



**ecre**

European Council  
on Refugees and Exiles

# **BILATERAL AGREEMENTS: IMPLEMENTING OR BYPASSING THE DUBLIN REGULATION?**

**ECRE'S ASSESSMENT OF RECENT  
ADMINISTRATIVE ARRANGEMENTS ON  
TRANSFER OF ASYLUM-SEEKERS AND THEIR  
IMPACT ON THE CEAS**

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# INTRODUCTION

The persisting divisions between European Union (EU) Member States on the allocation of responsibility for asylum seekers have cast into uncertainty the reform of the Common European Asylum System (CEAS). The stalemate in negotiations on the Dublin IV proposal has also undermined compliance with the Dublin III Regulation, with some countries preferring bilateral measures to EU-wide solutions on responsibility.

The establishment of bilateral agreements for the return of asylum seekers engaging in secondary movement emerged as a German initiative in the course of 2018, predominantly driven by internal tensions within the ruling coalition on how to handle migration in the run-up to the June 2018 European Council meeting.<sup>1</sup> In the months following the summit, Germany resolved political tensions between its Chancellor and Federal Minister of Interior by concluding agreements with Spain, Greece and Portugal. Despite speculation on possible similar agreements with Italy and France, these have not been confirmed to date.<sup>2</sup>

These “administrative arrangements” have been presented by Germany as an interim response to the political deadlock preventing the adoption of the CEAS reform. While some agreements adhere to and operate within the EU legal framework, others bypass the rules set out in the Dublin system, with the aim of quickly carrying out transfers. What both types of arrangements represent is a vision of the CEAS and of the CEAS reform strongly supported in Germany and certain other Member States whereby prevention and punishment of secondary movement is of prime importance, while tackling the underlying reasons for secondary movement receives less attention.

This Policy Paper provides ECRE’s analysis of and concerns about the recent bilateral arrangements between EU Member States on responsibility for asylum seekers. It examines the legality of agreements facilitating return established between Germany and other Member States and outlines their policy implications for the transparency and credibility of the CEAS. The paper ends with recommendations for a rights-based implementation of the EU asylum *acquis* in the absence of deeper reform.

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1. See e.g. Deutsche Welle, ‘Chancellor Merkel confirms bilateral migrant agreements with Spain and Greece’, 29 June 2018, available at: <http://bit.ly/2JyTsoy>; BBC, ‘Germany migrants: Merkel averts coalition government split’, 3 July 2018, available at: <http://bbc.in/2MFGJR8>.

2. Information provided by ASGI, October 2018.

# ANALYSIS

## LEGAL CONCERNS: PROTECTION AND HUMAN RIGHTS SAFEGUARDS

To ECRE's knowledge, the bilateral agreements initiated by Germany have taken the following forms:

- » "Administrative Arrangement pursuant to Article 36 Dublin III Regulation... on practical modalities for facilitating and expediting the Dublin procedure in accordance with Regulation (EU) No 604/2013"; or
- » "Administrative Arrangement... on cooperation when refusing entry to persons seeking protection in the context of temporary border controls at the internal German-Austrian border"

The former type of agreement was signed between Germany and Portugal ("German-Portuguese Administrative Arrangement") on 10 September 2018 and entered into force on 10 October 2018.<sup>3</sup> The arrangement, implemented by the German Federal Office for Migration and Refugees (BAMF) and the Portuguese Aliens and Borders Service (SEF) respectively,<sup>4</sup> sets out modalities to facilitate Dublin procedures, in accordance with the power of Member States to set up "administrative arrangements" for that purpose under Article 36 of the Dublin Regulation.<sup>5</sup> The agreement foresees *inter alia* shorter time limits for replying to incoming Dublin requests: one month instead of three for "take charge" requests and "as soon as possible" for "take back" requests.<sup>6</sup> The provisions of the Regulation remain applicable if these rules are not followed.

So far, Portugal has readmitted at least seven asylum seekers from Germany on the basis of the administrative arrangement.<sup>7</sup> The applicants have been returned similarly to other Dublin cases, and have been accommodated in the reception centre operated by the Portuguese Refugee Council in Bobadela. No change has been witnessed so far in the procedure so as to suggest issues in the implementation of the Dublin system. The impact of the administrative arrangement thus far is uncertain, given that Dublin returns to Portugal were already carried out by Germany before the arrangement.<sup>8</sup>

Conversely, the bilateral agreement between Germany and Greece ("German-Greek Arrangement"), entering into force on 18 August 2018,<sup>9</sup> is deeply problematic. Although it borrows the term "administrative arrangement" from Article 36 of the Dublin Regulation, Part I of the administrative arrangement concerns refusal of entry under the Schengen Borders Code in case of temporary checks at internal borders rather than the Dublin procedure. Part II of the agreement sets out a specific procedure for the application of the family provisions in the Dublin Regulation with respect to "take charge" requests already accepted by Germany before 1 August 2018. The scope and contents of Part I of the agreement serve to circumvent the applicable legal framework altogether.

ECRE highlights four main concerns regarding the legality of the agreement:<sup>10</sup>

1. **Legal basis:** The agreement foresees that persons having applied for asylum and having been fingerprinted in Greece (and stored as "Category 1" in the Eurodac database) who express the intention to seek asylum in Germany will be refused entry at the German-Austrian land border.<sup>11</sup> However, the EU legal basis for refusal of entry procedures, Article 14(1) of the Schengen Borders Code, unequivocally states that refusal of entry is "without prejudice to the application of special provisions concerning the right of asylum and to international protection". This provision means that the EU asylum *acquis* applies

3. Article 8 German-Portuguese Administrative Arrangement.

4. Article 2 German-Portuguese Administrative Arrangement.

5. Article 36 enables administrative arrangements on "simplification of the procedures and shortening of the time limits relating to transmission and the examination of requests to take charge of or take back applicants".

6. Article 3 German-Portuguese Administrative Arrangement. The same provision clarifies, however, that failure to reply within those time limits does not lead to a shift in responsibility, meaning that Article 22(7) Dublin Regulation remains unaffected.

7. Portuguese Ministry of Internal Administration, 'Nota à Comunicação Social', 23 October 2018, available in Portuguese at: <http://bit.ly/2zmmVgC>.

8. Germany issued 360 Dublin requests and implemented 142 transfers to Portugal in the first nine months of 2018, therefore before the entry into force of the arrangement: German Federal Ministry of Interior, Reply to parliamentary question, 19/5818, 16 November 2018, available in German at: <http://bit.ly/2zoCXaA>, 105.

9. German Bundestag, Written questions, 19/4634, 28 September 2018, available in German at: <http://bit.ly/2Ojdeol>, 8.

10. See also Refugee Support Aegean, 'The Administrative Arrangement between Greece and Germany', 1 November 2018, available at: <http://bit.ly/2yO60Ej>; Constantin Hruschka, 'Gewolltes Recht', Verfassungsblog, 2 November 2018, available in German at: <http://bit.ly/2OMA8Fj>; Pro Asyl, 'Illegale Zurückweisungen an der deutschen Grenze: Parallelsystem am Rechtsstaat vorbei', 23 October 2018, available in German at: <http://bit.ly/2SDWh0e>; Greek Council for Refugees, 'Σοβαρές παραβιάσεις κατά την επιστροφή αιτούντος άσυλο στο πλαίσιο της εφαρμογής της λεγόμενης «Συμφωνίας Διοικητικής Διευθέτησης Ελλάδας-Γερμανίας»', 25 October 2018, available in Greek at: <http://bit.ly/2qcdz2O>.

11. Article 1(i) German-Greek Administrative Arrangement.

as *lex specialis* to cases where people apprehended at the border seek or have previously sought international protection.

Article 18(1) of the Dublin Regulation sets out special rules for such cases, since it expressly requires the Member State responsible to “take back” a person whose asylum claim is pending, withdrawn or rejected, and who applies for asylum or is found in an irregular situation in another country. Therefore by applying refusal of entry to persons who have sought asylum in one or more EU Member States, the arrangement contravenes both the Dublin Regulation and the Schengen Borders Code.

The decisions issued by the German Federal Police so far confirm that asylum seekers are refused entry, despite the express acknowledgment of their prior application in Greece and their intention to apply for asylum in Germany.

- 2. Procedural safeguards prior to transfer:** Circumventing the applicable legal framework through such a bilateral agreement deprives asylum seekers of crucial procedural safeguards in the Dublin Regulation. Individuals subject to Dublin procedures are entitled *inter alia* to a personal interview,<sup>12</sup> and to appeal against a transfer decision “within a reasonable period of time” and with suspensive effect automatically or upon request.<sup>13</sup> Furthermore, they are entitled to reception conditions until their transfer,<sup>14</sup> and their liberty can only be deprived where a “significant risk of absconding” exists, and for a specified time limit.<sup>15</sup>

These procedural safeguards are nullified by the German-Greek Arrangement. In practice, asylum seekers are unable to put forward reasons why they should not be returned before the German Federal Police, or to effectively challenge their return in court.

- 3. Access to the asylum procedure post-transfer:** For persons who are returned to the Member State responsible after their asylum application was withdrawn before a first instance decision on the merits, Article 18(2) of the Dublin Regulation requires that Member State to allow them to re-access the asylum procedure without considering their claim as a “subsequent application”.

Given that the German-Greek Arrangement unlawfully takes the transfers in question outside the framework of the Dublin Regulation, the safeguard laid down in Article 18(2) of the Regulation is rendered ineffective in practice. The Greek Asylum Service is not obliged to deem the asylum applications made by returnees as first-time claims; to the contrary, in one case followed by the Greek Council for Refugees the person was declared a subsequent applicant after his return from Germany.<sup>16</sup> Under EU law, subsequent applicants may be subject to reduced rights and safeguards, insofar as they can be excluded from reception conditions,<sup>17</sup> and their claim is subject to an admissibility assessment to establish whether new elements have been put forward.<sup>18</sup> Greece has laid down the submission of a subsequent application as a ground for withdrawing reception conditions in its domestic legislation,<sup>19</sup> while the Asylum Service dismisses subsequent applications as inadmissible for want of new elements in practice.<sup>20</sup>

- 4. Human rights constraints:** Regardless of the removal procedure employed, Member States are bound by their human rights obligations, including the prohibition of direct or indirect *refoulement* stemming from Article 3 of the European Convention on Human Rights (ECHR) and Articles 4 and 19(2) of the Charter of Fundamental Rights of the European Union (“Charter”). The case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) firmly prohibits states from transferring an asylum seeker to a country where he or she would face a risk of inhuman or degrading treatment, whether or not that risk results from systemic flaws in the asylum procedure or reception conditions in the receiving country.<sup>21</sup> The ECtHR has further held that, as far as persons with special needs such as families with children are concerned, the authorities of the sending country are required to obtain individual guarantees from the receiving state that the applicants will have access to suitable accommodation following a Dublin transfer.<sup>22</sup>

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12. Article 5 Dublin III Regulation

13. Article 27 Dublin III Regulation. Under Article 14(3) Schengen Borders Code, appeals against refusal of entry shall not carry suspensive effect.

14. Article 17 recast Reception Conditions Directive. On this point, see CJEU, Case C-179/11 *Cimade and Gisti*, Judgment of 27 September 2012, EDAL, available at: <http://bit.ly/2Bhk5f3>.

15. Article 28 Dublin III Regulation.

16. Greek Council for Refugees, ‘Σοβαρές παραβιάσεις κατά την επιστροφή αιτούντος άσυλο στο πλαίσιο της εφαρμογής της λεγόμενης «Συμφωνίας Διοικητικής Διευθέτησης Ελλάδας-Γερμανίας»’, 25 October 2018, available in Greek at: <http://bit.ly/2qcdz2O>.

17. Article 20(c) recast Reception Conditions Directive.

18. Article 40 recast Asylum Procedures Directive.

19. Article 19(1)(c) Greek Law 4540/2018.

20. In the first nine months of 2018, 864 subsequent applications were dismissed as inadmissible at first instance: Greek Asylum Service, Statistical Data – 7 June 2013 to 30 September 2018, available at: <http://bit.ly/2JxUVvj>.

21. ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011, EDAL, available at: <http://bit.ly/2iVMaOG>; CJEU, Joined Cases C-411/10 *N.S.* and C-493/10 *M.E.*, Judgment of 21 December 2011, EDAL, available at: <http://bit.ly/2e2onMD>; Case C-578/16 *PPU C.K.*, Judgment of 16 February 2017, EDAL, available at: <http://bit.ly/2PD4lel>.

22. ECtHR, *Tarakhel v. Switzerland*, Application No 29217/12, Judgment of 4 November 2014, EDAL, available at: <http://bit.ly/1W5oK9v>.

The obligation to obtain guarantees on human rights-compliant treatment post-transfer is highly pertinent in the Greek context. In its Recommendation of 8 December 2016 on the reinstatement of Dublin transfers to Greece, bearing in mind that the country was “still facing a challenging situation” and that there were “further important steps to be taken to remedy the remaining shortcoming in the Greek asylum system”,<sup>23</sup> the European Commission reiterated the need for Member States to obtain guarantees that asylum seekers would be fairly and adequately treated in Greece.<sup>24</sup> It also specified that “[v]ulnerable asylum applicants, including unaccompanied minors, should not be transferred to Greece for the time being.”<sup>25</sup>

In 2016, the Commission urged the Greek authorities to provide guarantees to other countries’ Dublin Units that asylum seekers would have access to a fair procedure and adequate reception.<sup>26</sup> Failure to do so prior to a Dublin transfer would amount to a violation of the prohibition of *refoulement* on the part of the sending state.

Germany follows these guidelines in the thousands of Dublin procedures it has initiated vis-à-vis Greece in 2018.<sup>27</sup> Greece has accepted a minimal number of requests from Germany,<sup>28</sup> and only seven persons were returned in the first ten months of the year.

The German-Greek Arrangement disregards Germany’s human rights obligations as it bypasses these requirements. Firstly, the Greek authorities are entitled to reject a notification from their German counterparts within six hours if the agreement’s conditions for refusal of entry are not met.<sup>29</sup> However, the German-Greek Arrangement does not provide for the rejection of a notification on human rights grounds (in cases where the Dublin Regulation would prevent transfer), nor does it allow rejection on the basis of incorrect application of the Regulation’s responsibility criteria.

Secondly, the national authorities responsible for the implementation of this bilateral agreement are the German Federal Police and the Greek Coordination Centre for Border Control, Migration and Asylum respectively.<sup>30</sup> This means that, contrary to the handling of the German-Portuguese Administrative Arrangement, this agreement is entirely outside the control of the BAMF and the Greek Asylum Service, the authorities responsible for the implementation of the Dublin Regulation and for assessing potential deficiencies in asylum procedure and reception conditions which would preclude a transfer on human rights grounds.

The elaboration of a bilateral arrangement in parallel to Dublin has already had an impact on compliance with human rights in practice. In the cases witnessed so far, the German Federal Police has not obtained any assurances about asylum seekers’ access to the procedure and adequate reception conditions upon return. In at least one case, the asylum seeker has ended up in detention under inhuman conditions following return to Greece.<sup>31</sup> In addition, Germany has transferred applicants with evident vulnerabilities, such as victims of torture recognised as vulnerable during their prior asylum procedure in Greece, in direct contravention of Commission guidance.<sup>32</sup>

According to the German Federal Ministry of Interior, an administrative arrangement on refusal of entry at the border has also been signed by Spain, and is in force as of 11 August 2018.<sup>33</sup> The text of the agreement has recently been released, and its terms point to an arrangement similar to the German-Greek Arrangement: Spanish authorities are to receive persons who have previously applied for asylum in Spain within 48 hours.<sup>34</sup> ECRE has not been made aware of any cases of people returned to Spain on the basis of this German-Spanish Administrative Arrangement,<sup>35</sup> although Dublin transfers to Spain have continued throughout the year.<sup>36</sup>

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23. Recital 33 Commission Recommendation C(2016) 8525.

24. Point 10 Commission Recommendation C(2016) 8525.

25. Point 9 Commission Recommendation C(2016) 8525.

26. Point 10 Commission Recommendation C(2016) 8525.

27. Germany is the top sender of Dublin requests to Greece, accounting for 4,581 out of a total of 6,061 incoming requests (75%) received by the Asylum Service in the first ten months of 2018: Greek Asylum Service, Statistical Data of the Greek Dublin Unit – 7 June 2013 to 31 October 2018, available at: <http://bit.ly/2Bibg4V>.

28. Only 122 requests (2.7% of the total) have been accepted: *Ibid*.

29. Article 3(i) German-Greek Administrative Arrangement, citing Article 1.

30. Article 5(i) German-Greek Administrative Arrangement.

31. Greek Council for Refugees, ‘Σοβαρές παραβιάσεις κατά την επιστροφή αιτούντος άσυλο στο πλαίσιο της εφαρμογής της λεγόμενης «Συμφωνίας Διοικητικής Διευθέτησης Ελλάδας-Γερμανίας»’, 25 October 2018, available in Greek at: <http://bit.ly/2qcdz20>; Efsyn, ‘Άπελάθηκε από τη Γερμανία κρατείται παράνομα στη Λέρο’, 30 October 2018, available in Greek at: <http://bit.ly/2RtPU9W>.

32. Point 9 Commission Recommendation C(2016) 8525.

33. German Federal Ministry of Interior, ‘Refusing entry at the border: Administrative agreement with Spain to take effect on Saturday, 11 August 2018’, available at: <http://bit.ly/2TAOSuw>.

34. The text of the German-Spanish Administrative Arrangement is available at: <http://bit.ly/2G2IZ7E>.

35. Information provided by Accem, November 2018.

36. Germany issued 2,995 Dublin requests and implemented 444 transfers to Spain in the first nine months of 2018: German Federal Ministry of Interior, Reply to parliamentary question, 19/5818, 16 November 2018, 105.

According to the reply to parliamentary questions in Germany, agreements similar to the German-Greek and German-Spanish Arrangements are being planned with Italy and France.<sup>37</sup> The European Commission, for its part, has not officially taken a position on the agreements. ECRE's assessment is that they are undermining rather than supporting the implementation of EU asylum law.

## POLICY CONCERNS: THE TRANSPARENCY AND CREDIBILITY OF THE CEAS

Beyond the legal concerns analysed above, bilateral agreements on transfers of asylum seekers also give rise to policy concerns. Such arrangements are presented as an alternative to stalled negotiations on the reform of the CEAS. The link is made explicit in the German-Greek Arrangement, which contains a “sunset clause” bringing the administrative arrangement to an end “upon entry into force of the revised Common European Asylum System.”<sup>38</sup>

The suggestion is that the impasse in the reform process justifies these arrangements but this is to construct political justifications for ignoring the law. First, in the absence of reform, the current legal framework, including Dublin III, should be applied not circumvented for reasons of political expediency.

Bypassing legal obligations through informal arrangements with the pretext of a forthcoming political agreement on the reform of the CEAS undermines the credibility of the current and any prospective asylum package. If Member States are deliberately pursuing and getting away with violations of asylum standards now, there is little reason to believe that they will refrain from doing so in the future. The more Member States and the European Commission treat the current asylum *acquis* as a “lame duck”, the less likely they are to succeed in building confidence in it, reformed or not, as a legally binding set of standards in a multilateral order, i.e. a body of law which should be enforced.

As the broker of the administrative arrangements, Germany is also undermining the rule of law more generally. Unlike the rules laid down in the CEAS legal instruments, informal arrangements enable states to evade parliamentary and public scrutiny. Similar to other informal agreements undertaken in recent years, the German-Greek Arrangement, and its German-Spanish equivalent, “is the product of negotiations which intend to regulate EU policy procedures without having been the product of an EU level institutional procedure.”<sup>39</sup> The ambiguity of the arrangements also acts as a bar to effective judicial review. To illustrate, the refusal of entry decisions taken by the German Federal Police pursuant to the German-Greek Arrangement cited a confidential document, which was impossible for asylum seekers to access, let alone challenge in court.

Second, valid concerns have been raised about the approach to secondary movement in the Dublin IV proposal, including that the approach is punitive towards asylum seekers and places too much weight on tackling secondary movement, without addressing the unfairness in the allocation system which is among the causes of secondary movement. As such, this element of the reform reflects the political interests of certain Member States including Germany and has been resisted by other Member States. These concerns need to be addressed as part of the legislative process laid down by the Treaties. It cannot be assumed that these changes will eventually be agreed or are “right”.

Germany is a proponent of the status quo with regard to the basic allocation principles. It also maintains a restrictive reading of its obligations to take charge of asylum seekers based on the family unity clauses of the Regulation,<sup>40</sup> and has firmly opposed any extension of the definition of “family members” in the Dublin IV proposal to avoid more family reunification requests from its counterparts. The CEAS reform as seen through the German lens entails prevention and punishment of secondary movements through strict enforcement of transfers. This model is futile and unsustainable as long as the real reasons behind the obstacles to Dublin transfers are not understood and addressed.<sup>41</sup>

The administrative arrangements between Germany and other Member States may have been a product of the Seehofer/Merkel standoff for political gains ahead of elections in Bavaria, but they have clearly outlived

37. German Bundestag, Written questions, 19/4634, 28 September 2018, available in German at: <http://bit.ly/2Ojdeol>, 7. It appears that the potential German-French arrangement would be based on Article 36 of the Dublin III Regulation, similar to the German-Portuguese Administrative Arrangement: German Federal Ministry of Interior, Reply to parliamentary question, 19/5818, 16 November 2018, 107-108.

38. Article 15(ii) German-Greek Administrative Arrangement.

39. Refugee Support Aegean, ‘The Administrative Arrangement between Greece and Germany’, 1 November 2018, available at: <http://bit.ly/2yO60Ej>.

40. Note that Part II of the German-Greek Administrative Arrangement commits to processing pending and future family reunification requests by Greece and to receiving transfers within six months of the acceptance of requests, thus only spelling out existing obligations under the Dublin Regulation.

41. On this point, see ECRE, To Dublin or not to Dublin?, November 2018, available at: <http://bit.ly/2EbDosN>.

it. Whether they follow Article 36 of the Dublin Regulation (Portugal) or bypass Dublin completely (Greece, Spain), they are a dangerous precedent for the CEAS. These arrangements should be ended now. Otherwise, they are likely to be repeated whenever German voters head to the polls or the when a coalition partner seeks to provoke a crisis over migration.

## THE WAY FORWARD: RIGHTS-BASED IMPLEMENTATION OF THE DUBLIN SYSTEM

Neither internal political crises nor wishful thinking about future reform justify disregard for EU standards and obscure interstate agreements regulating the movement of asylum seekers. Compliance with the asylum *acquis* is necessary. In the absence of a fundamental reform of the Dublin system, the implementation of the Dublin III Regulation in line with fundamental rights is crucial in three main respects:

First, the existing legal standards set out in the asylum *acquis* and human rights law must be respected. Arrangements which prevent people from applying for asylum prior to being transferred to another country contravene basic entitlements and safeguards, and will not stand before the courts. The use of the Dublin III Regulation at least ensures that individuals requesting international protection are effectively treated as asylum seekers, are interviewed by the authorities, are only detained as a last resort and for a circumscribed time period, and have access to a remedy against their transfer.

Second, administrations do not need new mechanisms on asylum seeker transfers. The procedures, time limits and formalities for such transfers already exist in the Dublin III Regulation and its Implementing Regulation. National asylum authorities already have a system in place, including template requests and appropriate communication channels (“DubliNet”) to coordinate and exchange information ahead of transfers. Using Dublin instead of informal arrangements avoids duplication and ensures that Dublin Units, the competent administrations specifically trained to that effect, can handle transfer procedures more swiftly and consistently. What states do need, however, is more capacity for Dublin Units. Resources invested in creating parallel structures could better be allocated towards adequately staffing Dublin Units to ensure that transfer requests are issued and processed in a timely manner.

Finally, bilateral agreements on responsibility must be transparent. Arrangements which fit within the current legal framework provided by Article 36 of the Dublin III Regulation respect the rule of law and enable parliamentary accountability. They can also aid Member States and the Commission in using their leverage to reinstate trust in the CEAS through building functioning asylum systems.

## RECOMMENDATIONS

To ensure a rights-based implementation of the Dublin III Regulation and other CEAS standards in the framework of arrangements on responsibility, ECRE makes the following recommendations:

- » **European Commission:** DG HOME (Asylum Unit) should monitor the implementation of the Dublin III Regulation at Member State level, with particular emphasis on compliance with Dublin standards in the context of bilateral agreements. This includes analysis of agreements notified to the Commission pursuant to Article 36 of the Regulation, as well as other arrangements made by Member States. DG HOME should take action in accordance with its enforcement powers where agreements do not comply with the Dublin Regulation.
- » **Member States:** National authorities, including parliaments, should push for full disclosure and transparency of administrative arrangements on responsibility for asylum seekers. Arrangements that circumvent or undermine legal obligations set out in the CEAS should be avoided.





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