



By: Ferry Biedermann

# For refugees, Europe becomes cold as ICE



The European Union is taking a raft of measures to ensure implementation of its tough new **Pact on Migration and Asylum** by June this year. But critics question if the bloc will be ready in time and whether the new system will be effective at all.

Meanwhile, human rights organisations are raising the spectre of Trump administration-type ICE raids in Europe. This was signalled, among others, in a protest by almost 70 human rights organisations against recently adopted regulations.

Various studies have also pointed at the dangers of 'illiberal' contagion, both through the adoption of populist-mandated draconian measures and the normalisation of authoritarian regimes with which the EU is concluding migration agreements.

Earlier this month the European Parliament approved controversial '**safe countries**' **legislation** that facilitates the detention of more refugees from certain countries at the EU's external borders as well as easing their removal back home or to third countries.

This comes in the wake of other far-reaching steps that have been adopted or set in motion. These include, for example, the adoption of an EU-wide **European Removal Order** for asylum seekers who have been rejected as well as expanded powers to enforce expulsion, including the search of individuals as well as invasive home searches.

Several countries have started building additional detention centres where refugees from safe countries can be automatically detained for up to 12 weeks for accelerated processing and another 12 weeks for removal.

The European Commission has set an EU-wide 'adequate capacity' for **detention** at 30,000 places that should be ready when the Pact comes into force.

Yet, because the new detention rules also apply to the large majority of arrivals without documentation, observers have raised the prospect of these centres being overwhelmed

almost immediately.

## A carrot-and-stick approach

In practice, experts estimate that there's very little chance, at least initially, that the EU will be able to repatriate sufficient numbers quickly to either the countries of origin or to third countries.

In many cases it's difficult to establish with certainty where the refugees came from. And if the receiving countries refuse to cooperate, the asylum seekers will still have to stay in the EU.

Gerald Knaus, chairman of the European Stability Initiative think tank, told Dutch television this week that the central question is how the EU will address the refusal of those countries to cooperate.

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The new regulations do give the EU and member states more scope for a carrot-and-stick approach to those countries. The EU is attempting to seal migration deals both with financial incentives and with threats, such as making visa procedures tougher and more expensive.

The recently adopted rules also make it possible to set up 'removal hubs' in third countries, along the lines of the failed UK-Rwanda scheme and Italy's struggling but ongoing attempt with **Albania**.

The incoming Dutch government is meanwhile abandoning a similar project, to send asylum seekers to Uganda, that was initiated by its far-right-dominated predecessor.

## Cooperation between the centre-right and far-right factions

The adoption of the recent safe country legislation in the European Parliament rested on the cooperation between the centre-right European People's Party bloc and two far-right factions.

The EPP promised after the 2024 European Parliament elections not to cooperate with the far-right, mostly to ensure a second term for Ursula von der Leyen. Yet, it has abandoned that commitment in multiple votes since then, not only on migration.

The tilting of the balance in the European Parliament, even without significant far-right gains, shows how migration is being weaponised.

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Gerald Knaus of the ESI warned that the radical right is accusing Europe of not getting a handle on migration, and with the current measures, that seems indeed to be so. If the Pact doesn't work, it could seriously backfire.

Ironically, the centre-right's willingness at both the national and EU levels to adopt the far-right's migration talking points is widely seen as not stemming radicalisation. This is attributed much more to social and economic pressures, such as inequality, housing and jobs.

## Framing migration as an external threat

A recent publication by [Vision of Humanity](#), based on research by the Institute for

Economics and Peace, for example, states that "Far-right political movements have been particularly effective at linking migration to both economic and security anxieties."

The IEP publishes the widely consulted Global Peace Index and Global Terrorism Index, and the piece goes on to argue: "By framing migration as an external threat to jobs, housing, identity and safety, these groups are able to simplify complex structural problems into emotionally resonant narratives."

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Mainstream governments often do not contest this framing and fall into the trap of taking measures that appear to go along with it, reinforcing exactly the kind of narratives they seek to counter.

"Policies driven primarily by short-term political pressure, rather than by investments in housing supply, infrastructure and integration, can deepen social divisions and weaken institutional trust," the IEP research warns.

This appears to be exactly what is happening right now, both on a national and on an EU-level.

## Fragmentation and damage to human rights

Also, the EU's tough new approach does not forestall fragmentation, as individual countries retain wide-ranging discretion. They can, for example, make additions to their own list of safe countries.

This makes it all the more difficult to see the EU's anti-migration drive in the light of a necessary standardisation, especially in the Schengen free-travel zone.



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In fact, there are several non-EU Schengen members, such as Switzerland and Norway, that fall outside the Migration Pact and could offer loopholes.

By focusing on high-profile and harsh-sounding policies, such as detentions, accelerated but uncertain vetting and processing, expulsions and even raids and home searches, the Pact looks more like a publicity exercise than a serious attempt to regulate migration across the bloc.

Human rights organisations have accused the EU of seeking to end, or “bury the right to” asylum, which is exactly the kind of image that some mainstream politicians, spooked by the far-right, might want to portray.

While it’s doubtful that reduced migration will cure Europe’s ills – more likely the contrary – there are some indications that tough, even draconian, measures do stem inflows and contribute to departures.

Both in the US under Trump and in Germany, which has introduced renewed border controls, numbers have fallen. Even when taking into account overall lower numbers of arrivals in the EU and possibly cyclical reductions of inflows in the US, the effect is still thought to be significant.

The costs associated with this – such as increased societal securitisation, polarisation, legitimisation of illiberal tendencies and the damage to human rights – should deter the EU from going further down this path, especially

since alternatives are available.