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DEMUN



Issue: The Question of Outsourcing Immigration Management

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Introduction

In 2024 alone, the European Union and Switzerland and Norway received over 1 million asylum seekers. Although this number is down from the peak in immigration into the EU in 2015, this number is still significantly high and poses problems for immigrants and the

host countries alike. Asylum applicants face long waiting times, and the host country will face increased costs and strain from needing to provide healthcare, education and housing for this immigrant population.

Previously, the EU's solution to curbing immigration was to strike agreements with countries such as Turkey and Libya on the common immigration routes to limit the influx of immigrants into the EU. However, increasing xenophobia in the EU countries and the rise to power of far right-wing parties in countries such as Italy (Fratelli Italia), Germany (Alternative for Deutschland), Austria (Freedom Party), and France (Rassemblement National) has led to countries being less immigrant friendly. This points to a desire to decrease immigration significantly and one solution is on everyone's mind at the moment: outsourcing immigration. As controversial as it may be, this plan to create "return hubs" has gained popularity from numerous member states such as the Netherlands and Hungary as well as with the president of the European Commission Ursula Von Der Leyen leading to believe that these "return hubs" are officially on the table and considered a potential solution to curbing the influx of immigration into the bloc.

Definition of Key Terms

Immigration

Immigration describes the move of an individual to a country other than his normal residence. The populations of countries such as the United States of America, Canada, and the Commonwealth of Australia are historically founded on the settlement of migrants. Immigration is a driving economic factor and plays a key role in combating aging populations.

Outsourcing

Outsourcing immigration refers to the practice of transferring certain immigration-related functions, processes, or responsibilities from a company or organization to an external service provider.

Refugees and asylum seekers

According to the United Nations High Commissioner for Refugees (UNHCR), refugees are individuals who have fled their countries to escape conflict, violence, or persecution and have sought safety in another country. There were 43.7 million refugees globally, as of the end of June 2024.

According to the UNHCR, an asylum-seeker is someone who is seeking international protection. Their request for refugee status, or complementary protection status, has yet to be processed, or they may not yet have requested asylum but they intend to do so.

Refugees are granted special rights, such as the right to asylum, under the United Nations Convention, the Protocol Relating to the Status of Refugees, and other binding international law. Therefore, the main difference between asylum seekers and refugees is that asylum seekers have to go through a process to have their claim approved and be officially recognized as refugees.

Climate refugees

A climate refugee is a person forced to leave their home as a result of the effect of climate change on their environments. Even though migration due to climate change is increasing, climate refugees are not covered in the UN 1951 refugee convention, this means that climate cannot currently be cited as a reason for seeking asylum or refugee status.

Asylum Procedures

In order to be granted asylum, an individual is required to provide evidence demonstrating either that they have suffered persecution for political, religious or ethnic reasons in the past, and/or that they have a “well-founded fear” of future persecution in their home country.

External processing

Involves conducting part or all of the asylum procedure outside a destination country's territory. Notably, even countries such as Australia and the United Kingdom have adopted policies to offshore asylum processing to countries such as Papua New Guinea and Rwanda in hopes of deterring spontaneous arrivals, there is growing interest in using external processing in ways that complement existing territorial asylum and expand, rather than restrict, protection opportunities.

Return hubs

Return hubs are offshore centres for deported individuals. EU leaders have discussed the idea of “developing return hubs outside the European Union” for people who have failed to obtain the right to stay.

Non-refoulement

Non-refoulement is a core principle of international refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion.

Undocumented immigrants

Commonly referred to as illegal immigrants, undocumented immigrants live in states without having the required legal rights to justify their occupation. Many illegal immigrants offer cheap labour, potentially leading to unequal competition as well as exploitation.

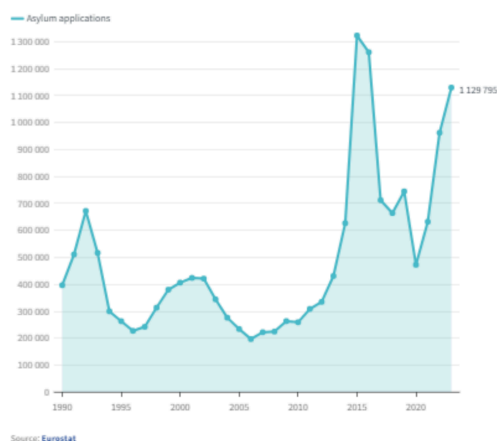
General Overview

Over the past decade or two, the EU and its members have faced massive amounts of pressure on their asylum administrations from the huge number of asylum applications which peaked in 2015 but is nevertheless back on the rise (see graph). The notion of external migration management in the EU can be traced back to the 1980s, when it was introduced in the form of cooperation agreements with countries of transit and origin in Africa. With immigration back on the rise from 2020 to 2023 (decrease in 2024), propositions of outsourcing immigration have been consistently brought up to debate within EU members, even more so following the Italy-Albania deal.

Trend in asylum applications (1990-2023)

Asylum applications in the EU reached a **peak in 2015 and 2016** and dropped thereafter. Between 2021 and 2023 there was a X% increase.

Figures as of 2020 do not include applications made in the UK (following its withdrawal from the EU).



External migration management:

One way of outsourcing immigration is by making deals between the EU and third states. For example, the EU-Turkey statement from 2015, aims to decrease the strain of immigration on member states especially Greece, as well as cooperate with the EU on border controls in return for hefty sums and aid. This money is intended to be used to create better living conditions in a country to discourage the population from leaving. This method is

quite effective in limiting illegal immigration, however it can push immigrants to seek shelter in a third country rather than discouraging immigrants to start the journey towards the bloc in the first place. This leads to high amounts of migrants in third countries. For example, Turkey hosts approximately 4 million immigrants, mostly Syrians. These methods are also criticised by many as funding border authorities outside the EU's jurisdiction gives an autocratic government carte blanche on how to proceed with border controls, creating abuse of power and human rights: modern slavery, trafficking, murder etc.

Furthermore, this method can be deemed too costly and inefficient. The EU keeps making new costly deals with countries such as Mauritania and Egypt to help curb illegal immigration, however the number of asylum applications in the EU have shot up massively since 2020 but have since decreased in 2024. (see graph)

Finally, this method helps third countries such as Libya gain leverage to strong arm the EU when needed. For instance, during the Arab Spring in 2011 in Libya, Colonel Gaddafi, the head of state of the country threatened to unleash a “flood” of migrants into Europe if it did not stop supporting protesters. With EU dependence on these third countries, they have leverage over the EU and can as such demand higher indemnities for keeping immigrants in their country.

Today, Libya is facing problems with regulating illegal immigration in a sustainable manner due to the instability of the country. As a result of this, dozens of migrant internment camps, retention centres and smuggling warehouses have sprung up throughout the country violating human rights, and creating cases of human trafficking and slavery. The ministry of the Interior and local militias fight over the control of these camps and in many cases no humanitarian agencies such as the UN or the Red Cross are given access to these centres. One can only speculate on the human rights abuses that happen in these camps indirectly funded by the EU.

“Return hubs”, an increasingly popular solution:

The concept of “return hubs” has recently gained popularity with member states. However, the concept remains vague. The concept will probably cover asylum seekers that await approval on their Visas or that have been denied and that are not entitled to stay in the EU.

These hubs would be located outside of the EU and while it is not yet clarified, it is speculated that these hubs would be a temporary accommodation solution. These hubs have gained popularity and are supported by a majority of EU states. Italy has even started operating one of these without the help of the EU in Albania. However, the EU return hubs

are quite different from the Italy-Albania deal in the way that the EU hubs would not be used for external processing but for immigrants that have been denied entry into the bloc and are waiting to be repatriated. Nevertheless, these facilities have been criticised by many member states (such as Spain) as well as many NGOs. Some consider the project too expensive while agreements have already recently been made with countries such as Egypt. Others are worried about human rights violations that could arise in these centres without the possibility of EU supervision. They argue that this concept is totally against EU values as well as EU and international law as these centres would violate the immigrants' freedom of movement. Another problem with return hubs is the difficulty to find a non- EU third country willing to accept the immigrants expelled from the bloc.

The EC is now trying to ensure that such hubs would not violate international and EU law by working with the UNHCR to be able to implement these with agreements with other countries, providing that the European parliament and the European Council agree to this concept.

Major Parties Involved

European Commission (EC)

The European Commission is the executive branch of the European Union. It proposes laws and implements them throughout the bloc. It is made up of 27 European Commissioners, one for each member state, which contribute to the drafting of new laws that are then debated by the European Parliament. Until recently the European Commission's position on outsourcing immigration was pretty much straightforward, the EC believed that such measures to send immigrants to third countries violated international law, European Law and human rights. However, as of recently this position is now more ambiguous. The European Commission now seems open to new ideas on the matter. In a letter to EU leaders in October 2024, Ursula von der Leyen, the president of the EC encouraged member states to "work on innovative ways to counter illegal immigration" and saying that the member states "will be able to draw lessons from this experience in practice" referring to measures put in place in Albania by Italy (see page 7).

Although the EC seems to be considering these return hubs, its priority remains in implementing the Pact on Migration and Asylum which is a reform of the EU asylum and border management system. The Pact aims to aid frontline states by burden sharing between member states as well as streamlining asylum applications by creating a simpler and clearer asylum procedure without having the need to outsource these applications.

UNHCR

The United Nations High Commissioner for Refugees (UNHCR) is a UN agency specialized in protecting migrants and refugee rights. The HCR works with the EU and member states to find solutions on immigration while keeping in mind human rights as well as verifying that new laws are in line with treaties such as the 1951 refugee convention. In 2010, the UNHCR published a lengthy policy paper on the legal requirements regarding extraterritorial processing and reception arrangements. The UNHCR believes that “claims for international protection made by intercepted persons are in principle to be processed in procedures within the territory of the intercepting State.” However, it can tolerate extraterritorial processing and reception arrangement especially if the extraterritorial processing is part of a burden sharing agreement. It is necessary to note that the UNHRC does not have the power to impede a state’s law on the matter.

France

France is the European Union member state with the most amount of deals on migratory cooperation with third countries. The new home secretary, Bruno Retailleau has advocated for a crackdown on immigration and has pledged to take steps to discourage new immigrants from coming into the country. He has furthermore stated that the EU “must not rule out any solution a priori” showing support for the potential “return hubs” that the EU could put in place

Italy and Albania

Italy has already put in place a measure of extraterritorial processing in an agreement with Albania. This centre has already welcomed a few immigrants as they await ruling on their asylum applications. These facilities have however been condemned by a court in Rome. Georgia Meloni and her government are now trying to amend the plan by decree. Italy, as such, highly encourages the EU to take steps to make “return hubs” a reality.

Albania has struck this deal to host asylum facilities for Italy making it a potential candidate for the EU plans. However, Tirana has repeatedly said that their deal with Italy is exclusive and that they are not considering cutting a similar deal with the whole of the European Union.

Other countries that support the outsourcing of immigration

Most EU countries support certain outsourcing of immigration controls with the EU deals with third countries such as Turkey and North African countries. However, some countries have voiced their support for further “innovative solutions” such as “return hubs” which tend to raise human rights concerns.

15 member states (Denmark, Bulgaria, the Czech Republic, Estonia, Greece, Italy, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Austria, Poland, Romania and Finland) have openly expressed a desire to develop the outsourcing of immigration and asylum policy. In a joint letter sent to the EC on the 15th of May 2024, these countries asked for “complementary efforts” to curb migration and even encouraged the EC to explore “rescuing migrants on the high seas and bringing them to a predetermined place of safety in a partner country outside the EU.” However, these states also encouraged the EU to continue making deals with countries on the typical migratory routes to limit the number of immigrants coming into the bloc.

Turkey

The EU already outsources certain amounts of potential immigrants to Turkey. Since 2015, the EU and Turkey struck a deal to help the EU curb irregular immigration, by increasing border controls and coast guard services as well as cooperation between the bloc and Turkey on return operations and reintegration measures to the country of origin. Furthermore, “all new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey” and Turkey hosts many rejected asylum seekers that attempted to settle into the EU. In consequence this makes Turkey a theoretical option to host the EU “return hubs” seeing its proximity to the EU. Third countries such as Turkey or North African countries agree to cooperate with the EU to gain financial assistance as well as potential trade deals with the bloc which can boost the country’s economy.

Libya, Morocco and Tunisia

Similarly to Turkey, these three countries in the Maghreb region of North Africa are a gateway to the EU for illegal immigrants (from South Sudan, Ethiopia etc.) The EU already outsources some of its border control procedures to these countries’ authorities in very lucrative deals, worth many millions if not billions. The money is used to buff up the border patrol and coast guard services of these countries. According to InfoMigrants, Morocco reports having stopped 75 000 Mediterranean crossings in 2023 which is still quite considerable compared to the 1 million or so asylum applications in the same year.

NGOs

NGOs such as Amnesty International fight for migrant rights and carefully watch asylum procedures to ensure that human rights are respected. These non-governmental organisations (NGOs) are categorically against the outsourcing of border control procedures as well the outsourcing of asylum procedures and in particular “return hubs”. On the 9th of July, almost 100 NGOs including Amnesty International and the European Council on Refugees and Exiles (ECRE) published a joint statement in which they pushed the EU and its member states to abandon the idea of “outsourcing asylum processing and refugee protection” as it will “undermine the international protection system”. Amnesty International also stated separately that the “return hubs” were not compatible with EU and international law and that these hubs were definitely “not in line with EU values”. These NGOs call on EU leaders to focus on humane and sustainable solutions to the influx of irregular immigration into the bloc.

Timeline of Key Events

Timeline of events in reverse chronological order leading up to present day.

Date	Description of Event
1945-1965	The end of WW2 marks the start of the post-war migration drive. Over 2 million people migrate from Europe to the Commonwealth of Australia throughout this period
28th July 1951	The Convention relating to the Status of Refugees was signed, which made contributions “to the international legal system on refugee rights, including a single universal definition”.
18th December 1990	The International Convention on the Protection of the Rights of All Migrants Workers and Members of their Family was passed by the General Assembly.
2001	The concept of 'reception in the region' (outsourcing EU processing centres) was also supported by the Danish government during the Danish Presidency of the Council of the European Union
1st September 2005	The General Comment No. 6 TREATMENT OF UNACCOMPANIED AND SEPARATED CHILDREN OUTSIDE THEIR COUNTRY OF ORIGIN was passed by the thirty-ninth session of the Committee of the Rights of the Child.

2015	The 2015 European migrant crisis starts. 1,3 million people requested asylum in Europe
2016	<ul style="list-style-type: none"> • The Hungarian Prime Minister suggests creating a "giant refugee city" in Libya for processing asylum claims. • The French President Emmanuel Macron proposes external processing to curb irregular migration from Africa to Europe. • Austria presents an externalization agenda through a non-paper, including the idea of establishing camps in the Balkans for rejected asylum-seekers. <p>This shows the current thinking of European countries and leaders on how to deal with the problem at hand</p>
18th March 2016	The European Council and Turkey reached an agreement aimed at stopping the flow of irregular migration via Turkey to Europe. According to the EU-Turkey Statement, all new irregular migrants and asylum seekers arriving from Turkey to the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Turkey
2018	The Global Compact for Safe, Orderly and Regular Migration (GCM) was signed, a milestone for international cooperation regarding migration
September 2020	The EU's new Pact on Migration and Asylum is published, proposing measures to enhance operational cooperation and support the externalization of migration management.

Previous Attempts to Resolve the Issue and Possible Solutions

There are many ways to deal with the question of outsourcing immigration management in the European Unions. Solutions that have been proven fruitful and aligned with UN values were the ones which correspond with at least one of the three criterias of the MiGOF (Migration Governance Framework), designed by the IOM (International

Organization for Migration). Namely:

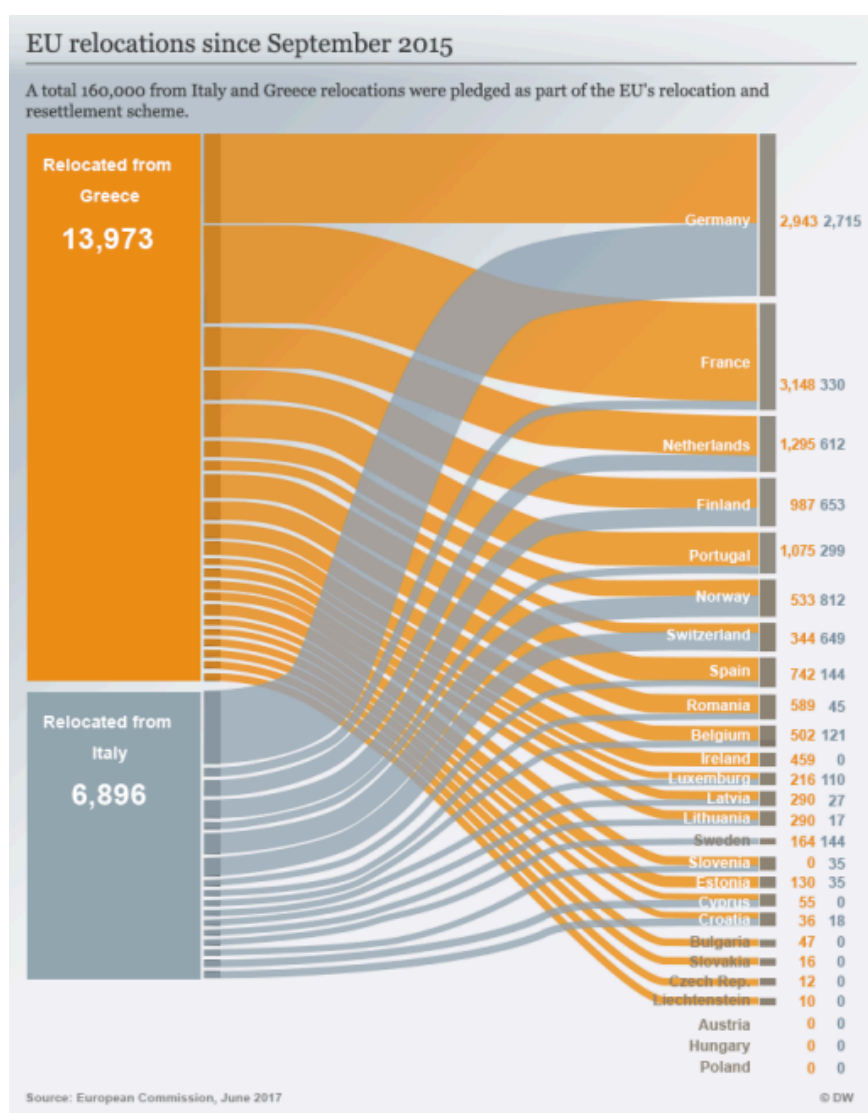


Furthermore, possible and past solutions include:

- **Third-Country agreements:** Examples of third-country agreement include the EU-Turkey Deal of 2016, already mentioned above, where the EU agreed to provide financial aid to Turkey in exchange for its assistance in combating irregular migration; or the U.S.-Mexico-Guatemala "Safe Third Country Agreements", where these agreements concluded that asylum seekers ought to apply for refuge in a transit country rather than their destination.
- **Technological solutions are non-negligible opportunities to explore.** For example, countries are now turning to technology firms to defend and protect their security. Countries like Canada, the UK and the EU use biometric data ("Biometric

data is defined as a process that identifies or recognizes human characteristics by scanning their physical or behavioral traits” -European Union) for visa applications and border management.

- **Global cooperation** at different scales, whether it is local, regional, national, and especially international. The EU has already orchestrated many different agreements with non-european countries in order to enhance the handling of migrants. For example, the Italy-Libya Memorandum of Understanding in 2017 enabled the Libyan Coast Guard authority to intercept and return migrants attempting to cross the Mediterranean. Other agreements that are more centered on enhancing living conditions of migrants include the Emergency Relocation Scheme of 2015. This two year plan aimed at relocating 160,000 asylum-seekers in total, including 106,000 from Greece and Italy, to other European countries to ease the pressure on frontline States. This is an example of fruitful cooperation and delegates should explore and develop on these sorts of agreements:



(From 2017)

Questions to consider

Here are some questions that you can ask yourself while preparing for debate or making clauses and amendments:

- What is your country's position on the question of outsourcing immigration management and what is their policy?
- What has your country already done to contribute to this subject and how can this help other countries in debate, and the debate in overall ?
- Does your country present any conflicts of interest on the matter and how will this impact the decisions made in debate
- With suspicions of modern slavery and trafficking in countries in which the EU have agreements on immigration management, how can the EU ensure that asylum seekers and migrants' fundamental rights are protected in outsourced centers or third countries?
- How will the principle of non-refoulement be upheld if migrants are processed in or returned to non-EU countries?
- What kind of criteria should be used to select partner countries and on what different factors could these be based on (ie: economic, social, political,...) ?
- How can the EU ensure the partner countries have the capability to manage and absorb the incoming migrants and be trusted with their well being ?
- Does outsourcing migration management genuinely deter irregular migration or simply shift the burden on other countries while increasing the endeavours of migrants, and how can this issue be fixed in the most effective way while preserving the migrant's fundamental rights ?
- How cost-effective, on an economical and social level, is outsourcing migration management compared to other solutions like strengthening internal EU asylum and border policies?
- How can EU policy on immigration be revised to address increasing labour shortages that many EU member states now face?

Conclusion

The question of outsourcing immigration management in the European Union remains one of the United Nation's most contentious and tough challenges, requiring collective effort and strategic international collaboration. Creative solutions such as return hubs (--> see page 4) and external asylum processing centres have gained support from various leaders and

countries in the European Union, however most potential solutions and measures raise significant concerns about cost-effectiveness, legality, and the potential for human rights violations. The increasing focus on outsourcing immigration, particularly as seen in the agreements with countries such as Turkey and Albania, highlights the European Union's current struggle to manage the rising number of asylum seekers without overwhelming its own processing systems. Despite the promise of alleviating such pressure on member states, the long-term effectiveness of these outsourcing strategies remains in question and must be debated immediately. It is arguable that such measures may violate United Nations as well as European Union values, undermine international refugee protection, and lead to the exploitation of migrants in third countries. Consequently, while these external outsourcing solutions may offer temporary relief, they fail to address the root causes of immigration as well as the humanitarian needs of refugees and asylum seekers. Therefore, the future of immigration policy in the European Union lies in finding a fundamental balance between effective border management and the protection of human rights. Achieving such a balance will certainly require innovative policies and external cooperation from the United Nations as they face one of the most urgent global challenges.

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