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2.4 Temporary arrangements for disembarkation and relocation

The arrival of migrants and refugees rescued in the Mediterranean Sea continued in 2019, underlining the need for a more systematic and coordinated EU approach on first reception, registration and relocation due to ad hoc disembarkations. Throughout the year, multilateral discussions took place on temporary arrangements.

A new security decree adopted by the Council of Ministers in Italy in June 2019 (IT LEG 01), according to which boats suspected of facilitating irregular migration may be refused entry into Italian ports, slowed down search and rescue operations in the Central Mediterranean and gave new impetus to the discussion on a more structured temporary solution.[146] The Finnish Presidency of the Council of the European Union included in its programme a suggestion to establish a temporary relocation mechanism for migrants rescued at sea,[147] and the issue was also a priority in the Ministerial Meeting on Migration, held in Malta in September 2019.

During the Ministerial Meeting, which gathered a number of Member States, the Presidency of the Council of the EU and the European Commission, NGOs in Malta issued a joint statement underlining that the existing ad hoc system of negotiating relocations on a ship-by-ship basis was not sustainable. They urged for a system based on the principles enshrined in CEAS, including registration and protection of asylum seekers, appropriate provision of information, restoration of family ties, and identification of and support to vulnerable persons.[148] A Joint Declaration of Intent was concluded at the meeting by France, Germany, Italy and Malta for a structured, temporary emergency procedure to manage ad hoc disembarkations and relocation arrangements.[149]

The Joint Declaration marked the commitment of participating countries to develop a predictable and efficient temporary solidarity mechanism which includes:

> The participation of Member States on a voluntary basis, taking into account their reception capacity and existing caseload of applications for international protection;
> Relocation within four weeks after disembarkation, coordinated by the Commission with the support of EU agencies like EASO, using a fast-track system based on pre-declared pledges before the disembarkation;
> Effective and quick return of migrants not eligible for international protection;
> Provision of necessary financial, technical and operational assistance to all Member States involved;
> Requirement of all vessels involved in rescue operations to comply with instructions given by the competent Rescue Coordination Centre;
> Continued efforts for the sustainable reform of CEAS;
> Greater cooperation with countries of origin and transit to deter illegal migration and enhance incentives for return;
> Enhanced EU-led aerial surveillance to ensure early detection and minimise the risk of loss of life at sea;
> Enhanced capacities of coast guards of third countries in the southern Mediterranean; and
> Fostering cooperation with UNHCR and the IOM to support disembarkation modalities.

The Joint Declaration was presented at the Justice and Home Affairs Council in October 2019 and the Strategic Committee on Immigration, Frontiers and Asylum meeting in November 2019, where divisions persisted between those in favour of mandatory relocation involving all Member States and those arguing for a more flexible approach to solidarity. The European Commission launched a process to develop Standard Operating Procedures based on the declaration, which led to a common understanding among participating Member States and is currently applied.[150]

UNHCR, international organisations and civil society organisations, have expressed concerns about the possible detrimental consequences that the absence of a sustainable mechanism may have for the dignity, physical integrity and fundamental rights of migrants. They urge for a predictable mechanism for the timely, effective and safe disembarkation and relocation of migrants rescued at sea.[151], [152], [153], [154]

In its recommendations to the Finnish Presidency of the EU Council, UNHCR reiterated the call for practical and reliable arrangements among Member States to share responsibility for the disembarkation of people rescued in the Mediterranean Sea.[155]

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