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2.3.4 Relocation following search and rescue operations



Since 2015, operations coordinated by the EU have contributed to the rescue of over 600,000 persons in distress at sea. Assisting these persons stands both as an obligation under international law and as a moral duty. The disembarkation of rescued people has a significant impact on migration and asylum systems, in particular on coastal Member States.^{[199](#)}

Between January 2019 and the presentation of the new Pact on Migration and Asylum in September 2020, the European Commission, upon requests by Member States, coordinated 39 relocations to other Member States of people disembarked in Italy and Malta after search and rescue operations in the Central Mediterranean: overall 1,509 asylum applicants were relocated from Malta and 1,273 applicants from Italy by April 2021. In the absence of a permanent framework and pending the legislative reform of CEAS, these disembarkations and relocations took place – with the participation of relevant EU agencies, including EASO – in line with the standard operating procedures developed by the European Commission in 2019, which were based on the Malta Declaration signed on 23 September 2019 by the ministers of France, Germany, Italy and Malta.^{[200](#)} These efforts have often allowed for swift disembarkations following rescue operations and demonstrated concrete European solidarity in practice, but also revealed a number of difficulties in such ad hoc formats of cooperation, including prolonged times to have agreements on disembarkations and relatively few Member States contributing to relocation.^{[201](#)} While the European Commission continues to provide operational support and proactive coordination, a more predictable solidarity mechanism for disembarkation and relocation is clearly needed.^{[202](#)} The proposed new Asylum and Migration Management Regulation foresees the specific case of relocation following disembarkations after search and rescue operations, helping to ensure a continuity of support and avoiding ad hoc solutions.

Due to COVID-19-related restrictions, delays were noted in 2020 in responding to and finding a safe haven for migrants rescued in the Mediterranean Sea, including cases where migrants were quarantined in specially-equipped ships at sea prior to disembarkation.^{[203](#)}^{[204](#)} A number of stakeholders, including UNHCR and the IOM,^{[205](#)} called for immediate disembarkations and noted the adverse effect that non-disembarkation may have on the physical and psychological well-being of rescued migrants, particularly persons with vulnerabilities.^{[206](#)} UNHCR reiterated that legitimate health concerns due to the COVID-19 pandemic can be addressed through various measures without delaying rescues or disembarkations.^{[207](#)} The European Commission noted delays related to COVID-19 restrictions in the subsequent steps of the voluntary relocation process, including EASO

interviews, additional interviews by Member States and transfers to relocating Member States.

[199] European Commission. (2020, September 23). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum COM/2020/609 final* . <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601287338054&uri=COM:2020:609:FIN>

[200] European Asylum Support Office. (June 2020). *EASO Asylum Report 2020: The Situation of Asylum in the European Union* . [/asylum-report-2020](#)

[201] European Commission. (2020, September 23). *Commission staff working document accompanying the document Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC)2003/109 and the proposed Regulation (EU)XXX/XXX [Asylum and Migration Fund, SWD/2020/207 final* . <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601291023467&uri=SWD%3A2020%3A207%3AFIN>

[202] European Commission. (2020, September 23). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM/2020/609 final* . <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601287338054&uri=COM:2020:609:FIN>

[203] United Nations High Commissioner for Refugees. (2020, May 21). UNHCR, IOM, urge European states to disembark rescued migrants and refugees on board the Captain Morgan vessels . <https://www.unhcr.org/news/press/2020/5/5ec664284/unhcr-iom-urge-european-states-disembark-rescued-migrants-refugees-board.html>

[204] Decreto del Capo Dipartimento n. 1287 del 12 aprile 2020. Nomina del soggetto attuatore per le attività emergenziali connesse all'assistenza e alla sorveglianza sanitaria dei migranti soccorsi in mare ovvero giunti sul territorio nazionale a seguito di sbarchi autonomi nell'ambito dell'emergenza relativa al rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili [Decree of the Head of Department No 1287 of 12 April 2020. Appointment of the implementing body for emergency activities related to the health care and health surveillance of migrants rescued at sea or who arrived on national territory following autonomous disembarkation in the context of the emergency related to the health risk associated with viral transmissible agent diseases]. <http://www.protezionecivile.gov.it/amministrazione-trasparente/provvedimenti/-/content-view/view/1250434>

[205] United Nations High Commissioner for Refugees. (2020, August 29). *UNHCR and IOM call for urgent disembarkation of rescued migrants and refugees in Central Mediterranean Sea* . <https://www.unhcr.org/news/press/2020/8/5f491cb64/unhcr-iom-call-urgent-disembarkation-rescued-migrants-refugees-central.html>

[206] POLITICO. (2021, January 7). *Pressure grows on Italy to abolish migrant quarantine ships* . <https://www.politico.eu/article/italy-migrants-offshore-quarantine-incidents-deaths/>

[207] United Nations High Commissioner for Refugees. (2020, May 1). *News comment on search and rescue in the Central Mediterranean by Gillian Triggs, Assistant High Commissioner for Protection at UNHCR, the UN Refugee Agency* . <https://www.unhcr.org/news/press/2020/5/5eac53214/news-comment-search-rescue-central-mediterranean-gillian-triggs-assistant.html>

