difficult to support the individuals selected, but also creates considerable pressure on those remaining, as they cannot be given any clues as to why others were selected and they were not.⁸³ Information on the specific involvement of Greek authorities, and which information the people are given about possible participation in the relocation procedure, is also not generally evident.

For the relocation of unaccompanied minors who are “homeless or living in precarious conditions,”⁸⁴ there is slightly more information on the preparation and selection process: According to the EU guidelines, firstly a so-called ‘Best Interest Assessments’⁸⁵ (BIAs) is conducted with the minors and their guardians. EASO, supported by UNHCR, is responsible for conducting these BIAs alongside the Greek child protection actors and organisations ARSIS, PRAKSIS, METAdrasi⁸⁶ and the Network for Children’s Rights. The EASO Guideline on the Best Interests of Children in Asylum Procedures states regarding the BIAs:

“As bindingly interpreted by the Convention on the Rights of the Child Committee (CRC Committee), BIA: [It] is a unique activity that should be undertaken in all individual cases [...] and consists of evaluating and balancing all the elements necessary to decide on the specific situation for a particular individual child or group of children. [...] The ‘determination of best interests’ describes the formal process with strict procedural safeguards, designed to determine the child’s best interests using the best-interests assessment.”⁸⁷

THE STEPS TO REDISTRIBUTION

These assessments are based on the *Minimum Child Protection Standards for Identification of Unaccompanied Children to be Relocated from Greece to other countries in the European Union*,⁸⁸ agreed upon by UNHCR, UNICEF and IOM. In their *Joint Briefing Paper* on Relocation from Greece, the signatory NGOs report that the best interests of the child are not as important in the implementation of BIAs as is officially claimed: the guardians from the organisation METAdrasi, especially during the initiation of the Voluntary Scheme, sometimes had only one day to prepare for the representation of the unaccompanied minors. Furthermore, they were not informed in advance of the country to which relocation was imminent; limiting preparation possibilities for the benefit of the minors severely.⁸⁹ According to METAdrasi, sometimes 50 BIAs took place in one day on Lesbos,⁹⁰ and the children sometimes only got to know their guardian on that same day. The immense time pressure also made it difficult to comply with the child protection guidelines, and it harmed the physical and psychological well-being of the children to be relocated.⁹¹

83 Joint NGO Briefing Paper. 27.10.2021. Relocation from Greece. Lessons learned and looking ahead, p. 7. https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf (last access: 24.05.2022). ebd., S. 7 (Zuletzt eingesehen am: 24.05.2022).

84 Joint NGO Briefing Paper. 27.10.2021. Relocation from Greece. Lessons learned and looking ahead, p. 7. https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf (last access: 24.05.2022).

85 UNHCR. 07.04.2022. Voluntary scheme for the relocation from Greece to other European countries. Fact Sheet. <https://data2.unhcr.org/en/documents/details/92326> (last access: 24.05.2022).

86 METAdrasi - Action for Migration and Development’ is a Greek NGO that, among other things, provides guardianship for unaccompanied minors in the relocation process: <https://metadrasi.org/en/our-activities/> (last access: 29.05.2022).

87 European Asylum Support Office. 2019. EASO practical guide on the best interests of the child in asylum procedures (translation). <https://euaa.europa.eu/sites/default/files/Practical-Guide-Best-Interests-Child-EN.pdf>, p. 10 (last access: 23.05.2022).

88 UNHCR. 08.04.2020. Minimum Child Protection Standards for Identification of Unaccompanied Children to be Relocated from Greece to other countries in the European Union. In: Operational Data Portal - Refugee Situation. <https://data2.unhcr.org/en/documents/details/75298> (last access: 23.05.2022).

89 Joint NGO Briefing Paper. 27.10.2021. Relocation from Greece. Lessons learned and looking ahead, p. 5. https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf (last access: 24.05.2022). ebd., S. 7 (Zuletzt eingesehen am: 24.05.2022). Joint NGO Briefing Paper. 27.10.2021. Relocation from Greece. Lessons

90 learned and looking ahead, p. 5. https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf (last access: 24.05.2022). p. 7.

91 Joint NGO Briefing Paper. 27.10.2021. Relocation from Greece. Lessons learned and looking ahead, p. 5. https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf (last access: 24.05.2022). p. 7.

THE STEPS TO REDISTRIBUTION

The steps in the relocation procedure following the selection process, outlined below, do not only refer to the relocation of unaccompanied minors.

2

According to available information, some member states arrange additional interviews with the people to be admitted following the assignment of the destination state. According to the *Joint Briefing Paper* on relocation from Greece, these have been conceptualised in a similar way to asylum interviews, although the asylum application examination for relocated people without recognised protection statuses can only be carried out in the country of destination. Some other states, including Germany, have conducted so-called ‘security interviews’.⁹² In the 2015 Relocation Agreement, on which the subsequent ad-hoc relocation measures are based, the security screening is authorised in Art. 5 para. 7:

“member states retain the right to refuse the resettling of an applicant only if there are reasonable grounds for considering that he or she constitutes a threat to national security or public policy or if there are serious grounds to apply the exclusion provisions of Articles 12 and 17 of Directive 2011/95/EU.”⁹³

THE STEPS TO REDISTRIBUTION

The exclusion provisions mentioned refer to the general criteria for the recognition of refugee status, or subsidiary protection status for third-country nationals or stateless persons. Once no grounds for rejection are raised in the security interviews, the relocation is officially initiated. The affected people must officially agree to the relocation with their signature.

Following the mutually agreed upon assignment process between the individual and the country of destination, the person to be relocated is housed centrally in a hotel in Athens under the supervision of IOM until their departure. During this time, according to official UNHCR information, so-called ‘pre-departure orientation sessions’ and information meetings take place, in addition to medical examinations.⁹⁴ Who organises and conducts these sessions and how the content is structured is not clear from the publicly available information from the institutions involved. Meanwhile, transport, travel accompaniment and the arrival in the destination country are also organised.⁹⁵ Due to the cooperation of the many different authorities and organisations involved, the relocation processes are slow: several weeks or months may pass between the first contact of the responsible authorities with the person and their actual relocation, during which they wait in overcrowded hotspots for relocation.

92 Joint NGO Briefing Paper. 27.10.2021. Relocation from Greece. Lessons learned and looking ahead, p. 5. https://www.gcr.gr/media/k2/attachments/Joint_NGO_Briefing_on_the_situation_in_Greece_27_10_2021.pdf (last access: 24.05.2022). p. 5.

93 Council Decision (EU). 24.09.2015. Council Decision 2015/160 (32). In: Official Journal of the European Union. L248/80. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32015D1601&rid=1> (last access: 23.05.2022). UNHCR.

94 07.04.2022. Voluntary Scheme for the Relocation from Greece to Other European Countries. In: Operational Data Portal - Refugee Situations. <https://data2.unhcr.org/en/documents/details/92326> (last access: 23.05.2022).

95 UNHCR. 07.04.2022. Voluntary Scheme for the Relocation from Greece to Other European Countries. In: Operational Data Portal - Refugee Situations. <https://data2.unhcr.org/en/documents/details/92326> (last access: 23.05.2022).

RELOCATION TO GERMANY

REDISTRIBUTION OF UNACCOMPANIED MINORS

As a result of the coalition resolution on 08 March 2020, 53 unaccompanied minors were brought to Germany in April 2020. Another 51 unaccompanied minors arrived in Hannover on 30 November 2020.⁹⁶ The operation for the redistribution of unaccompanied minors was finally completed with the transport of another 99 unaccompanied minors on 3 December 2020. Therefore, by the end of 2020, a total of 203 unaccompanied minors, and a baby of an unaccompanied minor mother, had been resettled in Germany.

Since the unaccompanied minors from this contingent did not yet have protection status, they were distributed in Germany to reception centres, which *“took into account family ties and special medical needs, in addition to the willingness of the Länder to admit people from Greece”*⁹⁷. In Germany, an open-ended asylum procedure awaited them, although with relatively good chances for positive decisions in the case of unaccompanied minors.

⁹⁶ Deutscher Bundestag 19. Wahlperiode. 02.10.2020. Schriftliche Fragen mit der in der Woche vom 28. September 2020 eingegangenen Antworten der Bundesregierung. Drucksache 19/23047. <https://dserver.bundestag.de/btd/19/230/1923047.pdf>, p.14 (last access: 23.05.2022).

⁹⁷ Deutscher Bundestag 19. Wahlperiode. 26.03.2021. Schriftliche Fragen mit der in der Woche vom 22. März 2021 eingegangenen Antworten der Bundesregierung. Drucksache 19/27994. <https://dserver.bundestag.de/btd/19/230/1923047.pdf>, p. 9 (last access: 23.05.2022).

REDISTRIBUTION OF CHILDREN IN NEED OF TREATMENT WITH THEIR CORE FAMILIES

In April 2020, as a result of the coalition's decision of 8 March 2020, 125 children in need of care were brought to Germany together with their core families; further redistributions followed over autumn and winter. By the end of 2020, a total of 246 children with 789 core family members had been resettled. With the exception of three families who were not able to travel, the measure to relocate children in need of treatment with their families was completed on 17 December 2020. Two of the three families unable to travel were able to join by 26 March 2021⁹⁸. Nevertheless, the people from this redistribution quota awaited an open asylum procedure in Germany and thus an uncertain future.

REDISTRIBUTION OF ALREADY RECOGNISED BENEFICIARIES

As of 29 April 2021, a total of 1,526 of the planned 1,553 people recognised as needing protection had been admitted in family groups in Germany. The first arrivals took place in October. However, the further redistribution processes were delayed and could not be completed until May 2021. According to statements by the Federal Government, this was due in particular to:

*"[...]the current Covid-19 situation in Greece, which has led to national lockdowns and complicated the reception process, as well as quarantine requirements before transfer due to a risk of infection from Covid-19 and, most recently, chickenpox. In addition, it should be noted that the implementation of admissions by other European countries also ties up resources of the Greek authorities, the European Asylum Support Office and the IOM."*⁹⁹

⁹⁸ Deutscher Bundestag 19. Wahlperiode. 01.04.2021. Schriftliche Fragen mit der in der Woche vom 29. März 2021 eingegangenen Antworten der Bundesregierung. Drucksache 19/28193. <https://dserver.bundestag.de/btd/19/230/1923047.pdf>, p. 26 (last access: 23.05.2022).

⁹⁹ German Bundestag. 10.02.2021. Stenografischer Bericht. 208th session. Plenary Protocol 19/208, marginal no. 2604 (B).

PARTICIPATION OF OTHER EU MEMBER STATES

As mentioned, in spring 2020 eleven EU member states (Belgium, Bulgaria, France, Croatia, Finland, Germany, Ireland, Luxembourg, Lithuania and Slovenia) agreed to accept people seeking protection from Greece through the *Voluntary Scheme for the Relocation from Greece to other European countries* initiated by the EU Commission in cooperation with UNHCR, EASO, IOM, UNICEF and Greek asylum authorities.¹⁰⁰ After the Moria camp burnt down in September, five more European states joined, including the non-EU states Norway and Switzerland.^{101,102} In total, 16 EU member states planned to accept 5,200 unaccompanied minors, asylum seekers or recognised beneficiaries of protection from Greece.¹⁰³

A few months after the Lesbos fire, as of 24 March 2021 only 3,534 persons had been brought under the voluntary redistribution measures to willing EU member states and to Norway and Switzerland. Over 2,500 had been brought to Germany. By this time, only Luxembourg and Switzerland with 20 people each and the Netherlands with 100 had fulfilled the quota promised.

As of 28.04.2022, not all reallocations planned had been carried out; currently 4,808 of the 5,200 originally promised.¹⁰⁴ 1,212 of the 4,808 reallocated persons are unaccompanied minors. The majority of them (56%) come from Afghanistan another 24% from Syria. After Germany, France with almost 950 people and Portugal with 326 took in the most.¹⁰⁵

The limited participation of the other EU member states in the relocation measures has culminating restrictive effects on the German relocation policy. In October 2020, activists and NGOs as well as local politicians advocated for additional relocation measures, based on existing reception capacities in the cities and municipalities. However, the willingness of these 'safe havens' to accept refugees continued to be blocked by the Grand Coalition.¹⁰⁶ In rejecting the municipalities, the then Chancellor, Angela Merkel and then-Interior Minister, Horst Seehofer, stressed the pan-European responsibility with regard to redistribution, in which

100 European Commission. 07.07.2022. Relocation of unaccompanied children from Greece to Portugal and Finland - Questions and answers. https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1291 (last access: 24.05.2022)

101 Deutscher Bundestag 19. Wahlperiode. 01.04.2021. Schriftliche Fragen mit der in der Woche vom 29. März 2021 eingegangenen Antworten der Bundesregierung. Drucksache 19/28193. <https://dserver.bundestag.de/btd/19/281/1928193.pdf>, p. 26 (last access: 23.05.2022).

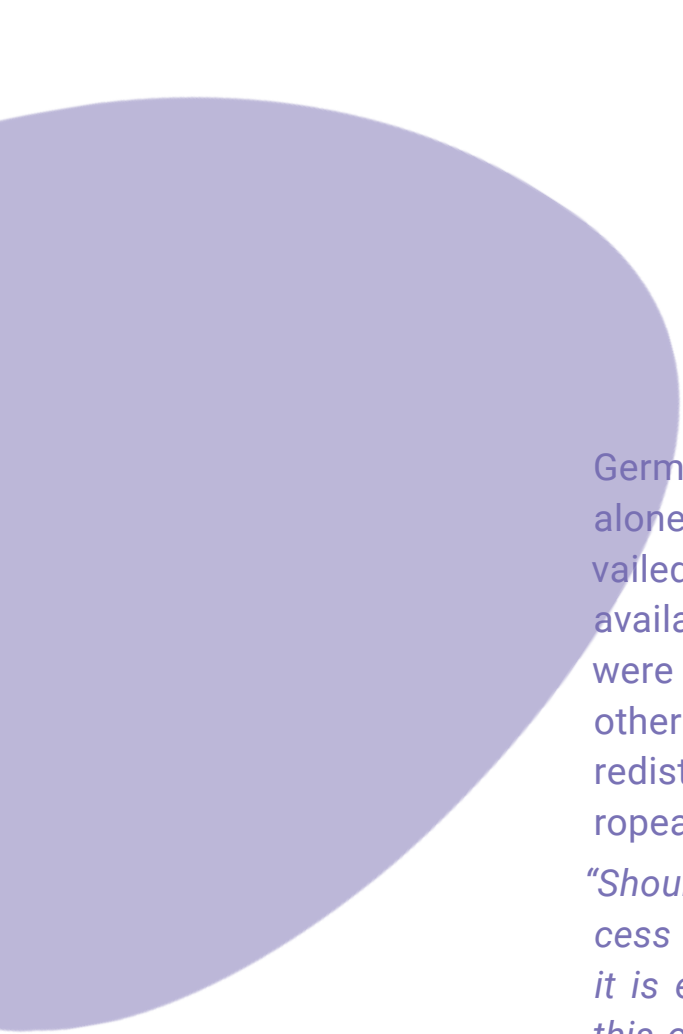
102 It is not clear from any of the official EU and federal government documents which other member states are involved.

103 Deutscher Bundestag 19. Wahlperiode. 01.04.2021. Schriftliche Fragen mit der in der Woche vom 29. März 2021 eingegangenen Antworten der Bundesregierung. Drucksache 19/28193. <https://dserver.bundestag.de/btd/19/281/1928193.pdf>, p. 26 (last access: 23.05.2022).

104 UNHCR. 28.04.2022. Voluntary Scheme for the Relocation from Greece to Other European Countries. In: Operational Data Portal - Refugee Situations. <https://data.unhcr.org/en/documents/details/92491> (last access: 29.05.2022).

105 UNHCR. 28.04.2022. Voluntary Scheme for the Relocation from Greece to Other European Countries. In: Operational Data Portal - Refugee Situations. <https://data.unhcr.org/en/documents/details/92491> (last access: 29.05.2022).

106 N.N. 20.10.2020. Konferenz mit der Kanzlerin. Kommunen scheitern mit Forderung nach Aufnahme weiterer Flüchtlinge. In: Spiegel.de. <https://www.spiegel.de/politik/deutschland/fluechtlinge-kommunen-scheitern-mit-forderung-nach-aufnahme-weiterer-menschen-aus-griechenland-a-54bb478e-fcc3-4ba4-a3e8-e27f99093b53> (last access: 23.05.2022).



Germany should not or did not want to ‘go it alone’.¹⁰⁷ The fact that a dramatic situation prevailed in Greece, while Germany had capacity available, remained ignored. Further admissions were emphatically linked to the willingness of other EU member states to participate in future redistributions in solidarity, striving for a pan-European solution:

“Should another joint European admission process be agreed in the coming days and weeks, it is envisaged that Germany will participate in this on a scale commensurate with its size and economic capacity. So far, however, no such pan-European solution has been achieved or is in sight.”¹⁰⁸

¹⁰⁷ N.N. 22.10.2020. Nach Brand auf Lesbos. Weitere 104 Asylsuchende Aus Griechenland in Deutschland angekommen. In: Spiegel Online. <https://www.spiegel.de/politik/deutschland/lesbos-weitere-104-asylsuchende-aus-griechenland-in-deutschland-angekommen-a-454c7fd5-afec-420a-9f36-aefb30448a88> (last access: 23.05.2022).

¹⁰⁸ Deutscher Bundestag 19. Wahlperiode. 01.04.2021. Schriftliche Fragen mit der in der Woche vom 05. Oktober 2020 eingegangenen Antworten der Bundesregierung. Drucksache 19/23238, p. 21. <https://dserver.bundestag.de/btd/19/232/1923238.pdf> (last access: 23.05.2022).



BARAN AND AMIRA:

THE REJECTION LETTER
AWAITS IN GERMANY

In Greece: The selection for relocation

On 17 July 2021, Baran¹⁰⁹ told us how he and his family came from Greece to Germany in January 2021 as part of the measure to relocate children in need of treatment and their core families. Their burgeoning hope with the relocation offer was quickly followed by disappointment: Baran and his family's asylum application in Germany was rejected, leaving virtually no prospects for the future. Baran's account of the relocation process - from the first notification, the care provided by the authorities involved, the transport, to the reality in Germany - provides insights into the non-transparent processes and the injustices of the relocation process.

Baran, his wife Amira and their five children come from Afghanistan, a country that has been politically and socially torn apart for decades and where - not only, but most recently since the Taliban took back power in August 2021 - a life of safety is no longer possible.¹¹⁰ They set out for Europe in 2018 and finally reached the island of Samos by autumn 2019. Baran told us that at the time of their initial interview with the Greek authorities to register their asylum application, they had already stated they would like to go to Germany.

¹⁰⁹ All names were replaced by a synonym to protect the family's privacy and identity.

¹¹⁰ This is a classification by the authors. In the interviews we did not ask about the reasons for fleeing in order not to retraumatise them, but also because the focus of this report is on the relocation procedure. The interviewees' accounts refer exclusively to their relocation.

¹¹¹ The quoted statements are simultaneous translations from a translator in English. We have translated them into German and smoothed out the language.

BARAN AND AMIRA:

THE REJECTION LETTER
AWAITS IN GERMANY

“When we arrived in Samos, during the interview they asked us: ‘Where do you want to go?’ And we said: ‘Germany. If it’s possible, we want to go to Germany. Otherwise, if we have to, we’ll stay here.’ And when the man called us [about the relocation offer], he said: ‘You said you wanted to go to Germany.’”¹¹¹

The fact that their desire to come to Germany was recorded may be a possible additional reason for their subsequent selection for the relocation programme; at least that is how Baran describes it to us. However, we have not yet been able to verify whether initial interviews are systematically included in the selection process.

At the time of the notification of possible redistribution to Germany, Baran, Amira and their children had been living in the Kavala camp in northeastern Greece for one and a half years. Three of the five children, who were at the time of the July 2021 interview, six, ten, thirteen, fifteen and sixteen years old, are ill; diagnosed with asthma, heart disease and a hepatitis B infection, which has also been detected in Baran. Baran's wife suffers from psychological difficulties. The precarious conditions in Greece were an additional burden, and the family immediately accepted the relocation offer.

Just four days after their acceptance, they find themselves in a hotel in Athens. In total they spent 42 days there, while their ‘suitability’ for redistribution to Germany was checked by the authorities and international organisations involved. Baran did not describe the exact proceedings of each appointment in preparation for the redistribution.

BARAN AND AMIRA:

THE REJECTION LETTER
AWAITS IN GERMANY

Following his narrative, after the medical examinations of the family, interviews with Baran and Amira are then scheduled by representatives of the German authorities. However, neither the interviewers themselves nor the authorities representing them had introduced themselves explicitly or at least understandably. The reasons behind the interview with the German officials are also not explained to them in a comprehensible way. Consequently, their relevant rights and the consequences of this interview are also unclear to Baran and Amira. Baran is questioned for two and a half hours, and his wife for two hours, about their reasons for fleeing, their flight, and their relationship to the Taliban. The interview is recorded, but not presented to the interviewees for verification afterwards. Their mobile phones are confiscated and examined. And their uncertainties about what exactly awaits them in Germany are not resolved:

“The only thing they asked was: ‘Do you have information about Germany? I said, ‘No, I don’t have any information.’ And then they said nothing more.”

The lack of transparency about the reason for the interview, as well as the absence of a protocol for verification, casts doubts on the legality of the procedure. Why the family was questioned about their reasons for fleeing is unclear. Ultimately, the legitimacy of the asylum application should only be examined after redistribution to Germany, where the asylum application is resumed again within the relocation procedure and is processed by BAMF staff. Information from the Bundestag plenary minutes states: *“no further checks beyond the security checks (C) are carried out by employees of German authorities on site.”*¹¹²

BARAN AND AMIRA:

THE REJECTION LETTER
AWAITS IN GERMANY

More than a month after their transfer to Athens, Baran, Amira and their children are visited by Greek and German officials late at night in the hotel. They are informed their ongoing asylum process in Greece is to be terminated, and that from now on Germany will now be responsible for their case. The family is happy and signs the agreement for distribution. Their flight to Germany leaves the next morning at 04:00. They are full of hope for a better and safer life in Germany:

“I thought when I got off the plane I could actually take a breath and say, I’m free of everything now.”

Arrival in Germany: The Destruction of Hope

Baran and Amira’s family are part of a relocation contingent of 243 children needing treatment and their families. They are taken by bus from Hannover airport directly to Berlin, where they are assigned collective accommodation.

Baran describes the first days as very ‘compact’: From early in the morning, every day several appointments await them, to which the entire family with all children set out. With the strenuous situation, it was difficult for him to understand and absorb all the information. A few days after their arrival, they firstly receive a temporary residence permit from the Federal Office for Migration and Refugees (BAMF), valid for three months.

¹¹² Deutscher Bundestag v. 10.02.2021: Stenografischer Bericht. 208. Sitzung. Plenarprotokoll 19/208, Rn. 26304 (B). <https://dserver.bundestag.de/btp/19/19208.pdf> (last access:29.05.2022).

BARAN AND AMIRA:

THE REJECTION LETTER
AWAITS IN GERMANY

Shortly afterwards the two parents are asked for interviews again, this time for the official asylum interviews at BAMF. Baran describes the content of his interview as very similar to the one already conducted at the German embassy in Greece; once again, he describes the story of his flight.

After the interview, they wait a long time for a response that does not come. Instead, Baran and Amira are summoned to the Foreigners' Registration Office a few weeks later. Baran must hand in the residence permit received earlier. He could barely understand the procedures there, and he received no support. He then receives a notice with a 30-day deadline to leave the country, which he is asked to sign.

It later turns out that a negative decision by BAMF regarding their right to refugee protection, subsidiary protection or a ban on deportation was allegedly issued four days after the asylum interviews and was sent to the family's collective accommodation. However, the staff at the shelter claim to not have received any mail for Baran and his family. The time elapsed here, due to the incomprehensible delivery failure, is critical. The first two weeks can normally be used to appeal against the refusal - after which the deadline has passed. When Amira learns of the order to leave the country, she attempts suicide and is taken to hospital shortly afterwards. There her condition continues to be unstable, and another suicide attempt is made.

At the time of the interview in July 2021, Amira is still in hospital, and Baran and his children continue to live in the shelter. Despite the 30-day deadline, their 'departure' to Afghanistan is not imminent: at the beginning of July, the Afghan government had requested EU countries to temporarily refrain from deportations due to the escalating violence.

BARAN AND AMIRA:

THE REJECTION LETTER
AWAITS IN GERMANY

Although this request was initially ignored, following an emergency ruling by the European Court of Human Rights over planned deportations from Austria, on 11 August 2021 deportations were also temporarily suspended in Germany.¹¹³

In the situation with a rejected asylum application, Baran and his family can neither start their life in Germany properly nor return to Greece or Afghanistan. Baran describes the living conditions in the collective accommodation, where he lives in cramped confinement with his children in uncertainty, like a prison, like torture. At the time of the interview, five of the children were attending school in Berlin. Initially, however, they had no kindergarten nor any other family support. The pressure and the hopelessness are substantial:

“I have lost hope in life, and when one looks at my children, they are so depressed. There is much more tension in my family than before.”

Baran tells us about five of the other families who were brought to Germany from Athens with them. Three of them now have an identity card and their own apartments. Two, like them, also received a negative decision after the redistribution. As they received it in time however, according to Baran's information they were able to appeal it.

¹¹³ N.N. 05.08.2021. Abschieben um jeden Preis? Zum Stand der Afghanistan-Abschiebungen. In: PRO ASYL. <https://www.proasyl.de/news/abschieben-um-jeden-preis-zum-stand-der-afghanistan-abschiebungen/> (last access: 23.05.2022).

BARAN AND AMIRA:

THE REJECTION LETTER
AWAITS IN GERMANY

Due to lack of transparency and access to information, we can only speculate on the fates of the contingent of children in need of treatment and their families brought to Germany from Greece in 2020. However, the likelihood that some suffered a similar fate as Baran, Amira and their children in an open-ended asylum process is very likely.

The story of Baran and his family clearly highlights the strain on participants within the relocation procedures: they are first given hope that their wish for a safe life in Germany might be realised, only for it to be immediately taken away. The disappointment is immense of having to continue living with such great insecurity and no support.

“The good thing about Afghanistan is that they kill you in a second. But here it takes time for you to die. This indecision and not knowing what will happen tomorrow really hurts as well.”

We thank Baran and his family very much for their openness in sharing their story with us.



Photo: Julie Ricard

KARIM AND ZAHRA:

THE GRUELLING WAIT

Catastrophic conditions in the camp: the only hope is redistribution

In this second testimonial, we learn about Zahra and Karim¹¹⁴ - also from Afghanistan - and their redistribution to Germany.

The family of six reached the Greek island of Lesbos in December 2019, where they were placed in the Moria camp. In August 2020, after living in the camp on Lesbos for eight months, they received a positive asylum decision. Nevertheless, there is no way out of the camp for them. They describe their time using the word 'hell':

“It was very, very difficult. We had a tent for four people, water got in, and the wind broke it. We built a wooden hut, which was also destroyed by the weather [...] There was so much insecurity. Thieves came in all the time. There were rats. And the situation in Moria became very hectic; there was a lot of ethnic conflict between people and it was so crowded, all the time. It was very, very unsafe. Every day someone got stabbed. Every day someone got hurt.”¹¹⁵

¹¹⁴ All names were replaced by a synonym to protect the family's privacy and identity.

¹¹⁵ The quoted statements are spontaneous translations from a translator into German and have also been linguistically smoothed by us.

KARIM AND ZAHRA:

THE GRUELLING WAIT

When the Moria camp burned down at the beginning of September 2020, the family's situation steadily worsened. After a few days on the street, Zahra, Karim and their children were assigned a tent in the neighbouring Kara Tepe camp, which they had to share with another family. The mothers of both families are pregnant, and the conditions in the camp are as unbearable as in Moria: it is cold and dirty, and the toilets are far away and unsafe. The woman next to their tent gives birth by caesarean section. Her wounds become infected. Zahra is increasingly worried about giving birth to her own child under these catastrophic circumstances. Her wish to move into an apartment is not granted.

After several months of uncertainty, the family received notice in February 2021 that they had been selected to be redistributed to Germany. Due to their prior refugee status, the family falls into the quota of those already recognised as eligible for protection. They are given forms to sign and are notified that they can now apply for a passport to travel. The family must pay the costs of 600€ per passport application themselves.

Moreover, when their redistribution is to take place is initially unclear. They are only told they should wait for the birth of their child. The prospect of bringing their child into the world under these hazardous conditions in the Kara Tepe tent is extremely stressful for Zahra.

KARIM AND ZAHRA:

THE GRUELLING WAIT

The pressure mounts: Interviews and waiting periods

In the following six months, several interviews take place, as Karim and Zahra report. Karim is first interviewed by the Greek authorities, about his flight history. He repeats the information he has already given, which had led to the positive asylum decision.

This are followed by further interviews, including with German officials, as they explain. Presumably, this is the so-called security check, but the interviewees are still unclear about which authority the interviewers belong to and what the basis as well as consequences of the interview are. From what Zahra tells us, interview is arbitrary:

“They asked me, “How would you react if you saw your daughter or son smoking?” They also asked if I was religious or ‘normal’. And when I come to Germany, what my plans are. And a lot of the questions are difficult to remember.”

As in the case of Baran and Amira, Karim and Zahra do not receive any transcripts of their interrogations that they could have cross-checked afterwards. After the interviews, the family remained in uncertainty for another four months.

KARIM AND ZAHRA:

THE GRUELLING WAIT

“Every week for the last four months they have told us we’re leaving this week. And then the next week. And then in a fortnight. And we were already thinking this isn’t going to happen anymore, we had already given up on it.”

After seven long months of waiting, they finally receive their passports and thereby the opportunity to leave the camp and to travel legally. They travel by ferry from Lesbos to Athens, where they are taken to a hotel by IOM staff. Ten days later they fly to Germany.

Arrival in Germany: Left Alone

The family tells us how upon arrival they are picked up from the airport and taken to a Berlin container shelter. At this point, they are told they will stay there temporarily for 20-25 days, after which they would move on.

Their refugee status, already recognised in Greece, is transferred in Germany; however, they only have this confirmed on a piece of paper. They do not receive an identity card. At the time of the interview (three months after their arrival), Karim and Zahra have received no further information nor any support:

KARIM AND ZAHRA:

THE GRUELLING WAIT

“On the first day, someone came to us, a woman; she gave us some bus tickets and said that she was our counsellor, that is, a social worker. But she disappeared afterwards. [...] No one tells us what we should do or not do. The social workers in the accommodation keep turning us away. [...] Besides, there are no translators, everyone speaks only German. A few months ago they hired a new staff member, he was Pakistani though.”

The living situation in the container is once again restrictive and too small for the family:

“These containers are for one to two people maximum. There are six of us here right now. If I want to learn something, I go over there, there are two single men, then I study with them, I already arranged that,”

Karim reports. Some of the people in the shelter have been living here for five years, as they report. This scares them, and they feel abandoned.

Karim and Zahra's experience shows that the redistribution of those already granted protection is also characterised by psychological stress, long waiting times, and lack of transparency and certainty. Despite their status that has been recognised for one and a half years, they have still not been able to start their lives properly in Germany. The family travelled to Germany with a lot of hope for stability and future prospects, which would help them forget their 'hell' in the Moria camp. But the uncertainty with which they fled from Afghanistan to Greece followed them, with further hurdles and non-transparent processes in the redistribution procedure, only increasing their lack of orientation and prospects.

Outlook: Relocation in political programmes



Encampment on Leros
in abandoned hospital
Photo: Anna Schenkenberger

RELOCATION IN THE COALITION AGREEMENT OF THE GERMAN GOVERNMENT 2021-2025

Based on the presentation of relocation processes from Greece to Germany in 2020 and 2021, we look ahead to the question of what role relocation measures at the EU and federal level could play in the future. To what extent does the concept appear in current political memoranda, plans and draft strategies on migration and asylum policy? Are there indications that relocation will be integrated and implemented as a structural procedure at the EU or federal level? Are other solutions being proposed to counter the inhumane consequences of the Dublin system and hotspot policies?

For this purpose, we look at mentions of the relocation processes in the *Coalition Agreement*¹¹⁶ of the current government, has been in office in Germany since December 2021. Secondly, we look at the role of potential relocation processes in the EU Pact on Migration and Asylum 2020 and in the EASO Operating Plan 2022 - 2024.¹¹⁷

Related to the elections on 26 September 2021 for the 20th German Bundestag and to the restrictive and exclusive border policies, within protest movements the question briefly arose of whether a change in government, and the end of the Ministry of the Interior led by Horst Seehofer and the CSU, would also lead to a humanitarian direction in migration policy and to further asylum admissions from Greece. These hopes cannot be confirmed so far.

On 8 December 2021, the ministers of the SPD, Bündnis90/Die Grünen and the FDP were appointed and sworn in by the Federal President. The so-called Traffic Light coalition thus replaced the 'Grand Coalition' of SPD and CDU/CSU. Reem Alabali-Radovan (SPD) replaced Annette Widmann-Mauz (CDU) as Commissioner for Migration, Refugees and Integration.¹¹⁸ The Ministry of the Interior and Home Affairs is now lead by Nancy Faeser (SPD).

¹¹⁶ Koalitionsvertrag 2021 - 2025 zwischen der Sozialdemokratischen Partei (SPD), Bündnis 90/Die Grünen und den Freien Demokraten (FDP) v. 2021: Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit. <https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-koav2021-da-ta.pdf?download=1> (last access: 20.04.2022).

¹¹⁷ European Asylum Support Center and Italy, Operational Plan 2022-2024. https://euaa.europa.eu/sites/default/files/IT_OP_2022-2024_1.pdf (last access: 24.05.2022).

¹¹⁸ Hanewinkel, Vera v. 13.12.2021: Migrationspolitische Ziele der Ampel-Koalition. In: Bundeszentrale für politische Bildung. <https://www.bpb.de/themen/migration-integration/laenderprofile/deutschland/344721/migrationspolitische-ziele-der-ampel-koalition/> (Zuletzt eingesehen: 20.04.2022).

The joint *Coalition Agreement of the Federal Government in the legislative period from 2021 to 2025* from the three parliamentary parties was published on 24 November 2021.

If one takes a look at the European and international asylum and migration policy envisaged in this treaty, the new federal government implies to fundamentally reform the EU asylum system. According to the treaty, this includes achieving a 'fair' distribution of responsibility and jurisdictions for the reception of asylum seekers between EU states.¹¹⁹ Since no alternatives are proposed, it can be assumed that it concerns mainly redistribution. In terms of content, this statement would correspond to the plan already formulated in 2020 to require a pan-European solution for further relocation projects.

All in all, the new federal government is striving for a coalition of EU member states receptive to asylum-seekers (a so-called 'coalition of the willing'). This coalition should actively seek to accept people within the current legal framework.¹²⁰

However, as of May 2022, no further admissions from hotspot camps are planned. Thus the 309 municipalities and cities across Germany that are currently willing to accept people from the camps in Greece are being ignored.¹²¹ The concept of 'safe havens' has not yet been pursued sufficiently by respective local leaders, meaning this continues to be a symbolic action.

How an EU-wide relocation programme or the fair distribution of responsibility could look in concrete terms is not explained. Instead, regarding relocation, responsibility is again deferred external border states under Dublin III, which remains unquestioned:

*"To this end, we want to prevent the abuse of visa-free travel and help improve conditions for refugees in their countries through an orderly relocation programme."*¹²²

119 Hanewinkel, Vera. 13.12.2021. Migrationspolitische Ziele der Ampel-Koalition. In: Bundeszentrale für politische Bildung. <https://www.bpb.de/themen/migration-integration/laenderprofile/deutschland/344721/migrationspolitische-ziele-der-ampel-koalition/> (last access: 20.04.2022).

120 Rudloff, Marlene. 03.12.2021. Koalitionsvertrag. "Migration nicht mehr nur als Sicherheitsgefahr". In: Mediendienst Integration. <https://mediendienst-integration.de/artikel/migration-nicht-mehr-nur-als-sicherheitsgefahr.html> (last access: 20.04.2022).

121 Seebrücke. 2022. Aufnahmebereite Städte. 309 Sichere Häfen. <https://seebruecke.org/sichere-haefen/haefen> (last access: 23.05.2022).

122 Koalitionsvertrag 2021 - 2025 zwischen der Sozialdemokratischen Partei (SPD), Bündnis 90/Die Grünen und den Freien Demokraten (FDP) v. 2021: Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, p.142. <https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-koav2021-data.pdf?download=1> (last access: 20.04.2022).

According to the coalition agreement, the federal government intends to fundamentally reduce secondary migration (i.e. from one immigration state to another state) within the EU in the coming legislative period. With regard to asylum and migration policy, the coalition agreement also refers to the ‘supporting’ role of third countries:

“The asylum application of people who arrive in the EU or are already here must be examined substantively. The EU and Germany must not be subject to blackmail. We want to prevent people from being instrumentalized for geopolitical or financial interests. That is why we advocate migration agreements with third countries based on the rule of law in the framework of European and international law.”¹²³

In this way, the German government continues to implicitly outsource responsibility for asylum seekers to others and hides behind discourse that suggests the EU and, especially, Germany to be a victim of migration movements, rather than allowing its own restrictive sealing-off policy to be recognisable as such.

In addition, the quotas for resettlement are to be increased based on numbers reported by the UNHCR.¹²⁴ Simultaneously, the current government, like its predecessors, emphasises the responsibility of origin and transit countries, which it would ‘support’ in the future.¹²⁵ Closed borders for people seeking protection would thus remain within the Schengen area, with the German government continuing to insist that countries such as Turkey, Libya and Tunisia prevent migration into the Schengen area.

This externalisation of migration and asylum policy is not sustainable, and rather worsens the human rights situation at the external borders of the EU and beyond. In line with the future support of origin and transit countries is the goal of multilateral cooperation in the world, especially in connection with the states that supposedly share the democratic values of the German government.¹²⁶

124 Koalitionsvertrag 2021 - 2025 zwischen der Sozialdemokratischen Partei (SPD), Bündnis 90/Die Grünen und den Freien Demokraten (FDP) v. 2021: Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, p.142. <https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-ko-av2021-data.pdf?download=1> (last access: 20.04.2022).

125 Koalitionsvertrag 2021 - 2025 zwischen der Sozialdemokratischen Partei (SPD), Bündnis 90/Die Grünen und den Freien Demokraten (FDP) v. 2021: Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, p.142. <https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-ko-av2021-data.pdf?download=1> (last access: 20.04.2022).

126 Koalitionsvertrag 2021 - 2025 zwischen der Sozialdemokratischen Partei (SPD), Bündnis 90/Die Grünen und den Freien Demokraten (FDP) v. 2021: Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, p.142. <https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-ko-av2021-data.pdf?download=1> (last access: 20.04.2022).

123 Koalitionsvertrag 2021 - 2025 zwischen der Sozialdemokratischen Partei (SPD), Bündnis 90/Die Grünen und den Freien Demokraten (FDP) v. 2021: Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit, p.141. <https://www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-ko-av2021-data.pdf?download=1> (last access: 20.04.2022).

FOR YEARS, THE DISCOURSE ON MI- GRATION BY THE FEDERAL GOVERN- MENT(S) WAS CHARACTERISED BY A RESTRICTIVE POLICY OF DETER- RENCE.

Looking at the new Coalition Agreement, this will not change much with the current federal government. The plans regarding relocation or resettlement - partly due to their vague formulation - do not as of today (May 2022) represent a radical break with previous policy, which would be in line with the parties' own claims in the election campaign and politically propagated self-image.¹²⁷

In September 2020, the EU Commission presented the *New Pact on Migration and Asylum*. The new proposal is another attempt to establish common procedures for asylum issues at the EU level.

The EU's *New Pact on Migration and Asylum* was intended as a consensual proposal to overcome the deep rifts created by the EU Council's redistribution decision from 22 October, 2015, already outlined in this report. Overall, little evidence of a more humane asylum policy can be found in the pact; instead, it continues to focus on 'border protection' and the implementation of further procedures upstream.¹²⁹

Instead of the expected 5-year programme, usual in the past, the pact was published only as a simple notification from the EU Commission and as a legislative package. This package was to go through the ordinary legislative procedure by the end of 2021 and followed by a roadmap, after successful adoption.¹³⁰

¹²⁷ Hanewinkel, Vera. 13.12.2021. Migrationspolitische Ziele der Ampel-Koalition. In: Bundeszentrale für politische Bildung. <https://www.bpb.de/themen/migration-integration/laenderprofile/deutschland/344721/migrationspolitische-ziele-der-ampel-koalition/> (last access: 20.04.2022).

¹²⁸ More information in our 1st report „EU Ad Hoc Relocation. A Lottery from the Sea to the Hotspots and back to Unsafety“ (2021). P. 25. https://eu-relocation-watch.info/pdf/BE_RelocationReport.pdf.

¹²⁹ Hammerl, Sarah. 02.12.2020. Nach dem Pakt ist vor dem Pakt. In: Centre for Humanitarian Action. <https://www.chaberlin.org/blog/nach-dem-pakt-ist-vor-dem-pakt-2/> (last access: 23.05.2022).

¹³⁰ De Bruycker, Philippe. 15.12.2020. The New Pact on Migration and Asylum: What is it not and what could it have been. In: EU Immigration and Asylum Law and Policy. <https://eumigrationlawblog.eu/the-new-pact-on-migration-and-asylum-what-it-is-not-and-what-it-could-have-been/> (last access: 20.04.2022).

In the *New Pact on Migration and Asylum*, the EU Commission advocated a limited mandatory solidarity mechanism. It introduces several flexible elements on expressing the ‘solidarity’ of member states regarding the pan-European migration policy: Possibilities include financial or operational support for deportation back to the country of origin for those whose asylum applications have been rejected.¹³¹

Particularly relevant for this report are the plans of the EU Commission to not only allow redistribution as a ‘solidarity mechanism’ for member states, but to carry out so-called ‘return sponsoring’.

*“The Commission is to establish a pool of member states’ pledges from based on an annual needs forecast; if there are not enough pledges (30% deficit), the Commission is to convene a Solidarity Forum; if this fails, the Commission should adopt a legal act requiring member states to provide either resettlement places or other measures”.*¹³²

In principle, EU member states may choose between either accepting asylum seekers instead of the states actually responsible according to Dublin III or returning migrants to their country of origin.¹³³ While they are free to choose their ‘solidarity testimony’ including the option of deportation, this is of course at the detriment of migrants and does not lead to humane asylum policy.

While Germany and France welcomed the pact and its restricted mandatory solidarity mechanism proposed, the external border states (predominantly Spain, Greece and Italy) with their interests were considerably disappointed by the decisions. They had insisted on the introduction of a binding mechanism for all EU member states.¹³⁴

It is unlikely that this solidarity mechanism, only partially obligatory, will lead to a more even distribution of EU responsibility over people seeking protection in the future.¹³⁵

133 De Bruycker, Philippe v. 15.12.2020: The New Pact on Migration and Asylum: What is it not and what could it have been. In: EU Immigration and Asylum Law and Policy. <https://eumigrationlawblog.eu/the-new-pact-on-migration-and-asylum-what-it-is-not-and-what-it-could-have-been/> (Zuletzt eingesehen: 20.04.2022).

134 EURACTIV network, Member states to clash over the EU's new migration pact v. 24.09.2020. <https://www.euractiv.com/section/politics/news/member-states-to-clash-over-the-eus-new-migration-pact/> (Zuletzt eingesehen: 22.04.2022)

135 De Bruycker, Philippe v. 15.12.2020: The New Pact on Migration and Asylum: What is it not and what could it have been. In: EU Immigration and Asylum Law and Policy. <https://eumigrationlawblog.eu/the-new-pact-on-migration-and-asylum-what-it-is-not-and-what-it-could-have-been/> (Zuletzt eingesehen: 20.04.2022).

131 International Rescue Committee v. 23.09.2021: The New Pact on Migration and Asylum: One year on, a fair and human asylum system is needed more than ever. <https://eu.rescue.org/article/new-pact-migration-and-asylum-one-year-fair-and-humane-asylum-system-needed-more-ever> (Zuletzt eingesehen: 20.04.2022).

132 Europäische Kommission v. 2020: Migration, S. 12. https://ec.europa.eu/info/sites/default/files/new-pact-on-migration-and-asylum-package_1.pdf, (Zuletzt eingesehen: 23.05.2022).

RELOCATION IN THE EASO OPERATING PLAN 2022 - 2024

Instead, the member states that have rejected redistribution in the past feel vindicated, as they may now also invoke the EU Commission's solidarity mechanism, to organise deportations rather than admission.¹³⁶

Moreover, the restrictive tone regarding future migration and asylum policy pervades the entire document: concerning, according to the pact's proposals, people entering the EU who are subject to control or border procedures will not be considered to have entered EU territory for the duration of the procedure. This results in a legal grey area with little access to rights.¹³⁷

In Europe, more and more states fail to respect the right to asylum. At the same time, the externalisation of the EU's border through, often informal, agreements with states such as Turkey or Libya are gaining ground, immensely harming people affected by it.¹³⁸

The content of the 2020 *Pact on Migration and Asylum* once again illustrates the consensus of the EU member states to refuse the implementation of more humane migration and asylum policy and to prove their principle of solidarity. Negotiations on a new migration and asylum pact between the EU Commission and the member states are currently underway in Brussels.

In its *Operating Plan for 2022 - 2024 (Operational Plan EASO 2022-2024, Agreed by the European Support Office and Italy*¹³⁹) there is little concrete information on the future implementation of relocation proceedings. Instead, EASO outlines mainly the obstacles and difficulties already encountered in the relocation programme and those it could encounter in the future.

Examining the *Operating Plan 2022-2024*¹⁴⁰, a lack of commitment by the member states, simultaneously high refugee quotas and delays caused by the COVID-19 outbreak are attributed to long processing times - despite the *Malta Declaration* from 23 September, 2019 allowing for a period of four weeks from arrival to transfer for the completion of the procedure.¹⁴¹ Likewise, the backlog of cases at relevant judicial authorities is considerable.¹⁴²

136 iDe Bruycker, Philippe. 15.12.2020. The New Pact on Migration and Asylum: What is it not and what could it have been. In: EU Immigration and Asylum Law and Policy. <https://eumigrationlawblog.eu/the-new-pact-on-migration-and-asylum-what-it-is-not-and-what-it-could-have-been/> (last access: 20.04.2022).

137 International Rescue Committee. 23.09.2021. The New Pact on Migration and Asylum: One year on, a fair and humane asylum system is needed more than ever. <https://eu.rescue.org/article/new-pact-migration-and-asylum-one-year-fair-and-humane-asylum-system-needed-more-ever> (last access: 20.04.2022).

138 International Rescue Committee. 23.09.2021. The New Pact on Migration and Asylum: One year on, a fair and humane asylum system is needed more than ever. <https://eu.rescue.org/article/new-pact-migration-and-asylum-one-year-fair-and-humane-asylum-system-needed-more-ever> (last access: 20.04.2022).

139 European Asylum Support Center and Italy, Operational Plan https://euaa.europa.eu/sites/default/files/IT_OP_2022-2024_1.pdf (last access: 24.05.2022).

140 Joint Declaration of Intent on a Controlled Emergency Procedure - Voluntary Commitments by Member States for a Predictable Temporary Solidarity Mechanism. 23.09.2019. <https://www.statewatch.org/media/documents/news/2019/sep/eu-temporary-voluntary-relocation-mechanism-declaration.pdf> (last access: 24.05.2022).

141 European Asylum Support Centre and Italy, Operational Plan 2022-2024. p. 3. https://euaa.europa.eu/sites/default/files/IT_OP_2022-2024_1.pdf (last access: 24.05.2022).

142 European Asylum Support Centre and Italy, Operational Plan 2022-2024. p. 4. https://euaa.europa.eu/sites/default/files/IT_OP_2022-2024_1.pdf (last access: 24.05.2022).

“In addition, the introduction of new containment procedures (i.e. health monitoring and 10-14 day quarantine in equipped vessels or special areas suitable for isolation) has had a significant impact on transfer and assignment of migrants to initial reception facilities, managed by the Department of Civil Liberties and Immigration (DCLI), particularly for newly arriving unaccompanied minors (UAMs).

With the increasing influx of migrants and the reformed reception system that includes IP applicants, DCLI will continue to face a heavy workload in managing and monitoring the reception system.”¹⁴³

According to EASO, the primary goal is to ensure the procedure’s timely completion (as required by the Malta Declaration). Accordingly, EASO would support local actors with tailored capacity-building measures, in order to provide applicants with information on voluntary return within the procedure.¹⁴⁴ Relocation and resettlement mechanisms are also to be supported by up to ten operational meetings at the central and/or local level about the implementation, monitoring and closure of the procedures.¹⁴⁵ The *Operational Plan* does not provide more precise information on the operational meetings. Above all, EASO should ensure public security in the implementation of these procedures.¹⁴⁶

Within the EASO Operating Plan, few meaningful measures are defined for the implementation of relocation and resettlement, and no concrete projects for implementation are named. Accordingly, little information can be drawn on the extent to which relocation or resettlement measures are to be implemented in the future. It is striking that the selection of people to be relocated would also be accompanied by ‘return counselling’.

¹⁴⁴ European Asylum Support Center and Italy, Operational Plan 2022-2024, p. 11, 36. https://euaa.europa.eu/sites/default/files/IT_OP_2022-2024_1.pdf (last access: 24.05.2022).

¹⁴⁵ European Asylum Support Center and Italy, Operational Plan 2022-2024, p. 36; 37. https://euaa.europa.eu/sites/default/files/IT_OP_2022-2024_1.pdf (last access: 24.05.2022). ebd., S. 36; 37.

¹⁴⁶ European Asylum Support Center and Italy, Operational Plan 2022-2024, p. 36; 37. https://euaa.europa.eu/sites/default/files/IT_OP_2022-2024_1.pdf (last access: 24.05.2022).

¹⁴³ European Asylum Support Center and Italy, Operational Plan 2022-2024, p. 4. https://euaa.europa.eu/sites/default/files/IT_OP_2022-2024_1.pdf (last access: 24.05.2022).

Wall of the old Moria camp, Lesbos island
Photo: Julia Winkler



Conclusion

In this report, we have investigated how relocation measures from Greece to Germany were implemented in 2020 and 2021 and what this means for the people relocated. The results of our research are sobering in every respect.

On the one hand, the relocation measures constitute a reaction to the media and public attention to the inhumane living conditions in the Greek hotspots. On the other, a political attempt to counter criticism of the Dublin system with something 'solidarity-based', without challenging the system itself. It quickly becomes clear that the concept of solidarity does not regard people seeking protection but the EU states that accept more than others - namely those at the external borders. Political memoranda have so far led neither to a binding implementation of 'solidarity' measures within the EU nor - what should be the actual goal - to a transformation of the Dublin system and thus of the precarious situation at the external borders.

Throughout the chronology of 2020 events, culminating in the fire in Moria, the self-made consequences of the Dublin system were clearly ignored by policy-makers until public pressure became too great and until inaction would have damaged political credibility. At all times, the people who suffered were those at the mercy of overcrowded hotspots for months or years. However, their interests were not represented or considered at all in the ensuing political processes. Rather than rethinking the Dublin system itself and addressing concerns of asylum seekers in a new one, the non-functioning system was and is still maintained. Within it, asylum seekers are considered as passive, with decisions made externally, to be shifted back and forth within the EU.

In the official statements on relocation, it was emphasised that the 'privilege' of relocation should be granted to only a few, particularly needy people. The criteria for this 'special need' and for acceptance in Germany are non-transparent and not explained to the people concerned. According to the testimonials available to us, the people who were later relocated to Germany continue to receive no information about the procedure following admission and no documentation of the interviews conducted with them in the relocation process.

Throughout, people seeking protection have no opportunity to actively participate in decisions about their future, for example to form an opinion or make a choice on their destination country. In individual cases, relocation measures can mean an improvement in personal circumstances for those seeking protection. However, as the testimonials presented here show, this is by no means always the case.

Moreover, accepting such limited numbers of people from Greece in other EU states does not alleviate the situation in the hotspots. The relocation measures merely help specific states, Germany in particular, to publicly present themselves as humanitarian and generous. However, the reality is concealed that the quota of promised admissions from the first relocation programme between 2015-2017 has not been fulfilled, with Germany essentially just following up on promises already made in the past rather than enabling additional admissions.

The refusal to implement additional admission programmes to relieve hotspots in Greece has often been legitimised with the risk of so-called 'pull effects'. Along these lines, admission quotas of migrants from Greece would serve as an incentive for further migration: portrayed as something negative and to be prevented.

This myth has been circulating for some years and often goes unquestioned. Yet it cannot and should not be upheld: People are fleeing war, persecution, poverty and violence. They do not leave their homes; their familiar surroundings with family and friends if Germany decides or presents to decide on a more humane asylum policy. The misconstrued connection is incoherent and non-causal. It serves only misanthropic narrative and policies of deterrence, which add to the suffering of individuals.

The pending negotiations on the EU-Turkey Agreement and the new EU Pact on Migration and Asylum, currently being conducted in the EU Commission in Brussels, will provide further indication of how European migration and asylum policy will develop in the future. 'Reception' (referring to relocation and resettlement) can be found both in the new Asylum and Migration Pact and in the 2021 Federal Coalition Agreement as a central instrument of 'humanitarian' refugee and migration policy. What is missing, however, is a commitment towards safe escape routes and freedom of movement for asylum seekers.

The outlook of political programmes is anything but promising, considering the increasing budget of Frontex, the high number of illegal pushbacks by European authorities and the systematic criminalisation of those fleeing and assisting flight.

Moreover, since 2021, closed camps have been built on the Greek islands in place of the old ones, which, in addition to more surveillance and control, also means extreme restriction of autonomy for the residents.¹⁴⁷

In summary, the circumstances for people in the hotspots, and to some extent for people granted protection, have not improved within relocation programmes. The programmes appear seem to be more symbolic and less solitary in nature. This is particularly evident in how people seeking protection are treated during and after relocation.

There is a need for a structural reorientation in EU refugee and migration policy, rather than continuing with existing systems and implementing symbolic humanitarian measures within them.

¹⁴⁷ Schäfter, Verena. 24.11.2021. Flüchtlinge in Griechenland. Geschlossene Lager, fern der Städte. <https://www.tagesschau.de/ausland/europa/fluechtlingslager-griechenland-105.html> (last access: 23.05.2022).



Banner from the Relocation protest in Potsdam, March 2022
Photo: borderline-europe

ACKNOWLEDGEMENT

First and foremost, we thank Amira, Baran, Zahra and Karim (names changed to protect identity) for sharing their stories with us. Their personal experiences are, of course, the most important perspective within a critical look at relocation and thus enrich our research immensely! Their stories gave us insight into the opaque procedures, and they moved us deeply. With our report, we hope to provide a platform for their story and the injustice they faced. We thank you with deepest solidarity and wish only the best for your future!

Another thank you goes to Kira for the beautiful layout - thank you very much for your spontaneous willingness and your active support of our work!

Special thanks to Kristina, Sara and Nora for the regular exchange and reliable teamwork in the writing process as well as the preceding work. Many thanks to you and to Imke for the valuable comments and remarks during proofreading!

Finally, on behalf of the project, a huge thank you for the support of the Safe Passage Foundation, for this important and solidary work!

Thank you!

BORDERLINE-EUROPE - HUMAN RIGHTS WITHOUT BORDERS E.V.

borderline-europe is an association based in Berlin, Palermo and on Lesbos. We have been engaged in civil resistance against European migration and border policies since 2007.

We research and produce comprehensive and reliable documentation on the events in the border regions, work in transnational networks, bring together different actors and support civil society and activist cooperation. We engage in direct humanitarian interventions, organise and support protests, events and actions in local and transnational contexts. Lastly, we inform online on our website and social media about current developments in EU migration policy.

Our goal here is to make the increasingly complex migration policy and its effects accessible to a broad public. We want to create an active, political and critical awareness that can counteract the racist structures and the deadly consequences of the sealing-off policy. In the face of the indifference of politics and society, we set a sign of solidarity, because humane solutions can only be found if we also have the courage to face reality. Much of our work is based on voluntary commitment and relies on the support of donations.

YOU CAN FIND MORE INFORMATION ON OUR WEBSITE

www.borderline-europe.de

Donation account:

borderline-europe e.V.

GLS Bank, Bochum

IBAN: DE11 4306 0967 4005 7941 00

Follow us on:



Harbour, Lesvos island
Foto: Julia Winkler