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TOWARDS A BALANCED APPROACH IN EU MIGRATION AND ASYLUM POLICY

12 RECOMMENDATIONS

AN AREA OF FREEDOM, SECURITY AND JUSTICE FOR THE EU

1. Migration and Asylum policy must respect the inalienable dignity of each human being and thus respect human rights. Security concerns have to uphold these crucial principles and may not undermine these principles. The economic, social and cultural benefits of migration for the societies need to be recognised.
2. A close monitoring of the transposition of Community Law into national legislation is essential to ensure **consistent and correct application**. At the same time, we urge the Member States to ratify the International Convention on the Rights of all Migrant Workers and the Members of their Families.
3. The targets of the Nice Treaty and the Constitutional Treaty should be introduced as quickly as possible in order to achieve the **co-decision procedure** and **qualified majority voting** in the Council of Ministers.

A FRAMEWORK FOR LEGAL IMMIGRATION

4. The reality of irregular migration should be fully acknowledged, while developing a labour migration policy. This requires an approach that takes into account the demand on the EU labour market for qualified as well as unqualified labour force. **Regularisation schemes for irregular migrants** should be seen as a means to improve both the individual situation of the irregular migrant and should be considered as one response to the demands of the labour market. EU legislation should not **criminalize** migrants in irregular situations.
5. The **right to family reunification** is a fundamental right. Thus it should be protected and supported. It should not be labelled as an instrument of immigration management. Moreover, family life is a very important element for the integration of migrants in European society.
6. The EU needs a **common approach to integration policy** that promotes integration as a reciprocal process, with an active role for migrants as well as for the receiving society, resulting in an inclusive and welcoming society. The increasing diversity in our society should be actively promoted as a positive factor, thus also promoting a better public understanding of migration and asylum matters.
7. A **common policy on return and readmission** needs to uphold the dignity of the person and provide perspectives for the migrants. Thus there should be no forced return after 5 years of legal stay in the host country. To support voluntary return to the home country, **coherent reintegration schemes** need to be established. Readmission to a third

country is only acceptable if strong personal links to that country exist or the person requests this as an alternative. Any return policy has to safeguard family unity and particularly children's rights. Detention of irregular migrants and asylum seekers should be avoided.

8. **Combating Trafficking in human beings** should constitute a specific policy area in itself. Victims of trafficking should be offered safe solutions and long-term perspectives in order to enable them to live a self-sufficient life independently of their willingness to testify against the traffickers in court. In order to gather a comprehensive knowledge of the phenomenon more resources should be invested in research and collection of data; cooperation between relevant authorities and civil society organisations should be enhanced.
9. **Humanitarian assistance** to irregular migrants provided by Churches, Christian organisations and NGOs should be protected from unjust prosecution.

A COMMON AND COHERENT ASYLUM SYSTEM

10. A European fundamental **right to asylum and subsidiary protection** should be laid down as soon as possible by the ratification of the Constitutional Treaty. Existing international law on the protection of refugees must be fully and correctly applied in order to achieve high standards in a **common asylum system** and, in particular, ensure a high level of protection for refugees in accordance with the rules of international law.
11. The **asylum procedures** need to provide for full access of persons to an asylum determination procedure, with free legal and interpretation services and the possibilities for appeal with suspensive effect. Accelerated procedures without access to information and legal assistance, and the «**safe third country**» **concept undermine the rule of law**. The explicit right of all asylum seekers to remain in the asylum country pending a final decision (**effective remedy**) should be laid down in EU legislation.
12. The objective of all asylum policy and of other instruments for refugee protection should be to find durable solutions for refugees. Asylum applications should be processed within 12 months; all asylum seekers should have **access to the labour market** after the shortest possible time. Refugees and persons granted a complementary protection status should be allowed to move in the EU without restrictions. The duration **of temporary protection status** should be limited to 2 years maximum.

The signatory organisations represent churches throughout Europe - Anglican, Orthodox, Protestant and Roman Catholic - as well as Christian organisations particularly concerned with migrants and refugees. As Christian organisations, we are deeply committed to the dignity of the human individual created in the image of God, the concept of global solidarity and the idea of a society welcoming strangers.