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Germany: controversy over border deportations

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On 10 September, the German government unveiled its plan to speed up deportation procedures for asylum seekers at the German border and announced the introduction of permanent, random checks at all national borders from 16 September. Under these proposals, individuals who have applied for asylum in another EU member state but still attempt to enter Germany would be returned to that country. The process for verifying asylum applications would be significantly accelerated: the interior ministry anticipates that decisions would take a maximum of five weeks, compared to the current average of approximately seven months. Until the procedure is concluded, migrants would be assigned a permanent place of residence; they would be accomodated in centres located at the border or in specialised detention facilities, rather than in migrant centres located throughout the country, as is currently the case (see Appendix).

The German government's initiative constitutes a broader legislative amendment aimed at curbing immigration to Germany. However, the plan, as proposed by the interior ministry, is unlikely to be implemented given the lack of support from certain factions within the Green Party, some federal states, and a number of unresolved practical issues in this regard.

Commentary

- **The proposals represent the commencement of the government's latest legislative initiative aimed at further restricting illegal immigration into Germany.** Among the various proposed legislative changes, including cuts to social benefits, the proposal to return refugees directly from the border has generated the most controversy, both within the governing coalition – particularly from the influential left-wing faction of the Green party, which has announced its opposition – and among Germany's neighbouring countries. In addition to Poland, nations such as Austria, the Netherlands, and Luxembourg have already expressed their objections, warning that the introduction of border deportations could potentially trigger a 'domino effect'.
- **The German cabinet's initiative is a direct response to the 23 August attack by a Syrian knifeman in Solingen, as well as to political pressure from the opposition to toughen the country's migration policy**, particularly in light of the upcoming elections to the Landtag of Brandenburg on 22 September (where the SPD governs in coalition with the CDU and the Greens). Migration policy is currently the most prominent topic of debate in Germany, with 77% of respondents in surveys calling for restrictions on immigration. The coalition parties are seeking to improve their ratings ahead of the elections and to curb the rising popularity of the anti-immigration AfD, which is polling at 27% in Brandenburg and is

poised for another electoral victory.

- **The government has failed to address several practical issues that could diminish the effectiveness of this reform or undermine it altogether, as has repeatedly occurred in the past.** These concerns pertain to the exact locations of housing refugees at the borders (Germany currently has about 800 vacant places in detention centres for individuals who are required to leave the country), the federal states' consent to border deportations (as they are formally responsible for carrying them out), understaffing within the federal police, the Federal Office for Migration and Refugees (BAMF; the draft federal budget for 2025 proposes a 10-percent reduction in its funding) and the judiciary (especially among judges handling appeals against deportation decisions). Additionally, there is the challenge of compelling other countries, such as Italy and Greece, to accept individuals whose asylum applications have been rejected.
- **The German public has welcomed the introduction of controls at all of the country's borders, which are expected to remain in place for an extended period** (border checks with Austria have been in effect since 2015). This year, Germany has recorded 42,000 illegal attempts to cross the border, of which 22,000 have been prevented (multiple records of the same individuals are possible). The implementation of border controls has contributed to a reduction in the number of asylum applications. Since the beginning of the year, 160,000 such applications have been submitted in Germany, a 20% decrease compared to the same period last year. Syrians (51,000), Afghans (25,000), and Turks (20,000) have accounted for the largest number of applicants seeking protection.

APPENDIX. An overview of the German interior ministry's proposals for deporting refugees from the border If it is determined that an individual has already applied for asylum in another EU member state, the BAMF would initiate a fast-track procedure under the Dublin III Regulation to transfer that person to the country responsible for their asylum application. The head of the interior ministry has stated that she will request expedited approval from her EU partners for such transfers. Once the approval of the destination country is secured, the federal police would proceed with transferring the refugees.

In the first half of 2024, 9,465 people were deported (up 20% from 2023), while 3,043 people were transferred to other EU countries under the Dublin III Regulation (as of August this year, Germany had identified 49,650 people eligible for this procedure). In 2023, 16,430 people were deported, while 5,053 transfers were conducted under the Dublin III Regulation. Currently there are around 226,000 refugees in Germany, 80% of whom hold a "tolerated stay" status, which effectively means that they cannot be deported.