

Asylum in Pandemic Times: Europe and the Reconfiguration of Externalized Border Controls

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Introduction

This presentation examines recent efforts by European governments and EU institutions to manage population flows away from the Europe's territorial borders, paying particular attention to the changes that have occurred during the COVID-19 global pandemic. The purpose is to examine recent developments (during and after the pandemic) characterizing on one pillar of the 'externalizing' migration policy adopted by the European Union in recent times, namely the external processing of asylum claims (other externalizing instruments include visas, extra-territorial patrolling and surveillance, and offshore detention of migrants).

Migration pressure and security considerations have been the driving forces behind the move to externalize border checks. While these factors are still present and inform current border control practices in Europe and elsewhere, the context where these policies are implemented has changed with the emergence of COVID-19 and the pandemic it has engendered. This presentation paper seeks to address this gap by examining the effects of the pandemic on key aspects that define externalized border control as a distinct policy domain.

In considering developments characterizing the European case, in this presentation I show that, during the pandemic, the trends towards the reliance on the externalization of border control have continued. This policy arrangement, however, has adapted to the new conditions, and these changes have led to the reconfiguration of border controls more generally. One of the consequences of this reconfiguration is that some of the key dynamics that define the externalized border controls have been recreated internally (i.e., within national, or, in the case of Europe, regional borders), a phenomenon that I call the 'internalization of externalized border controls.' When it comes to asylum, this phenomenon is apparent in the evolution of what the EU calls the 'hotspot approach' to migration management. According to this approach, EU authorities (Frontex, Europol, Eurojust, European Asylum Support Office) work on the ground with the authorities of frontline EU Member States which are facing migratory pressures at the EU's external borders to process asylum applications, enforce return decisions and prosecute smuggling organisations, work that is conducted in processing facilities called 'hot spots' (refugee camps). The evolution of these arrangements signals a trend toward the internalization of externalized border controls, because EU institutions and MS emphasize the relocation of the processing of migrants within European territorial boundaries but away from the "mainland."

In the rest of the presentation, I will unpack some of the paper's main themes and findings. First, I outline how externalized border controls have been reconfigured during the pandemic in Europe. I then consider the impact that the pandemic has had on the continent's externalized border controls, focusing on one particular policy tool, namely extra-territorial asylum processing. I conclude with some thoughts on the implications of these dynamics for the future of the externalization of border controls in Europe and beyond.

From inside out to outside in: externalized border control reconfigured

The first point we want to address is the impact of the pandemic on the reconfiguration of externalized migration management in Europe. One of the most visible changes brought about by the pandemic on the measures adopted beyond Europe's territory involves their territorial scope, with more countries and their nationals subject to border controls. In parallel to the outward expansion of border controls, another phenomenon emerged at the height of the pandemic, namely the adoption of some of these measures *within* the territories (countries or regions) where they originated. Border controls have been erected at sub-regional, national and sub-national level. In some jurisdictions, mobility within cities and neighbourhoods have been restricted.

Besides their configuration, externalized border controls have also been repurposed. The wide array of policy measures that fall under the category that European governments have deployed have varied depending on the type of approach used to manage migratory flows, ranging from monitoring, to filtering, stopping and preventing. Unlike in the past, responses to the current emergency have relied more heavily on the more restrictive modality, namely the stopping of migratory flows at the source. Another direct effect of the pandemic on externalized border controls has been the altering of the primary justification for the deployment of these policies. Until recently, the externalization of border control was justified in terms of preventing economic migration and/or on security grounds. During the pandemic, the main reason for the continuing application or expansion of border control measures is to limit entry due to health concerns. These measures have also been justified in terms of the emergency nature of the current situation. By turning into a 'crisis' mode of policymaking, decisions on new and potentially controversial measures have become speedier and less constrained. With regards to externalized border control, the impact of the pandemic is notable in the changes that have characterized measures that the EU and its Member States have implemented since early 2020. For the purpose of this presentation, I briefly consider one of these policies, namely the external processing of asylum.

The external processing of asylum and Europe's "refugee camps"

In pre-pandemic times, European governments had sought to actively externalize asylum policies to prevent third-country nationals from applying for refugee status within their territories. One of the centerpieces of this approach is the so-called "safe country of asylum" policy. The concept of "safe country of asylum" is the key component of the Dublin Convention, which European countries agreed on in the 1990s. According to this convention, if an individual applies for asylum after traveling through a country that is party to the UN Convention relating to the status of refugees, and thus considered to be "safe," he or she would be returned to that country—whether within or outside the EU—to file his or her application. The Dublin Convention had been placed under strain because of the 2015–16 refugee crisis, pitting countries around Europe's external borders—which had to deal with migratory flows head-on—against those further afield in the continent. (And with the Ukraine crisis, more changes to the Convention have occurred). The pandemic has temporarily frozen these ongoing tensions. One of the side effects of the spread of COVID-19 was a sharp decline in the number of asylum applicants in 2020 (34%; 485,000); (Though it increased in 2021 to 522,400 asylum seekers). In

addition to reduced access due to the travel restrictions imposed on all Europe-bound travelers, asylum seekers also had to face the closures of asylum application centers across the continent. The Federal Office for Foreign Affairs and Asylum (BFA) in Austria, for instance, closed both its branch offices and initial reception centers soon after the country-imposed travel restrictions. Similarly, the Greek Asylum Service, the Directorate of Immigration in Luxembourg, the Asylum and Refugee Office in Spain, and the Office for Foreigners in Poland suspended in-person services. Even after asylum reception centers started reopening, they have only offered limited services for individual applicants.

In parallel, and as a corollary measure to the safe country of asylum arrangement, European countries have also pushed to establish asylum processing facilities beyond or at Europe's external borders. The purpose is to compel migrants to submit asylum claims before they reach their final destination. European officials first began suggesting the offshoring of asylum procedures in the 1980s. Since then, numerous calls for their deployment have been made, but their full implementation has never materialized. Hosting states have been reluctant to accept these arrangements on political and economic grounds (but see UK-Rwanda agreement). In turn, human rights advocates in Europe have been vocally opposed to the idea, since these facilities would not provide adequate legal protection to asylum seekers, and the monitoring of abuses would be limited. A successful attempt to create such an arrangement stems from the Turkey-EU agreement signed in 2016 at the height of the refugee crisis. This agreement sought to address irregular migration (mostly Syrian asylum seekers) from Turkey to Europe. For this purpose, Turkey agreed to accept the return of irregular migrants crossing from Turkey into the Greek islands, and committed to preventing further population outflows. In return, the EU agreed to accept an equal number of resettled migrants from Turkey, provide a path for further liberation of visas for Turkish citizens, and provide funding to support refugees in Turkey. The agreement recently came under scrutiny, as Turkey threatened to unravel it if the EU did not provide additional support to the Turkish authorities. To cope with the ongoing migratory pressure during the refugee crisis, the EU had also introduced so-called "Reception and Identification Centres" or "hotspots" at its external borders (in 2015). Italy and Greece were the first two EU member states to implement the hotspot approach. The creation of these centers signaled a trend toward the internalization of externalized border controls, as part of the processing of migrants is relocated within European territorial boundaries but away from the "mainland." With the pandemic, this trend is deepening. As a result of the health-related restrictions imposed due to the pandemic, these facilities indeed look more and more like refugee camps in terms of the level of access, mobility, and living conditions of their residents. This was the case for the most notorious "hotspot": the (now closed) Moria Reception and Identification Centre (RICM) on the Greek island of Lesbos. In the pre-pandemic context, once asylum-seeking migrants had crossed the sea border into Greek waters, they were usually rescued at sea by NGOs or international or Greek border officials. They were then registered at the Moria reception center, stating that they were seeking asylum in Greece. After being registered, and if there was free space, individuals were assigned a place at the RICM. If the center was full, individuals were housed in a tent in an area surrounding the center. Long waiting times and overcrowding quickly became problems (Jauhiainen 2020, 269), and with COVID-19 the situation further deteriorated. Asylum seekers were effectively stranded in the camp with the threat of the rapid spread of the virus among inhabitants. After the first COVID-19 case was identified among the inhabitants of Lesbos, international NGOs urged Greek authorities to evacuate the RICM and other overcrowded

asylum reception centers. As a result, the Greek authorities launched a plan to relocate the most vulnerable asylum seekers to the mainland to reduce the risk of a virus outbreak. However, the plan was not realized. Some of the Moria camp's residents were instead flown to Germany and other EU member states. The Greek authorities also implemented a mandatory fourteen-day quarantine period for individuals who had been potentially exposed to COVID-19. Due to an extensive fire that damaged the facility, in September 2020 the Moria camp was closed, and its 13,000 residents eventually moved to a new location on Lesbos. The pandemic has therefore not pushed away Europe's refugee camps; instead, it has rendered them more isolated, fortified, and dangerous.

Conclusion

Some final comments on the future of externalized border controls in Europe. The pandemic has had a remarkable effect on the everyday lives of people around the world; one of these dimensions being mobility. COVID-19 has dented what a large portion of the global population take for granted, namely the right to move freely within one country and, in the European case, between countries. Looking ahead, the question is whether the current disruption is only a temporary blip in these long-term trends, or whether its impact will be long-lasting. The fate of cross-border mobility is especially important for Europe, since 'freedom of movement' is one of the key pillars of the continent's integration project. With regard to externalized border control practices, the trend towards their expansion is likely to continue. Health-concerns will remain paramount, but with the emergency subsiding, the original rationales for introducing these measures (security and economic-driven migration) might re-emerge and justify further restrictions. The trends towards the further externalization of border controls are also likely to persist regarding their reconfiguration within EU territory. Indeed, a plausible scenario is the consolidation of the current patchy, 'suspended' arrangement regulating freedom of movement whereby different measures in place in different parts of the continent, which might be lifted and then re-introduced according to the circumstances.

The lingering effects of the pandemic on externalized border policies in the EU are also likely to be felt in terms of the controversies they have raised and the level of opposition they face. The expansion and reconfiguration of externalized border control policies during the pandemic has indeed further raised their public profile, and with it, the level of scrutiny they face. Despite these pressures and the growing challenges European governments are facing when deploying it within and outside Europe, externalized border control will likely remain a popular approach to manage mobility in Europe, even in a post-pandemic world.

References

Jauhiainen, J. S. (2020). Biogeopolitics of COVID-19: Asylum-Related Migrants at the European Union Borderlands. *Tijdschrift Voor Economische En Sociale Geografie*, 111(3), 260–274. <https://doi.org/10.1111/tesg.12448>