

“To reinterpret the right of asylum and turn it into a Europe-wide resettlement programme is a development in the wrong direction. It undermines the right of asylum and goes against its core idea.”

”

Alexander Gauland, 13.5.2015¹; AfD

CONTEXT

➤ **Specific context of the statement:** Alexander Gauland, Vice-Chair of the right-wing populist party “Alternative für Deutschland”, is criticising the migration agenda adopted by the EU Commission on 13 May 2015. He focuses on a quota provision therein containing the redistribution and resettlement of people in need of protection, which in his view equates to the creation of a ‘Europe-wide resettlement programme’. Instead of only providing protection for those who are politically persecuted, Gauland claims this quota amounts to an invitation to all ‘economic migrants’ and therefore does not correspond to the criteria attached to the right to asylum.

➤ **European political context:** The EU Commission’s European migration agenda was formed as an answer to the growing immigration to Europe.² It includes immediate measures as well as long term plans for stronger European cooperation in the management of migration. The goals of the agenda are

- To reduce the appeal of irregular migration,
- To protect the Union’s external borders and to implement life saving measures,
- To implement the Common European Asylum System (CEAS)³ and to harmonize the asylum system as well as
- To create new possibilities for regular migration.

In addition, the agenda suggests an allocation formula (‘refugee quota’) for a fair distribution of the then 160,000 people in need of protection in the EU. The European migration agenda was adopted in July⁴ and September⁵ 2015 (→ Factsheet Sharing the Burden). Efforts are also being made to create an EU-wide list of safe countries of origin.⁶

FACT CHECK

 **Is the EU turning the right of asylum into a ‘European-wide resettlement programme’?**



➤ **EU competencies and clear asylum criterium:** The EU does not have the necessary expertise in this area, not least because it cannot examine any asylum applications itself. Moreover, it explicitly states that only those who ‘are without a doubt in need of international protection’⁵ will be resettled – the criteria for the granting of asylum by nation states according to the Geneva Refugee Convention remain unchanged. If the asylum criteria are not fulfilled then third states are internationally obliged to take back their citizens. Instruments such as systematic identity checks and the recording of finger prints as well as measures which aim to counter an abuse of the European Asylum System (e.g. strengthening of the principle of country of origin in the Asylum Procedures Directive)² strengthen the CEAS. These instruments also allow for unsubstantiated applications to be processed more quickly and provide the basis for a better organised system of repatriation.

➤ **Resettlement instead of settlement:** A large percentage of the 160,000 people seeking protection who are to be resettled according to the quota agreed on by the Council of Europe in July and September 2015 are already in the EU. The redistribution settlement programme, based on the recommendation of the EU Commission⁷ in the Council Resolution of July 2015 and deemed to be a ‘Europe-wide resettlement programme’ by Gauland, only concerns 20,000 people originating from war zones⁸ who are seeking protection. This form of resettlement is by no means new: refugees from wars in Iraq or Afghanistan have been resettled in this manner in the past.

Is the right to asylum being watered down?



➤ **Individual asylum assessment:** The right of asylum is not altered by the resettlement. Even if certain groups belonging to a third country require a high level of protection the concrete danger to the individual is assessed case by case for all asylum seekers. The results of this assessment are relevant in the decision-making process of whether to grant asylum. This means that individual assessment is still used, even for groups of people who fled a war at the same time. It therefore is not true that ‘economic migrants’, especially from North Africa, are granted asylum more easily as Gauland claims. If asylum is granted to more people, one can rather assume that there is an increased level of danger in the country in question (see charts in appendix).

ASSESSMENT

- *Gauland's critique that the EU would carry out a general resettlement programme is a statement which is just as sweeping as it is incorrect. He does not differentiate between resettlement (of asylum seekers already living in the EU) and new resettlement (of asylum seekers from outside the EU). Contrary to a planned resettlement of people, refugees are not called upon to leave their home country. They flee from a dangerous, often war torn, situation in their respective country of origin.*
- *Through the use of the term ‘Europe-wide resettlement programme’ Gauland aligns himself with a right-wing lexicon which interprets refugee movements and immigration as a politics of population exchange. In the light of his use of language, his alleged support for the right of asylum seems particularly out of place.*
- *On top of this Gauland ignores the fact that the EU itself does not make the decision on whether to grant asylum. This continues to take place on the level of the EU member states, for which the Geneva Refugee Convention criteria as well as individual case assessment still apply. The right of asylum is not watered down by the ‘economic migrants’. Statistics concerning the numbers of asylum seekers recognised as such confirm these findings (see appendix).*
- *The Migration Agenda and the measures contained within it aim to work towards the opposite of Gauland's accusation, namely the regulation of migration and Europe-wide unified conditions for asylum seekers.*
- *To claim that resettlement quotas would create new problems is to misunderstand their origin – EU-wide resettlement quotas became necessary in 2015 in order to relieve states, such as Greece or Italy, which had become particularly overburdened as the numbers of refugees grew.*



APPENDIX

Right of Asylum in the European Union

In Germany, politically persecuted people have the right of asylum according to Article 16a of the constitution. The applications are examined on a case by case basis with regards to the current situation in the country of origin and the individual's specific need for protection. The examination of asylum applications is carried out by each EU member state as the EU does not have any expertise in this field and is only allowed to be active in a supportive role e.g. via the border protection agency Frontex and the European Asylum Support Office.

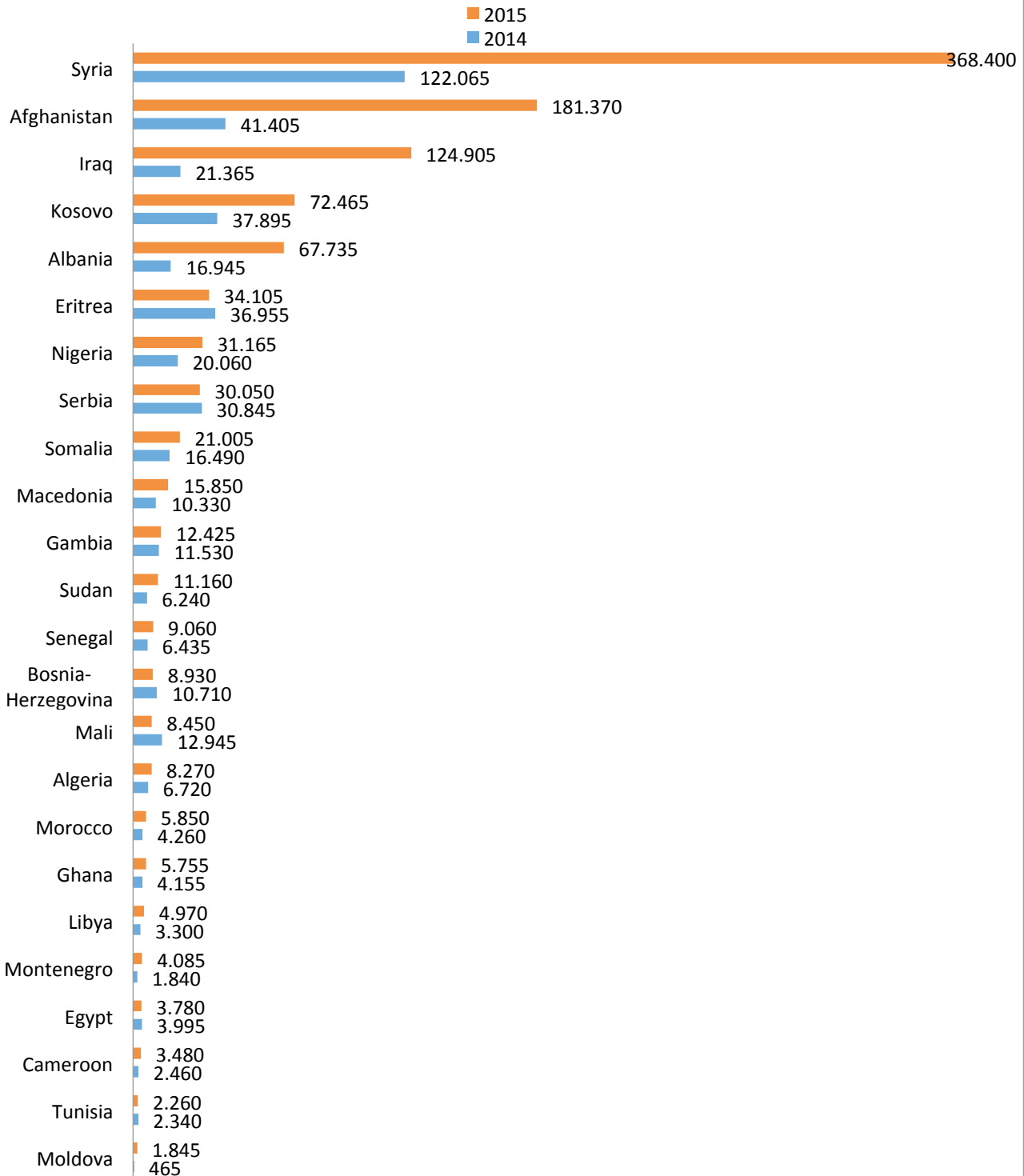
The Common European Asylum System of the EU (CEAS) aims to improve the cooperation between EU member states when it comes to granting asylum and safeguarding the protection of refugees. The CEAS is based on the Treaty on the Functioning of the EU (Art. 78). It contains:

- Rules for the examination of asylum applications by member states (Dublin Regulation),
- Stipulations for the registration of asylum seekers (Eurodac Regulation),
- A definition of the reasons for granting international protection (Qualification Directive),
- As well as guidelines for the acceptance conditions, asylum process and repatriation in the case of rejected asylum requests.

The basic right of asylum has been anchored in international law since the Geneva Refugee Convention of 1951 which was agreed upon in light of the refugee crisis after the Second World War. The criteria for calling upon international protection are personal persecution for political, racial, social or religious reasons. A lack of economic prospects, as in the case of so-called economic migrants, does not suffice as a reason for a claim on the right of asylum.

Statistics about asylum in the EU from Eurostat: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics (last accessed: 3.8.2016).

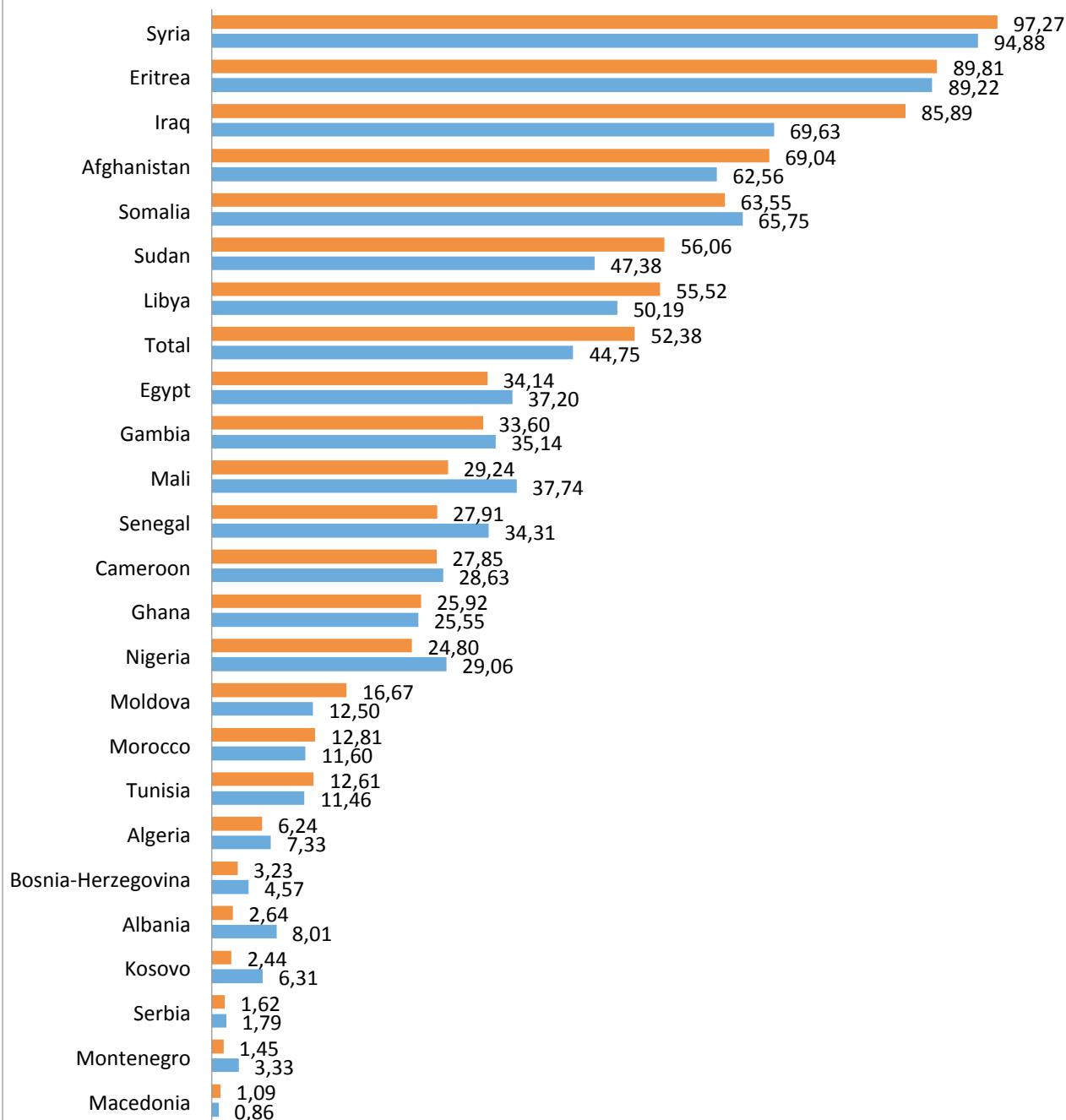
Asylum Seekers according to Nationality



Indication in a thousand.

Asylum Granted according to Country of Origin

2015 2014



Indication in a thousand.

Where can I find this information?

- ¹ Press release by the Alternative für Deutschland party: EU Refugee quotas would increase problems, 13.5.2015, <https://www.alternativefuer.de/gauland-eu-fluechtlingsquoten-wuerden-die-probleme-noch-verschaerfen/> (last accessed: 3.8.2016).
- ² European Commission: manage migration better – the European Agenda for Migration, 13.5.2015, http://europa.eu/rapid/press-release_IP-15-4956_de.htm (last accessed: 3.8.2016).
- ³ European Commission: The Common European Asylum System, 2014, http://ec.europa.eu/dgs/home-affairs/e-library/docs/ceas-factsheets/ceas_factsheet_de.pdf (last accessed: 3.8.2016).
- ⁴ Council of the European Union: Resolution to resettle 40,000 people in need of protection from Greece and Italy, 22.7.2015, <http://data.consilium.europa.eu/doc/document/ST-11131-2015-INIT/de/pdf> (last accessed: 3.8.2016).
- ⁵ Council of the European Union: Resolution to introduce a redistribution method to benefit Italy and Greece, 22.9.2015, <http://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32015D1601&from=DE> (last accessed: 3.8.2016).
- ⁶ European Commission: Suggestion of an EU-wide list of safe countries of origin, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_safe_countries_of_origin_de.pdf (last accessed: 3.8.2016).
- ⁷ European Commission: Recommendation for a European resettlement scheme, 8.6.2015, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/recommendation_on_a_european_resettlement_scheme_de.pdf (last accessed: 3.8.2016).
- ⁸ Council of the European Union: Meeting concerning the topics distribution, resettlement and safe countries of origin on the 20.7.2015, http://www.consilium.europa.eu/en/meetings/jha/2015/07/st11097_en15_pdf/ (last accessed: 3.8.2016).

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