

Denmark Offshores the Right to Asylum

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This has been a fantasy of Danish governments for some time. There have been gazes of admiration towards countries like Australia, where processing refugees and asylum-seekers is a task offloaded, with cash incentives, to third countries (Papua New Guinea and Nauru come to mind). Danish politicians, notably a good number among the Social Democrats, have dreamed about doing the same to countries in Africa, returning to that customary pattern of making poorer states undertake onerous burdens best undertaken by more affluent states.

The government of Mette Frederiksen has now secured amendments to the Danish Aliens Act that authorises the transfer of asylum seekers to other countries as their applications are being processed. The measure [was secured](#) on June 3 by a vote of 70 to 24, though critics must surely look at the absence of 85 MPs as telling. The measure is not automatic: the Danish government will have to secure (or bribe) the trust of third party states to assume their share.

Government spokesman Rasmus Stoklund [left few doubts](#) as to what the new law entailed. “If you apply for asylum in Denmark, you know that you will be sent back to a country outside Europe, and therefore we hope that people stop seeking asylum in Denmark.”

Stoklund’s language of warning evokes parallels with Australia’s own campaign of discouragement, marked by a highly-budgeted effort featuring such savage products as [No Way. You Will Not Make Australia Home](#). In the video, Lieutenant General Angus Campbell, then chief of Australia’s effort to repel naval arrivals known as Operation Sovereign Borders, is stern in threatening that “if you travel by boat without a visa you will never make Australia home”. Other delights involve a [graphic novel](#), translated into 18 different languages, promising trauma and suffering to those who end up in a detention centre in the Pacific, and the feature film *Journey*, where an Iranian mother and her child seek sanctuary in Australia. The Danish propaganda arm will have some catching up to do.

Who then, are the third country candidates? Denmark already has a memorandum of understanding with the Rwandan government that covers migration, asylum, return and repatriation. Its purpose is [to target an asylum system](#) which supposedly gives incentives to “children, women and women to embark on dangerous journeys along migratory routes, while human traffickers earn fortunes”. When it was made, Amnesty International’s Europe

Director, Nils Muižnieks could see the writing on the wall, [calling](#) it “unconscionable” and even “potentially unlawful”. But for Rwanda, just as it is with Pacific island states such as Nauru, money is to be made. Such countries effectively replace demonised people smugglers as approved traffickers and middlemen.

The response to the legislation from those in the business of advocating for refugees and the right to asylum has been uniform in curtness and distress. Filippo Grandi, the UN High Commissioner for Refugees, [voiced](#) strong opposition to “efforts that seek to externalise or outsource asylum and international protection obligations to other countries.”

UNHCR spokesman Babar Balloch could only [make the relevant point](#) that the legislation ran “counter to the letter and spirit of the 1951 Refugee Convention”. Moves to externalise “asylum processing and protecting of refugees to a third country... seriously risk setting in motion a process of gradual erosion of the international protection system, which has withstood the test of time over the last 70 years”.

Balloch is evidently not as attentive as he thinks: those wishing to externalise such obligations have well and truly set this train in motion. The 2018 EU summit went so far as to debate the building of offshore processing centres in Morocco, Algeria and Libya to plug arrival routes via the Mediterranean. The UK government is [also toying with the idea](#) of an offshore asylum system.

Bill Frelick of Human Rights Watch’s Refugee and Migrant Rights Division [distils](#) the relevant principle being sacrificed. “By sending people to a third country, what you are essentially doing is taking what is a legal right and making it a discretionary political choice.” It is an increasingly attractive, if grotesque policy, for wealthier countries with little appetite to share the burdens of sharing the processing claims under the UNHCR’s Global Compact on Refugees.

Unfortunately for Frelkick and their like, the Danish government is proving derivatively consistent. It has been opting out of the European asylum system since the 2000s, doing its bit to fragment an already incoherent approach in the bloc. The centre right government of Anders Fogh Rasmussen, just by way of example, was proud to reduce the number of asylum seekers and those wishing to settle in Denmark. In 2004, 1,607 people were granted asylum compared to 6,263 three years prior.

The approach of the current government is to negate the very right to seeking asylum in Denmark, aided by third countries. And there is not much left to do, given that the country [received](#) a mere 1,515 asylum applications in 2020, its lowest in two decades. Of those, 601 were granted permits to stay.

Lurking, as it always does in these situations, is the Australian example. The right to asylum is vanishing before the efforts of bureaucrats and border closing populists. The UN Refugee Convention, like other documents speaking to freedoms and rights, is becoming a doomed relic.

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