

## READMISSION AGREEMENTS

### *Using “Cooperation” to Deport Migrants*

#### MIGREUROP EDITORIAL

In recent months, readmission agreements – which facilitate the deportation of foreigners in “irregular” administrative statuses – have garnered much attention in the news on migration. For the month of June 2012 alone, both Norway and Switzerland signed such agreements with Ethiopia and Tunisia, respectively, while the European Union (EU) followed suite with Turkey, following several years of negotiations. Presented as mutual engagements, these agreements are in fact systematically in favour of EU member-states. And while, in certain cases, these states have committed to liberalising their visa regimes, as was done with several Balkan states, they do not hesitate to call into question the effectiveness of such agreements—and along with it, the fundamental rights of migrants—when they consider the number of asylum-seekers to be too large. Migreurop, which has repeatedly called for an end to deportations, continues to request information from the Commission regarding the content of the negotiations leading to readmission agreements, in order to better understand what is at stake in their constitutive “mutual understandings”. Responses, however, have remained patchy. For how long can the situation thus continue?

## DEPORTATION FROM EUROPEAN TERRITORY “AT ANY COST”



Barriers around the detention camps of Melilla (Spanish enclave on the Moroccan soil).

*For several years now, the European Union has carried out a repressive migratory policy under the pretext of combatting so-called “clandestine” immigration and trafficking networks. To this end, it has endeavoured to build links with “third states” – the origin or transit states of migrants –, most notably through the signature of agreements aiming to facilitate the forced return of “undesirable” foreigners.*

Since the 1990’s, the European Union (EU) has endeavoured to “out-source” the management of migratory flows, displacing the control of external borders towards the South, in order to off-load this responsibility to its border or neighbour countries (the Balkans, Libya, Morocco), as well as to transit countries (Sub-Saharan Africa).

In this context, readmission agreements, concluded in bilateral, intergovernmental, or community frameworks, have become a key tool

in the fight against “clandestine” immigration. A readmission agreement is an agreement through which the signatory states commit to readmitting their citizens, or even those who have simply transited through their territory, who were caught in an irregular administrative status on EU soil.

Ever since the signing of the Amsterdam Treaty<sup>1</sup> in 1999, the

1. Migreurop, “*Les frontières assassines de l’Europe*”, October 2009 and “*Aux frontières de l’Europe. Contrôles, enfermement, expulsions*”, October 2010.

EU member-states have sought to form readmission agreements with the origin and transit countries of migrants. In 2002, during the Seville summit, the European Council inaugurated its “quid pro quo” readmission policy by imposing readmission clauses in all kinds of cooperation agreements. Henceforth, the question of whether development assistance is conditional on the “management of migratory flows”, and on the fight against irregular immigration, must be asked, now that all developmental aid and even all forms of “economic or commercial cooperation” have hinged upon the negotiation of these objectives.

It’s plain to see that the shared goal of European Member-States is to send back, in the easiest possible way, anyone in an irregular administrative situation. Cooperation today is limited to negotiations with transit or departure countries, and aims to overcome any juridical or administrative obstacle that might hinder deportations. What’s more, by allowing for readmission within the framework of agreements for the so-called “joint management of migratory flows”, or “mobility partnerships”, this also enables Member-States to ensure their economic interests are looked after: aside from the “migratory risk” that some countries are supposed to represent, they also supply the cheap labour necessary for certain economic sectors.

### **Readmission Agreements as a Source of Migrant Rights Violations**

Readmission agreements can be situated within a broader security context, whose founding aim is to protect – at whatever cost – European borders: first and foremost, by impeding the “undesirables” from accessing the European soil; and secondly, by deporting those who have succeeded in making it there, in spite of the attempts to stop them.

Nevertheless, these agreements do not guarantee that the “return”

of irregular migrants towards the required state will be carried out in full and total respect of international norms protecting fundamental rights. One can thus cite the examples of agreements between Turkey and Greece, or those between Turkey and Italy, which Migreurop has analysed in its border reports of 2009 and 2010.

The issue of people in transit also raises several worries. Very often, such people are deported to a country in which they are completely without ties, and where their fundamental rights will not always be respected.



A boat loaded with migrants in the Mediterranean.

Furthermore, in concluding such agreements, European states force third countries to control their borders, and even require them to ensure that certain citizens – including those seeking asylum – will no longer have the right to freely leave their country. In certain cases, returned people can be prosecuted and penalised, as is the case in the Moroccan or Algerian legal systems, which punish the crime of “clandestine emigration”. If they are deported to countries to which they do not belong, migrants can even find themselves in administrative detention.

Finally, many deportations take place in regions where no agreement has yet been reached, and where the receiving countries don’t hesitate to use whatever means they deem appropriate. This is the case, for example, of the borders between Mali/Mauritania and Mali/Algeria.

### **COMMUNITY AGREEMENTS**

2002: Macao

2003: Hong Kong

2004: Sri Lanka

2005: Albania

2006: Russia

2007: Bosnia-Herzegovina, Montenegro, Serbia and Macedonia, Moldavia, Ukraine

2009: Pakistan

2010: Georgia

2012: Turkey (agreement signed on the 21st of June 2012)

Presently under discussion:

Morocco, China, Algeria, Cape Verde Islands, Armenia and Azerbaijan

### **MIGREUROP MOBILISED AGAINST READMISSION AGREEMENTS**

A working group within the Migreurop network has been created in order to denounce readmission agreements – one of the main tools for externalising European immigration and asylum policies – and to raise awareness about the consequences of their implementation.

Authorities in the EU (European Commission, Council of Europe, EU deputies, European Agency for Fundamental Rights) and in member states have thus been frequently called upon to speak out on this issue, as was the case recently, for example, with regard to the assessment of community readmission agreements presented by the Commission in February 2011, or with regards to the requests for access to documents presented to the Council.

The working group has also endeavoured to provide an overview of existing readmission agreements and was gradually able to collect, not without some difficulty, several of the texts or treaties that have been concluded, in order to examine their application.

To raise awareness more broadly, Migreurop has also published a collection of witness accounts given by migrants “Paroles d’expulsés”, published in December of 2011.

# THE APPLICATION OF READMISSION AGREEMENTS LACKS TRANSPARENCY

*While most migratory flows essentially take place between African countries, with only a small minority flowing from South to North, Southern states, under pressure from the North, have agreed to participate in the global process of combatting irregular immigration, in exchange for diverse forms of compensation and to the detriment of migrants.*



People waiting in Greek detention camps.

Readmission agreements essentially serve the interests of European countries who employ “sufficiently powerful incentives” (according to the European Commission) in order to ensure the cooperation of the concerned countries<sup>1</sup>. Thus, behind the so-called “mobility partnerships”, or the “joint management of migratory flows”, or even the promises of EU admission, one should not be deceived by the way in which readmission is packaged: migrants are in fact taken hostage and used as bargaining chips.

This helps to explain, at least to some extent, why the negotiation of these agreements is done under conditions of such opacity: the European Parliament only has access to proceedings once the negotiation has been concluded. This situation is maintained despite the fact that, since the Treaty of Lisbon came into force, the parliament must ratify such agreements. The die, it appears, is already cast.

1. “*Émigration illégale*”: une notion à bannir, Claire Rodier, *Libération*, 13<sup>th</sup> of June 2006. <http://www.migreurop.org/article922.html>

What’s more, the “Joint Readmission Committee”, responsible for monitoring the proper implementation of readmission agreements, is only composed of the European Commission and representatives of the participating member-states, despite the fact that the Members of Parliament should also be able to access such documents, even if only in an observer capacity.

## Secret agreements?

Though it may seem somewhat contradictory in so-called democratic societies, it is very difficult – even impossible – to obtain the text of a bilateral readmission agreement signed between a member state and a third country. Such is the

case, for example, of Italy and its “famous” agreement with Libya. Obtaining information is even more difficult when it comes to political, commercial, economic or migratory pacts (broader in focus) that contain readmission clauses within them.

NGOs and civil society more generally do not benefit from any sort of access rights with regard to the documents of the Council: requests for access to an agreement with a given country is refused to us on the basis that they concern, in certain cases, Council deliberations that are “politically delicate”, or that the documents could have an impact on the future conduct of international negotiations concerning readmission. And yet, documents such as “the priorities to be respected in order to ensure the success of a common readmission policy”, which is to say, the overarching principles for negotiating agreements, are not always made public, under the same pretext that they might “undermine international relations”. This seems to suggest that, in the final sum, all information related to readmission is destined to remain under a shroud of confidentiality, given that it concerns relationships between States by its very nature.

## TURKEY, EUROPE’S NEW POLICEMAN

One consequence of the border control operations undertaken at the Mediterranean borders (notably in Morocco, Tunisia, Algeria and Libya) has been to transform Turkey into an essential point of passage / transit for many migrants, which accounts for its predominance in the EU’s externalisation policies. Since 2000, the EU has exerted considerable pressure on the country in order to prepare the way for the signature of a readmission agreement. Purchased through extortionary tactics in which migrants are held in a vice, this agreement has just been signed. It would appear that the financial stakes and potential for integration into the EU have pushed Turkey to act with exceptional rigour with regard to migrants, the victims of this cynical extortion.

# For more information

## USEFUL LINKS

- > Migreurop  
[www.migreurop.org](http://www.migreurop.org)
- > Mirem  
[www.mirem.eu](http://www.mirem.eu)
- > Cultures et conflits  
[conflits.revues.org/](http://conflits.revues.org/)
- > Website on the European Neighbourhood policy  
[ec.europa.eu/world/enp/index\\_fr.htm](http://ec.europa.eu/world/enp/index_fr.htm)
- > Liberty and Security Challenge  
[www.libertysecurity.org/](http://www.libertysecurity.org/)
- > Statewatch  
[www.statewatch.org/](http://www.statewatch.org/)

- > "LA RÉVISION DE L'ARTICLE 13 SUR LA MIGRATION DE L'ACCORD DE COTONOU. QUEL ENJEU POUR LES PAYS ACP?", European Center for Development and Policy Management-ECDPM, Eleonora Koeb and Henrike Hohmeister, December 2009.  
[http://www.ecdpm.org/Web\\_ECDPM/Web/Fr\\_Content/Navigation.nsf/index2?ReadForm](http://www.ecdpm.org/Web_ECDPM/Web/Fr_Content/Navigation.nsf/index2?ReadForm)
- > "LES ACCORDS RELATIFS À LA GESTION CONCERTÉE DES FLUX MIGRATOIRES ET AU CODÉVELOPPEMENT", Analytical Paper. Cimade, October 2008.  
<http://www.cimade.org/>
- > "LES IMPLICATIONS DE LA POLITIQUE EUROPÉENNE DE VOISINAGE DANS LE CADRE DES CONTRÔLES AUX FRONTIÈRES: ACCORDS DE RÉADMISSION, POLITIQUE DES VISAS, DROITS DE L'HOMME", Thierry Balzac, memo for the European Parliament's Commission for Civil Liberties, Justice and Home Affairs, March 2008.  
<http://www.libertysecurity.org/article2017.html>
- > "UNBALANCED RECIPROCITIES: COOPERATION ON READMISSION IN THE EURO-MEDITERRANEAN AREA", Jean-Pierre Cassarino, Middle East Institute.  
<http://www.migreurop.org/article1979.html>
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<http://www.migreurop.org/article1277.html>
- > MIGREUROP, ATLAS DES MIGRANTS EN EUROPE. GÉOGRAPHIE CRITIQUE DES POLITIQUES MIGRATOIRES, Éditions Armand Colin, November 2012.
- > "LA POLITIQUE DE RÉADMISSION DANS L'UNION EUROPÉENNE", Jean-Pierre Cassarino. European Parliament's Commission for Civil Liberties, Justice and Home Affairs, September 2010.



## MIGREUROP

Migreurop is a network of associations, activists and researchers from several different countries in the European Union, Sub-Saharan Africa, North Africa and the Near East, whose aim is to identify, make known and denounce European policies that oppress migrants (imprisonment, deportation, externalisation of migratory controls) who have been judged undesirable within European territories. The network also does the same for the consequences of these policies in countries of the Global South. In order to produce a shared vision and analysis of these processes, in particular of aspects such as the externalisation of migratory flow management policies, the imprisonment of migrants, and the increasing securitisation of borders, Migreurop endeavours to create an original synergy between work done by actors in both the North and the South.

Migreurop raises awareness of these issues through campaigns, the production of maps and photos, and also through annual international meetings that serve to develop common strategies for decrypting and fighting against policies and processes that violate the rights of migrants.

**migreurop**

BRIEF

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