ReSOMA

RESEARCH SOCIAL
PLATFORM ON MIGRATION
AND ASYLUM

ASYLUM

Peter Scholten & Zeynep Kaşlı

Search and rescue operations and Dublin: ad hoc responses to refusals to disembarkation

National Stakeholder Reports aim to inquire the **stakeholders' response to the evolving EU policy agenda** and **assess the unmet needs** in EU Member states. They also offer a key opportunity to bring the recently ReSOMA briefs and outputs on each topic to the attention of the relevant actors at national level. As such, the reports play a key role in linking the current EU policy agenda with the debate and recent developments on migration, asylum and integration within Member states.

In the second year of ReSOMA, the consultations underpinning the reports were conducted via the ReSOMA online platform in order to mobilise the community of experts (the "Expert Database") through thread discussions.

How could the EU support Search and Rescue operations and disembarkations?

By Peter Scholten & Zeynep Kaşlı

Over the past year, refusals by some EU Member States to disembark migrants rescued at sea have sparked mainly ad hoc responses on a "ship-by-ship" basis by a number of Member States in a purely 'intergovernmental' fashion, falling outside the EU legal framework and asylum acquis. As ReSOMA ask the expert brief mapping the existing research in this field shows, it is necessary to individuate cooperating actors who handle SAR operations and to design the criteria to allocate responsibility between them. In ReSOMA expert interview, Dr. Eugenio Cusumano and Prof. Alessia Di Pascale highlight that:

- There is a need for a structural project for the establishment of regional disembarkation platforms;
- It is necessary to design an allocation mechanism to realize a fairer distribution of responsibilities in examining asylum applications, together with a system of sanctions for those Member States that fail to comply with their obligations within this responsibility allocation system.

Key issues and controversies further highlighted in CEPS discussion brief and the ECRE paper include:

- the EU Member States' lack of compliance with their commitments under international maritime, refugee and human rights law,
- the increase in policing and criminalization of NGOs conducting SAR activities in the Mediterranean,
- political exploitation of stand-offs in the Mediterranean,
- the risk of ad hoc arrangements operating outside the EU legal framework denying asylum seekers access to key procedural guarantees,
- the personal scope of such arrangements (all persons applying for international protection vs. persons in need of international protection),
- the risks of making disembarkation conditional on relocation commitments for the sustainability of the SAR regime,
- necessity to establish an EU SAR fund for coordinated EU SAR response and to strengthen EU Member States disembarkation capacities, reception facilities and domestic asylum systems.

This report summarizes the online discussions via the ReSOMA web portal and survey conducted via the SurveyMonkey platform. The questions for both the online discussion and the survey have been developed based on the needs and specifications of the ReSOMA stakeholder partners and were launched over the course of late June and early July. During that time, experts, who are already registered to the ReSOMA Expert Database, received invitation e-mail to take part in both the online discussions and the surveys. Further

promotion was carried out from the ReSOMA twitter account. As a privacy measure, survey responses cannot be matched with Expert Database Profiles whereas the comments posted on the platform match with the name and the institution of each commentator. Summary reports include only the names of the organizations as the comments reflect the views of affiliated institutions.

During the online discussion, the respondents were asked to provide input on the following three topics: (1) critical factors for implementation; (2) policy actions to ensure that needs are addressed and (3) the role of the EU and other actors. It is hard to make strong inferences due to low response rates in both the survey (N=8) and the online discussions (two inputs from NGOs).

While there is no specific feedback provided on what measures have been implemented and what actions to be taken to ensure rapid and effective implementation, respondents commented on the role of the EU in the implementation process.

As depicted in the chart below, respondents see setting permanent corrective relocation mechanism and revision of Dublin Regulation as the most effective EU level interventions. This is followed by developing guidelines on how to reconcile border control with international protection, infringement procedures against relevant Member States and an EU Search and Rescue Operation in the Mediterranean. All these recommendations refer to setting EU-wide standards committed to international protection and responsibility sharing. Enhancement of EASO into a European Asylum Agency however is least preferred among all the nine options. This gives the impression that respondents do not see further institutionalization of border control at the EU level as a solution to halt pushbacks and pullbacks and related problems and rights violations. The chart below presents the weighted average of answers given to each factor on a 5-point scale (N=8).

Policy recommendations to halt 'pushbacks' and 'pullbacks'

Category	Value
Investigate EU agencies'…	3,75
Monitor fundamental rights…	4,13
Reconcile border control…	3,88
Funding conditional to HR…	4,25
Permanent relocation…	4
(Enhance EASO)	4,5
Enhance EASO into EU. Asy…	3,63
EU Search and Rescue…	3,13
	4,13
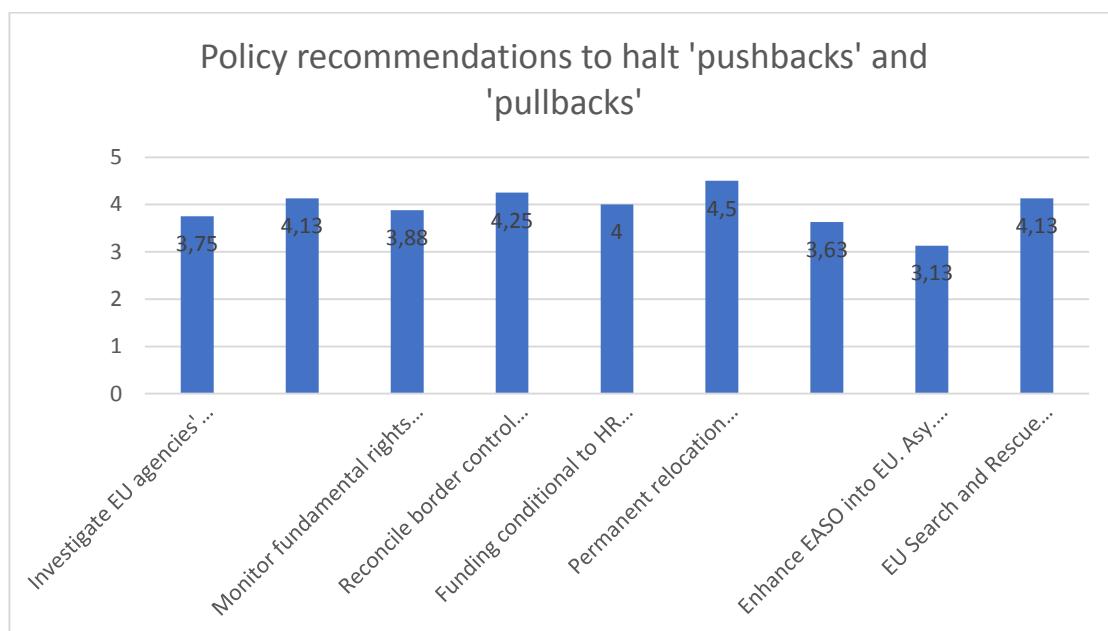
Similar to the feedback from the survey, the Greek NGOs commented on the role of the EU underline the necessity of developing an effective and fair relocation mechanism that evenly redistributes the rescued persons that declare intention to apply for asylum in member states. According to ASYLEX, EU-coordinated SAR operations could find support from Dublin member states at the EU external borders "given the reluctance they have displayed in accepting rescued persons in their territories and the need to adopt collective solutions to ensure that both individual Member States and the EU as a whole respect the duty to rescue persons in distress and the principle of non-refoulement." AITIMA also calls for civil society action to ask for durable solutions based on fair responsibility sharing and to oppose ad hoc temporary arrangements operating outside the EU legal framework which jeopardize refugee protection and respect for human rights.

ReSOMA

**RESEARCH SOCIAL
PLATFORM ON MIGRATION
AND ASYLUM**

ReSOMA - Research Social Platform on Migration and Asylum is a project funded under the Horizon 2020 Programme that aims at creating a platform for regular collaboration and exchange between Europe's well-developed networks of migration researchers, stakeholders and practitioners to foster evidence-based policymaking. Being a Coordination and Support Action (CSA), ReSOMA is meant to communicate directly with policy makers by providing ready-to-use evidence on policy, policy perceptions and policy options on migration, asylum and integration gathered among researchers, stakeholders and practitioners.

🌐 www.resoma.eu
🐦 @ReSOMA_EU
✉ resoma@resoma.eu

FONDAZIONE **ISMU** INIZIATIVE E STUDI SULLA MULTIETNICITÀ

EY Building a better working world

MPG MIGRATION POLICY GROUP

Erasmus University Rotterdam

PICUM PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

EURO CITIES

socialplatform

ecre European Council on Refugees and Exiles

CEPS