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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.

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