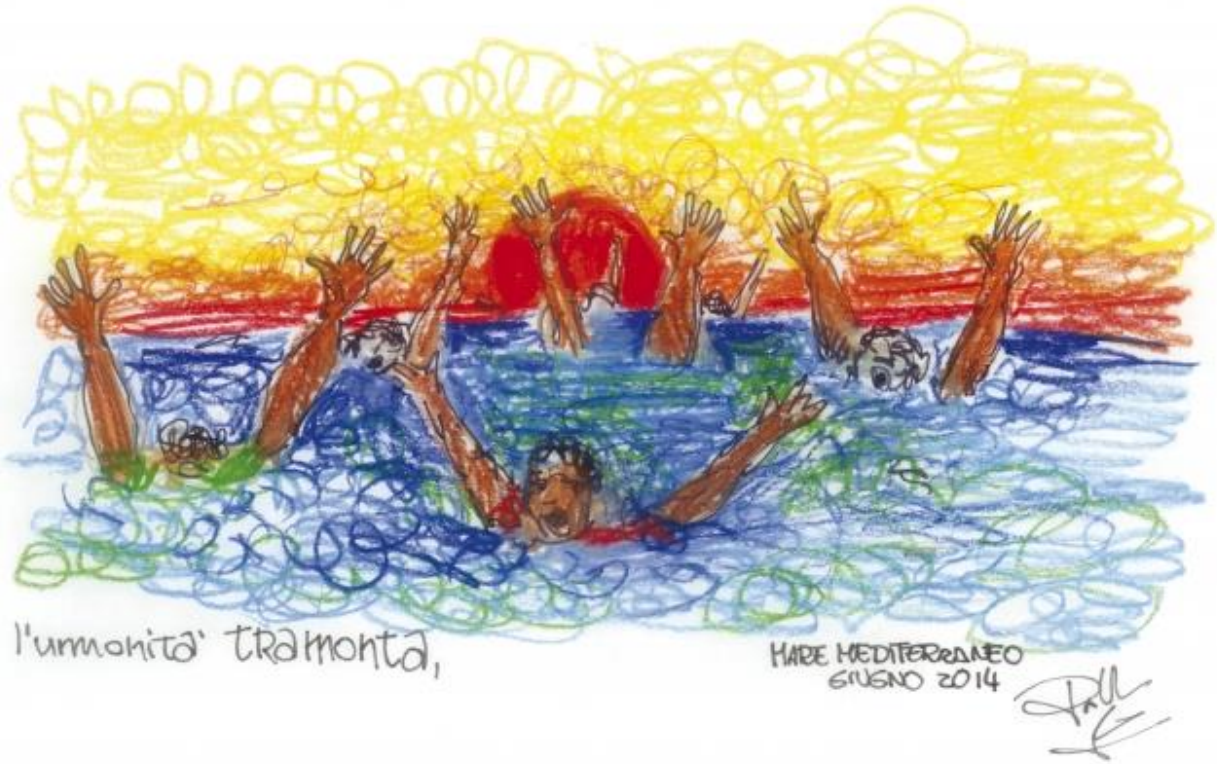
Safe Passage:
Advocating for a humane asylum and migration policy in Europe



Painting Francesco Piobbichi/Mediterranean Hope

By Claudia Doldo

Churches' Commission for Migrants in Europe (CCME)

churches' commission for migrants in europe

Rue Joseph II 174
B-1000 Brussels

Email : info@ccme.eu
website : www.ccme.eu

May 2018

Content

Content 3
Introduction 5
How is migration managed/governed at international and European level? 8
I. Terminology/Definitions 8
II. Concern: Border management practices and policies 12
III. Concern: Irregular entries 20
IV. Concern: EU externalization of migration policy 23
V. Concern: Family reunification 27
VI. Concern: Missing Migrants - the right to be identified. 31
VII. Concern: integration – a two-way process? 35
VIII. Concern: Indirect, hostile and stereotyping narrative 40
IX. Concern: Xenophobia and exclusive societies 43
X. Myths and realities on migration in Europe 46
How can churches intervene and make a significant improvement to the current situation? 52

Introduction

Migration and asylum have been two of the major public policy issues in Europe over the last years. Many European citizens have been involved in the reception of migrants and refugees in Europe, churches and Christian organisations in many European countries have been among the key actors in receiving newly arrived migrants, responding to their immediate needs, welcoming them into European societies and contributing to good neighbourly relations between newcomers and resident populations.

The involvement of churches has happened in the context of the rich biblical narrative on migration. This narrative had also inspired the joint Committee of the Conference of European Churches (CEC) and the Commission of Bishops' Conferences in Europe (CCEE) in 2010 to articulate that "Christians are "migrants by vocation" in that they understand themselves as people on a journey. Justice and charity are the guiding lights for Christian behaviour. The human dignity of all people, including irregular immigrants and asylum seekers, must be recognised everywhere." (Joint CEC-CCEE press release of 11th March 2010)

Many churches have been expressing concern about the harsh realities of asylum and migration in Europe – the unacceptable deaths of many of those trying to come to Europe, the realities of poor reception conditions and destitution, widespread exploitation and the difficult circumstances for integration in equality, to name a few.

Churches in Europe have been motivated by the Christian vision of an inclusive community and the message of the Bible which insists on the dignity of every human being.

In this context Churches have also articulated concerns about the policies governing asylum and migration in European countries and in the EU.

Human rights are the theoretical guiding thread for EU action in all areas. This should also be found in the management of regular and irregular migration. With the integration of the so-called "Schengen Treaty" into the European legal framework and following the entry into force of the Amsterdam Treaty in 1999, cooperation in this field has become a priority, yet controversial, area of European policy. On the one side, security of EU citizens is of high importance; on the other, any EU policy must also respect the values on which the EU is based, such as respect for fundamental rights for all.

Despite these principles, a sustainable solution is still far away and management of external and internal borders remained in emergency mode or have become stricter, particularly in the past two years. This situation has led to the formulation of the concept of Fortress Europe, that is, an internal space of freedom of movement for EU citizens, accompanied by a growing closure towards the exterior, especially towards the southern shore of the Mediterranean.

This booklet aims at summarising some of the current concerns of European churches on EU asylum and migration policy – a policy which also heavily influences asylum and migration policies in countries outside the EU.

The booklet therefore describes the problematic reality of EU policies, explains some key concepts and discusses possible policy alternatives for "safe passage" as supported by churches in Europe – for more humane asylum and migration policies based on human dignity and the sanctity of human life.

As the details of EU asylum and migration policy constantly change, it is important to mention that this booklet is based on policies as they are in place by April 2018. Constant updates on EU policies on asylum and migration as well as Churches' positions on these policies can be found on www.ccme.eu as well as on CCME's Facebook page. The legal definitions are from currently valid EU and international legislation, not of the currently proposed revision of the Common European Asylum System.

This booklet was largely written by Ms Claudia Doldo during her internship at CCME in the first quarter of 2018.

CCME is most grateful to Claudia Doldo for her important work. Thanks also go to the colleagues and leadership of the "Mediterranean Hope" project of the Italian CCME member, the Federation of Protestant Churches in Italy FCEI, who authorised the use of the powerful paintings and drawings produced in the context of the project by Francesco Piobbichi. They can be obtained as postcards and are also published in two books. http://www.mediterraneanhope.com/.

CCME Brussels, May 2018

"If Europe is a fortress, it is a fortress with many open and welcoming gates in certain directions, and few and heavily guarded ones in others" (Finotelli and Sciortino)

How is migration managed/governed at international and European level?

In the complex reality of contemporary mobility, it can be difficult to neatly separate people into distinct groups as people may simultaneously fit into several categories, or change from one category to another in the course of their journey. Every individual who approaches an international border has different motivations and states have obligations towards all persons at their borders, regardless of those motives. In this respect, the EU Fundamental Rights Agency's 2018 Report on "Migration to the EU: five persistent challenges", states that main concerns involve strict border management practices that were not sufficiently sensitive to protection needs, ill-treatment by law enforcement, as well as refusals of entry and summary returns.

I. Terminology/Definitions

While the term of refugee is clearly internationally defined by the 1951 Convention relating to the status of refugees (the so-called "Geneva convention"), other terms have only recently been defined by EU law or are still subject to discussions.

International protection (refugees/subsidiary protection)

EU COUNCIL DIRECTIVE 2004/83/EC

EU DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011, according to which:

1. **(d) 'refugee'** means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;
2. **(f) 'person eligible for subsidiary protection'** means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country".

Subsidiary protection constitutes a level of international protection complementary and subordinate towards the

refugee status. This means that the assessment of the existence of the conditions and the prerequisites necessary for recognition of international protection will have to be made always after the allegation of the lack of the prerequisites for recognizing the refugee status[1] [2].

3. Asylum seeker

An asylum seeker is someone whose request for protection has yet to be processed.

4. Migrant

The International Organisation of Migration IOM defines a migrant as "any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is"[3].

5. Environmental migrants

"Environmental migrants are persons or groups of persons who, for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to have to leave their habitual

---

[1] https://books.google.be/books?id=aNWYDQAAQBAJ&pg=PA144&lpg=PA144&dq=Subsidiary+protection+therefore+constitutes+a+level+of+international+protection+complementary+and+subordinate+towards+the+refugee+status.+acconci&source=bl&ots=UfufbNjEyE&sig=zd33KzxWEdnYcugS5nPQipNpFqO&hl=en&sa=X&ved=0ahUKEwjlotmig_3YAhWBzqQKHccxCk4Q6AEIJzAA#v=onepage&q=Subsidiary%20protection%20therefore%20constitutes%20a%20level%20of%20international%20protection%20complementary%20and%20subordinate%20towards%20the%20refugee%20status.%20acconci&f=false

[2] UNHCR y ASGI, op. cit., *La tutela dei richiedenti asilo...*, p. 25 https://www.unhcr.it/wp-content/uploads/2016/01/1UNHCR_manuale_operatore.pdf

[3] https://www.iom.int/who-is-a-migrant

homes, or choose to do so, either temporarily or permanently, and who move either within their territory or abroad[4]." (IOM, 2011:33).

Human dignity

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."
(Art. 1 Universal Declaration of Human Rights)

"Everyone has the right to life, liberty and security of person."
(Art. 3 Universal Declaration of Human Rights)

"Everyone has the right to seek and to enjoy in other countries asylum from persecution."
(Art. 14 n. 1 Universal Declaration of Human Rights)

[4]People migrating for environmental reasons do not fall squarely within any one particular category provided by the existing international legal framework. Terms such as "environmental refugee" or "climate change refugee" have no legal basis in international refugee law. There is a growing consensus among concerned agencies, including UNHCR, that their use is to be avoided https://www.iom.int/definitional-issues. Yet, for several groups of persons who will have to leave their homes due to climate change, forms of protection will have to be determined.

II. Concern: Border management practices and policies

All European countries are signatories of the 1951 Convention relating to the Status of Refugees. This means, they are legally obliged to provide access to asylum procedures to those seeking international protection.

According to the **EU Charter of Fundamental Rights**, **Article 18** guarantees the right of asylum according to the criteria established by the Geneva Convention and **Article 19** prohibits the return to a State in which the individual faces a real risk for his safety.

Under the **Common European Asylum System** (CEAS), it is a prerequisite for seeking asylum in the EU that the potential asylum seeker arrives on the territory of a Member state, including at the border or in the transit zones of that Member state.

Is it possible for an asylum seeker to reach the EU by legal means?

In the discussion on migration management, the political discourse has in recent years placed a strong emphasis on security and migration control issues, and little attention has been paid to the mixed flows of migration and the refugee and human rights binding responsibilities.

Asylum seekers are primarily nationals of countries requiring a visa to enter the EU and often do not qualify for an ordinary visa (for example as they do not have enough money to sustain themselves an EU country).

The fact that it is often de facto impossible to obtain a visa results in the attempt by many persons seeking protection to eventually cross the border in an irregular manner. Without any legal options, people who are in desperate need of safety will attempt the journey. The difference is that their travel will happen with the help of smugglers and therefore is more expensive, dangerous and too often deadly.

This highlights the fundamental tension which underlies EU migration management policies: on the one side, protection seekers have the right to apply for asylum, on the other, in order to do so, they have to reach a country's territory, and neither international nor national law provide enough legal means to travel in search of protection[5].

Alternatives – Safe Passage: safe and regular channels of entry[6]

Churches across Europe have under the heading "Safe Passage" argued for the introduction, strengthening and broadening of safe and legal pathways of entry into Europe, differentiated according to the different profiles and motives of migrants and refugees.

[5] (p. 2 Tracing the channels)

[6] Before explaining the different ways in which possible refugees can reach the EU, it has to be stressed that there is a notable lack of agreement among member states about the exact and legal practical definition of some key policies, such as resettlement, humanitarian admission programmes etc. Without a common understanding measuring their use in a meaningful way is a nearly impossible exercise P. 20 tracing https://www.migrationpolicy.org/research/tracing-channels-refugees-use-seek-protection-europe

A) Resettlement

Resettlement consists in the relocation and permanent integration of people in need of protection (refugees, internally displaced persons, etc.) who have fled from country A and are currently in country B into a third country – country C.
Refugees are identified as in need of resettlement when they are at risk or cannot permanently stay in their country of refuge (country B) or have particular needs or vulnerabilities. On request from the UN High Commissioner for Refugees UNHCR, they are transferred from the country in which they have sought refuge (country B) to another State that has agreed to admit them (country C).

Resettlement is unique in that it is the only durable solution that involves the relocation of refugees from a first asylum country to a third country. Resettlement States provide the refugee with legal and physical protection, including access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals.

Nevertheless, the outreach of this programme has to be extended. In fact, there were 16.1 million refugees of concern to UNHCR around the world at the end of 2015, but less than one per cent were resettled that year.

More details:

- Only a small number of states take part in UNHCR's resettlement programme. Until 2017, the United States has been the world's top resettlement country,

with Canada, Australia and the Nordic countries also providing a sizeable number of places annually.

- In 2016, UNHCR submitted the files of over 162,500 refugees for consideration by resettlement countries. By nationality, the main beneficiaries of UNHCR-facilitated resettlement programmes during this period were refugees from the Syrian Arab Republic (77,200), the Democratic Republic of the Congo (22,800), Iraq (12,800) and Somalia (10,500).
- Departures increased as well during the course of 2016, as more than 125,600 individuals departed to resettlement countries with UNHCR's assistance. The largest number of refugees left from Lebanon (19,500), followed by Jordan (19,300), Turkey (15,600), Kenya (9,300) and the United Republic of Tanzania (8,900).
- Following the data, as of November 2017 UNHCR completed 68,829 submissions and 60,733 people were resettled (January - November 2017). [7]

As stated by Peter O'Sullivan (Resettlement Officer in UNHCR Bureau for Europe), the EU is incrementing the resettlement places, but a bigger effort is needed and especially the central Mediterranean area has become a priority, with 277,000 people in need to be resettled from 15 different countries[8].

[7] http://www.unhcr.org/resettlement-data.html

[8] DRAFT AGENDA INTERPARLIAMENTARY COMMITTEE MEETING The European Agenda on Migration What about Legal Avenues and Integration? Wednesday 24 January 2018, 9.00 - 12.30 and 14.00 - 17.40 Brussels Room: JAN 4Q2 http://www.epgencms.europarl.europa.eu/cmsdata/upload/5aa7aa7d-cf3a-48b3-8c4d-c66417e07bbd/1143657EN_Draft_Agenda_ICM_Migration_24012018_v0301.pdf

CCME and other actors have over a decade argued for an increase of resettlement places provided by EU member states – with some success. While the number of resettlement places from EU countries in 2008-2010 was at annually around 4,500, for 2018-19 EU member states have pledged to resettle 50,000 persons – not least thanks to financial support by the EU.

B) Humanitarian admissions programmes (HAPs)[9]

Churches in Europe have acknowledged the opportunities as well as the difficulties connected with HAPs.

HAPs are *ad hoc* arrangements developed by Member states to provide safe legal avenues for persons displaced by specific humanitarian crisis. Beneficiaries of HAP are granted short-term residence in receiving countries, with the expectation of reviewing the ongoing need for protection in the future. As a complement to states' traditional resettlement programmes, Humanitarian Admission is an expedited process and may be used for an identified refugee population in an extremely insecure or vulnerable situation and in need of urgent protection.

While HAPs are obviously welcome as they offer a safe escape route from a situation of threat and crisis, the short term residence status granted to persons coming through a HAP can turn out to be problematic. Many of the humanitarian crisis situations of the last decades have turned out to be lasting for a long time. Persons who had

9 Humanitarian Admission should not be confused with humanitarian or subsidiary protection status granted to in-country asylum applicants, or with humanitarian visas granted to individuals outside of receiving states via their national embassies in third countries.

come through a HAP and only obtained temporary status were thus often left in a limbo situation. Employers or educational institutions are for example reluctant to take in persons with only a short term residence perspective. HAPs should therefore be complemented by the possibility for beneficiaries to obtain a long term status.

C) Humanitarian visas

Churches across the EU have strongly advocated for Humanitarian Visas. Humanitarian Visas play an essential role in the so-called "Humanitarian Corridors" programmes implemented by churches in cooperation with the state in Italy, Belgium and France.[10]

CCME and Christian partners have argued for strengthened provisions for humanitarian visas in new EU legislation. Such legislation would need to be accompanied by adequate resources so that applications for humanitarian visas could be launched in due time at embassies/consulates in non-EU countries.

[10] More information on these programmes can be found: http://www.mediterraneanhope.com/en/humanitarian-corridors-0

Humanitarian visas allow the potential asylum seeker to approach the potential host state outside its territory with a claim for access to its territory so that s/he can launch an application for asylum or other form of international protection on the territory of that host state. Responsibility for such a visa lies with the embassies/consulates of the country in question. Humanitarian visa allows people to travel in a safe manner to the territory of a member state for the purpose of making an application for international protection.

EU Member states use humanitarian visas to ensure that people in need can legally access international protection in Europe.

Current EU laws, in particular the visa code, allow member states to grant humanitarian visa under their own national legal framework, and usually grant one of the following two types:

1. Schengen short-stay **Type C** visas, with a limited territorial validity and meant for stays of less than 90 days in a 180 day period.
2. National long-stay **Type D** visas issued for humanitarian reasons, which allows holders to circulate throughout Schengen up to 90 days and is valid up to a year.

   In both cases, the concession of the humanitarian visa does not assure the recognition of the refugee status, since for both types of visa, people have to apply for asylum upon entry.

An alternative to the issuing of humanitarian visa could be the lifting of visa requirements especially in cases where greater numbers of persons must flee an individual state in search of protection. If lifting of visa requirements were to lead to a considerable increase of persons seeking protection in EU member states, the EU's Temporary Protection Directive could be invoked and applied, which has exactly been created for the case of a "mass influx" of

persons seeking protection. Lifting visa requirements would allow persons seeking protection to travel safely and spend their money on ordinary travel means rather than paying smugglers.

D) Family reunification

FAMILY REUNIFICATION: The right to family reunification is laid down in the EU Family Reunification Directive 2003/86/EC. The EU Court of Justice has underlined in its jurisprudence that the aim of the directive is to enable family life and promote the right to it, and that the directive must be interpreted and applied in this light.

An application of the directive at national level meeting these requirements and refraining from unjustified restrictions would enable a considerable number of persons in need of protection to come to Europe in a safe and organised way and to join their relatives already living here who can provide assistance to set up a new existence.

Christian organisations attach highest importance to everyone's right to family life. On EU level, CCME and Christian organisations have underlined that family life is of utmost importance also for the wellbeing of refugees and crucial for their successful integration. The concept of 'family' should be interpreted more broadly to include not only the nuclear family but other relatives as well, especially where relatives find themselves in emergency situations.

E) Other groups

Churches have also argued for legal channels of entry for persons who are not in need of international protection or

family reunification, but who would like to come for example as labour migrants. The needs of EU member states for these people is increasingly clear. The need does not only concern “high skilled” such as computer experts but also people in jobs requiring lower levels of qualification. A realistic policy in this area should be centred around the rights of those migrating but would also take the migration situation in the host country into consideration. Recruitment should happen with respect for the particular situation for the countries of origin. Employment conditions should guarantee the rights of labour migrants and avoid social dumping.

III. Concern: Irregular entries

The phenomenon of irregular migration, or “movement that takes place outside the regulatory norms of the sending, transit and receiving country” is, by definition and by its own nature, hardly quantifiable.

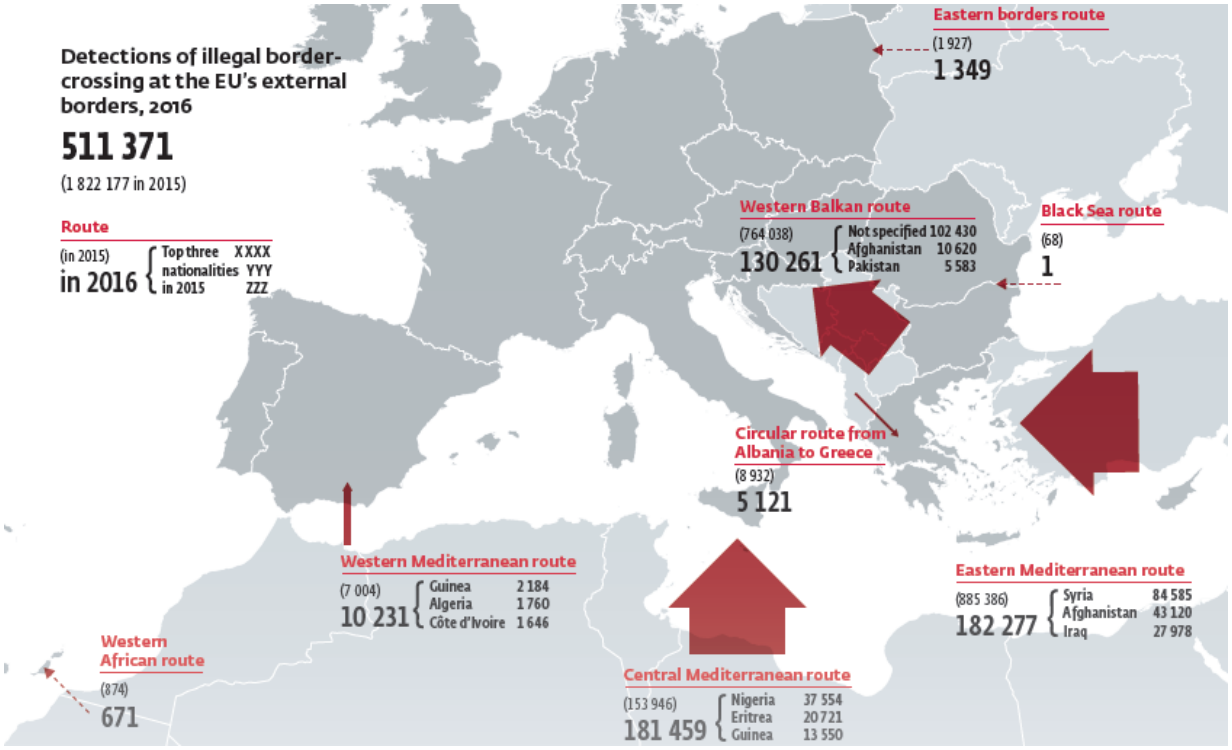
What is known is that currently the majority of people seeking international protection arrives via unauthorised channels. In fact, in 2016, 699,000 applicants were granted protection through asylum procedures after arriving in Europe via their own means.

According to FRONTEX data, in 2017 the numbers of irregular border crossings were (per each route):

- Western African route (Jan-Nov): 399
- Western Mediterranean route (Jan-Dec): 21,390
- Central Mediterranean route and Apulia and Calabria route (Jan-Dec): 119,046

- Western Balkan route (Jan-Dec): 11,857
- Eastern Borders route (Jan-Nov): 751
- Eastern Mediterranean route (Jan-Dec): 41,720
- Circular route from Albania to Greece (Jan-Nov): 6,173

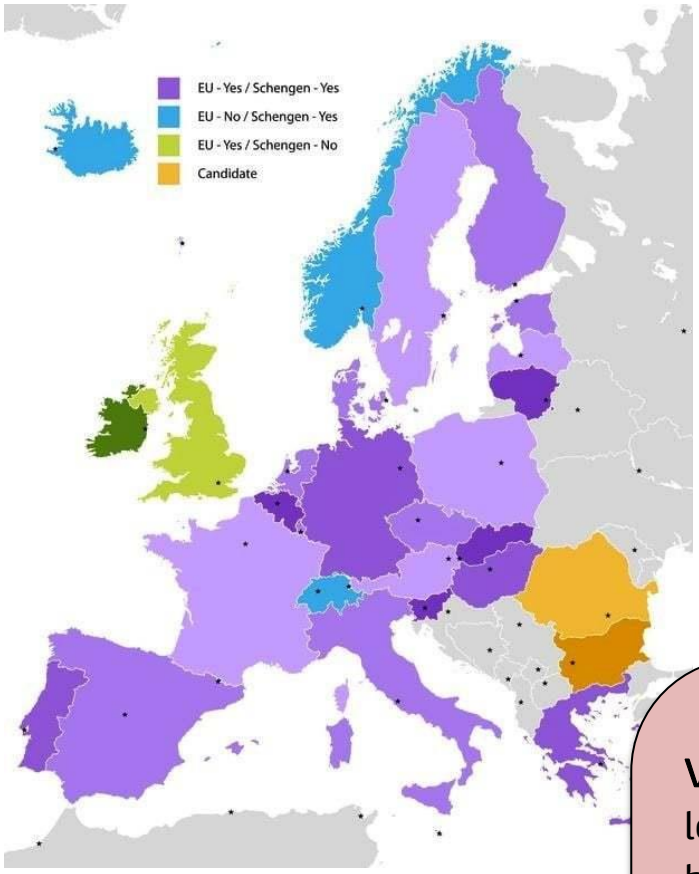
Compared to 2016, these figures mark a substantial decrease, particularly at the Eastern routes. The graph below shows the 2016 figures.



Why do asylum seekers try to enter the EU irregularly?

Abolition of visa requirements, as well as transparent visa requirement and realistic manageable requirements for obtaining a visa are some of the most effective tools to prevent the irregular entry of people. Nevertheless, the right to flee has been in practice limited by a restrictive policy on visas with the integration of the so-called "Schengen" Treaty into EU law.

The border-free area created among most EU member states cannot function efficiently without a common visa policy which facilitates the entry of legal visitors into the EU, while strengthening internal security. Therefore, the EU has established a common visa policy for transit through or intended stays in the territory of Schengen states of no more than 90 days in any 180 days period and for transit through the international transit areas of airports of the Schengen states, while for stays longer than 90 days, the competent authorities are the member states.



Consequently, citizens of certain countries must hold a short stay visa, while nationals of some countries are exempt from that requirement. Over the

Visa facilitation agreements are legally binding agreements between the EU and a non-EU country that facilitate the issuance by an EU state of authorisations to the citizens of that non-EU country for transiting through or an intended stay in the territory of EU states of a duration of no more than three months in any six-month period from the date of first entry into the territory of the EU states.

last decade citizens of more and more countries which are countries of origin for refugees as well as migrants have become obliged to obtain a visa for the EU. Many among them have made the experience of not being able to obtain an EU visa even though they seemed to fulfil all requirements stipulated.

Moreover, for nationals of few non-EU countries there are national derogations, since their governments have signed a **visa facilitation agreement** with the EU.

Churches in Europe have underlined that the current reality of irregular entry is of massive concern as it creates unacceptable suffering. The fact that migrants and refugees almost without exception have to rely on smugglers for their passage is leading to precarious, sometimes deadly journeys, indebtedness and exploitation in the host country. At the same time irregular migration can infuse fears in host societies. While combatting smugglers and their networks is a necessary part of a policy against irregular migration, it is totally insufficient. The most successful way to combat irregular migration and to destroy the business of smugglers in the view of European churches is - an open transparent legal migration policy.

IV. Concern: EU externalization of migration policy

What is it? "Externalization of migration controls describes extraterritorial state actions to prevent migrants, including asylum-seekers, from entering the legal jurisdictions or territories of destination countries or regions or of making them legally inadmissible without individually considering the merits of their protection claims. These actions include

unilateral, bilateral, and multilateral state engagement, as well as the enlistment of private actors. These can include direct interdiction and preventive policies, as well as more indirect actions, such as the provision of support for or assistance to security or migration management practices in and by third countries". (Human Rights Watch)

As evident from the definition, one of the basic pillars in the process of externalization of EU borders is the cooperation with third states. In this framework, the Migration Partnership Framework, established in June 2016 and part of the European Union Global Strategy for Foreign and Security Policy, identifies five key partner countries (Mali, Nigeria, Niger, Senegal and Ethiopia) for interventions in the migration management. Additionally, within the framework of the externalization of controls, the EU has developed the EU Emergency Trust Fund for Africa, which aims to support some of the main countries of origin and transit in the management of migration flows, especially in terms of containing and preventing irregular migration.

In the framework of this Euro-African dialogue (the so called "Rabat Process"), more than 58 countries and organisations gather regularly since 2006 to discuss questions of migration and development at technical and senior official levels, while Euro-African ministerial conferences define the strategic objectives. While the declarations present a relatively balanced picture, including facilitation of legal migration, many of the actions in fact privilege migration control and containment.

An even more interesting process is the so-called "Khartoum Process" a platform for political cooperation

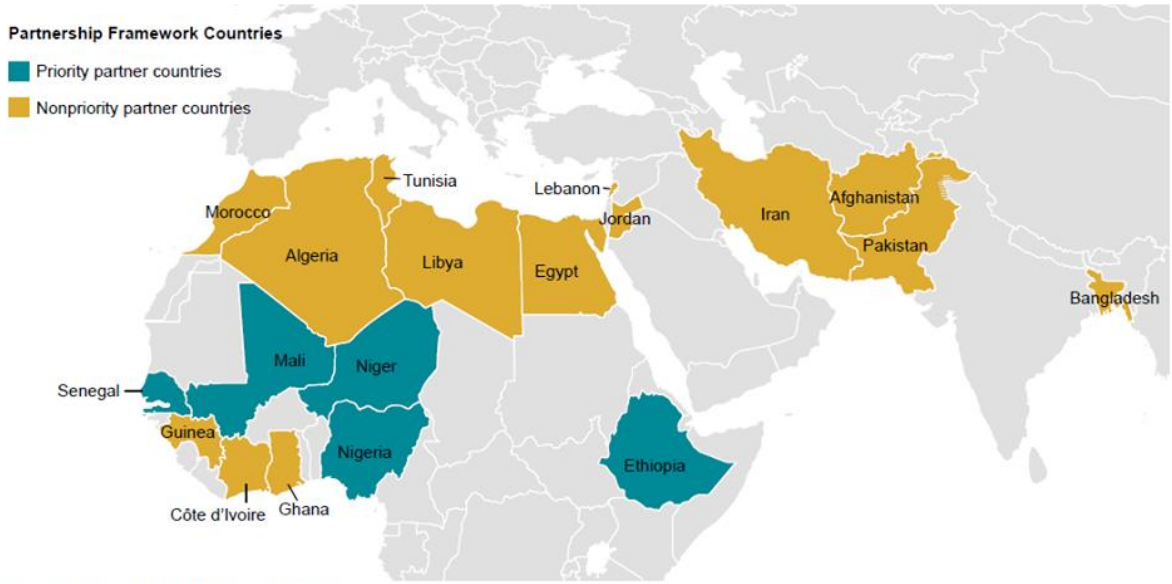
amongst the countries along the migration route between the Horn of Africa and Europe. Combating trafficking and migrant smuggling is the clearest priority of the process. The steering committee from the African side with Egypt, Eritrea, Ethiopia, South Sudan and Sudan includes a number of countries which are regularly internationally accused for their terrible human right record and are important countries of origin among the refugees arriving in Europe.

A last example is the cooperation of the EU and some of its members with the government as well as military groups in Libya – a major country of transit for refugees and migrants from sub-Saharan Africa and a country considered a "failed state". The cooperation is governed by agreements which are only in part public – from what is known they include financial and technical support as well as joint trainings.

In other words, the EU and its members partner in migration control with countries which do not even respect the minimum human rights of their own citizens and in which the rule of law is not respected.

Felipe Gonzales Morales, United Nations Special Rapporteur on the Human Rights of Migrants expresses his great concern for the agreement with Turkey and Libya, stating that through the externalization of the border controls, the EU may be responsible of human rights violations. An example of it is the cooperation between Italy and Libya through the Memorandum of Understanding with the Libyan Government of National Accord.

Figure 1. Third Countries included in the EU Migration Partnership Framework, 2016



Source: Compilation by the authors.

Source: Migration Policy Institute, Elizabeth Collett, Aliyyah Ahad, EU Migration Partnerships: a work in progress, December 2017

As consequence, migrants, including refugees, are confronted with serious difficulties in trying to access EU territory. Therefore, from a legal point of view, the international protection system exists and is put into operation once potential refugees have been able to access it; from a political point of view, there is the logic of preventing the arrival of potential applicants of asylum and the migratory flows are managed in a distant territory.

While the call for "helping close to home" is often articulated in EU discussions, the reality is different: a recent UN-EU pledging conference for Syria aimed at raising 9 billion USD in support of, among others, refugees in Syria and neighbouring countries, only 4 billion were pledged. UN officials went on the record explaining that support to refugees in the region would have to be cut.

In the debates around externalisation of migration control churches have echoed the concerns about possible human rights violations occurring due to the externalisation. They have also noted that most refugees in the world do prefer to stay in their region of origin and that it would therefore be helpful and productive to improve the legal and material conditions for refugees in regions of origin. At the same time churches have recalled that Europe as a comparatively rich region with long experiences in protecting refugees should do its fair share in protecting refugees and not leave it to countries in regions which are significantly poorer and volatile.

V. Concern: Family reunification

Family reunification falls within the legal ways that non-EU citizens, including refugees and vulnerable people, have at their disposal to enter the EU in a regular manner. Given that there are often few safe and legal routes to claim asylum in Europe, it is not unusual for one parent to travel ahead, leaving family behind in the hope that later, the family will be permitted to join him or her.

Family reunification is a pressing human rights issue. Without it, refugees and migrants are denied their right to respect for family life, have vastly diminished integration prospects and endure great additional unnecessary suffering, as do their family members.

The **Universal Declaration of Human Rights** (UDHR, Article 16, paragraph 3) provides that the family is the

natural and fundamental group unit of society and is entitled to protection by society and the state.

The **International Covenant on Civil and Political Rights** protects family life under:

- **Article 17**, which states that, "[n]o one shall be subjected to arbitrary or unlawful interference with his ... family", and the second paragraph specifies that, "[e]veryone has the right to the protection of the law against such interference or attacks";
- **Article 23**, which provides that the family, "is the natural and fundamental group unit of society and is entitled to protection by society and the State".

Articles 9 and 10 of the **Convention on the Rights of the Child**

Art. 8 **ECHR** "Right to respect for private and family life"

Article **7 Charter of fundamental rights of the European Union** "Respect for private and family life"

Directive 2003/86/EC on the right to family reunification

Preamble 4 to Directive 2003/86/EC: "Family reunification is a necessary way of making family life possible. It helps to create sociocultural stability facilitating the integration of third country nationals in the Member state, which also serves to promote economic and social cohesion, a fundamental Community objective stated in the Treaty."

In the **Communication from the European Commission to the European Parliament and the Council** on guidance for

application of Directive 2003/86/EC on the right to family reunification, it is stated that the Directive recognises the right to family reunification and determines the conditions for the exercise of this right. Even though member states are recognised as having a certain margin of appreciation, member states have to respect the principle objective of the Directive, this is, to promote family reunification. Therefore, derogations must be interpreted strictly.

Family reunification is in many respects the best established legal channel for legal migration to the EU:

- ✓ It allows family members to reunify, respecting the rights in the Article 8 of ECHR and Article 7 of the Charter;
- ✓ Authorities have enough time to assure people proper spaces and accommodation and to set up integration programmes, since it takes between 6 months and 1 year for the application to be processed.

Not having a functional family reunification policy implies that:

- ✓ People have to return to dangerous places to see their families;
- ✓ Delaying the enjoyment of their right to family reunion also denies effective protection to family members in camps and conflict zones;
- ✓ Reunification becomes a long and frustrating process, which affects integration.

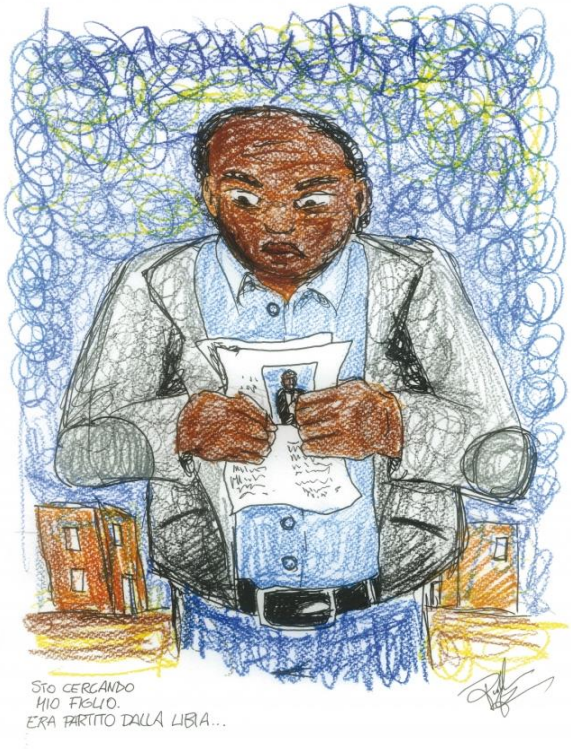
Churches in Europe are strongly underlining that life in a family is an essential element of human existence. There is

an urgent need for enforcement of EU legislation in this field:

- ✓ To ensure that all beneficiaries of protection already in the EU enjoy the right to family reunification without onerous conditions or waiting periods. There should be no distinction between subsidiary protection and refugee status with respect to family reunification rights;
- ✓ To provide more flexible and generous opportunities for family reunification;
- ✓ To remove practical obstacles. In 2012, UNHCR reported that despite the more favourable provisions for refugee family reunification set out in EU legislation, "throughout Europe, many practical obstacles in the family reunification process lead to prolonged separation, significant procedural costs and no realistic possibility of success". This means that refugees' apparently privileged access to family reunification is often ineffective;
- ✓ To use a broader concept of family. For example, the right to family reunification of unaccompanied minor refugees only extends to their parents. Where it does not extend to other family members, this often leads to great hardship and family separation, as parents must choose to leave behind other children if they wish to avail themselves of the right to reunification with an unaccompanied minor.

VI. Concern: Missing Migrants - the right to be identified

"International borders are not zones of exclusion or exception for human rights obligations. States are entitled to exercise jurisdiction at their international borders, but they must do so in light of their human rights obligations. This means that the human rights of all persons at international borders must be respected in the pursuit of border control, law enforcement and other State objectives, regardless of which authorities perform border governance measures and where such measures take place" (OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders).



Francesco Piobbichi/Mediteranean Hope

What are states' obligations?

Art.1 ECHR

"States have obligations to ensure and respect the rights of everyone within their territory and subject to their jurisdiction, power and effective control".

Article 2(1) International Covenant on Civil and Political Rights

"Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

Families' rights in relation to burial of a relative may be protected as a matter of private and family life [**ECHR art. 8** "Right to respect for private and family life"]. In the absence of a direct duty to respect the rights of someone who has died, families may be able to argue that the ill treatment of their deceased relatives, or the intentional and deliberate withholding of information, has violated their own rights; they may then be entitled to protection as the indirect victims of inhuman and degrading treatment by the state [**ECHR art. 3** "Prohibition of torture"]. In either situation, where there is discrimination, there may be a breach of **ECHR art. 14** ["Prohibition of discrimination"].

In comparison with the detailed and specific rules for dealing with the dead and missing in International humanitarian law (IHL), the application of International Human Rights Law (IHRL) to death and loss in the course of international migration is as yet undeveloped. Although IHRL protects migrants, it has seldom been applied in situations of border death or loss in the course of migration. These deaths appear to have been seen as an exception to what is otherwise common practice, and the human rights duties of states have not been clearly understood or

articulated. Nonetheless, all states in the European region have a clear duty according to the ECHR and the Covenant. Moreover, although IHRL does not contain a specific provision requiring states to investigate deaths, international judicial bodies, including the European Court of Human Rights and the Human Rights Committee, have ruled that in order to protect the right to life, alleged breaches of the right must be investigated.

"It is scandalous to think about the diversity of treatment we reserve for these deaths, compared to the deaths of any air disaster in Europe or in the developed world"[11].

In the absence of even basic information about the whereabouts of their loved ones, families of missing migrants are trapped in a state of ambiguous loss which does not permit them to start the mourning process. In case relatives are in the EU territory, this can be also interpreted as a violation to article 8 of the ECHR.

There are few noteworthy attempts developed to give back migrants their dignity and identity. These can help increasing awareness in relation to this situation:

1. **Trace the face – Migrants Europe** – Red Cross to facilitate the reconciliation of family and take survivors out of the uncertainty of whether their loved ones are dead or alive;

---

11 Cristina Cattaneo è un medico legale, un'antropologa forense e dirige il laboratorio di antropologia e odontologia forense (Labanof) dell'Istituto di medicina legale dell'università statale di Milano + (http://www.thelancet.com/journals/langlo/article/PIIS2214-109X(16)30106-1/fulltext)

2. The Italian functional model

In 2014, the Italian Office of the Commissioner for Missing Persons joined forces with academia, and together with forensic pathologists and scientists from the University of Milan, did a pilot study of the 386 victims of the Lampedusa migrant shipwreck disasters of October 3 and 11, 2013. Thanks to this project, families of 66 people missing in those disasters were able to travel to Rome and Milan to be interviewed and provide data useful for identification to be matched with data from the deceased: 50% of those missing from this disaster have so far been identified and their families provided with death certificates.

This way, finally, a functional model has been provided and the beginning of the long road towards the reconciliation of these forgotten dead victims with their loved ones has been paved, thanks to one governmental office coming together with academia for a humanitarian cause.

It is necessary to standardize the collection of information about missing migrants and dead bodies at national and transnational levels, and establish clear pathways so that data is collected, accessed and exchanged for the sole humanitarian purpose of clarifying the fate and whereabouts of missing migrants and informing their families, in accordance with internationally accepted data protection and forensic standards.

CCME and CEC since 2009 each year encourage their membership to commemorate those who have died on the

way to Europe on a Sunday close to World Refugee Day 20th June. A collection of information and liturgical material is made available every year.

VII. Concern: integration – a two-way process?

> *"The stranger is not the wanderer who comes today and goes tomorrow, but rather a person who comes today and stays tomorrow"* (Simmel 1908:134)

The increase in asylum seekers arriving in Europe in 2015 led to an understandable focus on their immediate reception and the processing of their asylum claims. In this context, the long-term challenge of promoting successful integration into new host societies has often been ignored or side-lined. But immigration is a permanent feature of European society and even though a high inflow of migrants and refugees poses a major challenge to the EU as a whole, there is also the need to focus on integration policy research, to define migrants' position in the society of today and tomorrow. This should help to develop comprehensive integration policies based on obligations and right of all parties involved.

Immigrant integration policies are a national competence. However, since the signature of the Treaty of Lisbon in 2007, European institutions have the mandate to 'provide incentives and support for the action of Member states with a view to promoting the integration of third-country nationals.' In fact, it is vital for Member states to maintain and further develop societies in which newcomers feel welcome, defined by a spirit of mutual understanding.

Article 79(4) Lisbon Treaty

For the first time, there is a legal basis for promoting integration at EU level:

"The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States".

EU Common Basic Principles 2004

The Common Basic Principles for Immigrant Integration Policy in the EU were adopted by the Justice and Home Affairs Council in November 2004 and form the foundation of EU initiatives in the field of integration.

- CBP 1 'Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States',
- CBP 2 'Integration implies respect for the basic values of the European Union',
- CBP 3 'Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible',
- CBP 4 'Basic knowledge of the host society's language, history, and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration',

▪ CBP 5 ‘Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society’,

▪ CBP 6 ‘Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration’,

▪ CBP 7 ‘Frequent interaction between immigrants and Member state citizens is a fundamental mechanism for integration. Shared forums, intercultural dialogue, education about immigrants and immigrant cultures, and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens’,

▪ CBP 8 ‘The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law’,

▪ CBP 9 ‘The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration’,

▪ CBP 10 ‘Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public policy formation and implementation’,

▪ CBP 11 ‘Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate

progress on integration and to make the exchange of information more effective.'

The Action Plan on the integration (June 2016) of third country nationals is the latest goals setting document published by the European Commission. It provides a comprehensive framework to support member states' efforts in developing and strengthening their integration policies, and describing concrete measures the Commission will implement in this regard.

Labour market integration

Labour market integration happens over time and depends on the general policies, context, immigrants' skills and reason for migration. There is, moreover, a significant difference across countries in terms of access, support and rights. Generally, and unfortunately, migrant workers' exploitation is not an isolated or marginal phenomenon but is pervasive in everyday life. In addition to that, third-country nationals living in the EU face significant barriers when entering the labour market. They are also more at risk of poverty or social exclusion compared to natives, even when they are in employment. Among others, migrants face important obstacles especially due to language barriers, different work habits and their uncertain status in the labour market.

Directive **2000/43/EC** – the Racial Equality Directive prohibits discrimination on grounds of race and ethnic origin and covers, *inter alia*, the fields of:

- Employment and occupation;
- Vocational training;

- Membership of employer and employee organisations.

Action Plan on the integration (June 2016) identifies labour market integration as a key priority:

The **European Social fund** is the main funding instrument supporting labour market inclusion, including of migrants.

Employment and Social Innovation (EASI)

Fund for European Aid to the Most Deprived (FEAD)

The **Asylum Migration and Integration Fund (AMIF)** provides also funding for preparatory measures to access the labour market.

To foster labour market integration, it is necessary to identify the competences of the migrant to integrate him/her at best in the labour market and to promote their participation and membership in trade unions. On a positive note, according to the MIPEX, labour market mobility is one of the few areas of integration policy where the majority of countries are continuing to invest in reform, with improvements in 20 countries since 2010 (on average +6 points).

The successful integration of third-country nationals in the EU labour market represents an opportunity for our societies. When effectively integrated they can help improve the functioning and performance of the labour market, as well as support fiscal sustainability. In this

process, the role of economic and social partners, and in particular of employers, is crucial.

Churches have supported the full application of the common basic principles, underlining that the notion of integration as a two-way process needs to be the guiding principle. They have underlined that anti-discrimination policy must be an integral part of any integration policy.

VIII. Concern: Indirect, hostile and stereotyping narrative

Communication is a strong tool for communities to exist in a meaningful way and it strengthens human dignity and allows people to express themselves fully. Therefore, it must be regarded as a fundamental tool for participation in local, national and international development plans. Such plans must take into account:

- its *economic dimensions*, because communication is strongly related to the access to electronic media;
- its *social dimensions*, because of the means it provides to building citizenship;
- its *political dimensions*, because it involves the participation of all.

As can be seen in the following paragraphs, freedom of expression is defined as a human right. Although access to communication services is not identified as a specific human right by itself, the Treaties cover many dimensions of communication, including the media and access to information.

ARTICLE 10 (1) ECHR - Freedom of expression

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises".

ARTICLE 19 (2) International Covenant on Civil and Political Rights

"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

Communication Rights refer to the rights of all people to express themselves individually and collectively, and are thus vital to full participation in society. Communication rights are essential for the creation of an effective cycle of communication, involving not only the creation of content, but also being heard, listening, responding, understanding, and learning. They go beyond freedom of opinion and expression to include areas such as democratic media governance, media ownership and control, cultural diversity, linguistic rights, and the right to education, privacy, peaceful assembly, and self-determination.

How are migrants and refugees labelled in the media?

In European societies, the way in which people see migrants depends consistently on the image portrayed by the national governments and media, which is too often far from the reality. According to the **Council of Europe report DG1(2017)03**, in the media refugees have a limited

opportunity to speak directly of their own experiences. Instead, most of the time, they are spoken about and represented in images as silent actors and victims. This aspect is particularly important to take into account, because direct quotes imply a more truthful representation of the person's words and therefore a more accurate representation of the person in the media. Nevertheless, the opinions of refugees are rarely represented and they are often addressed as mere category and faceless floods, with no further information about their identity.

Consequently, from this highly limited description, refugees emerge as an anonymous, unskilled group. They are 'the other' to the presumed reader of the press and this limited characterisation shapes the discourse surrounding the refugee crisis for both European audiences and stakeholders.

In the context of refugees, the right to communicate implies that:

- ✓ They are adequately and respectfully portrayed by the media; preferentially quoted
- ✓ Each person has his/her individual personal story acknowledged, going far beyond the refugee or migrant label;
- ✓ The debate on migration and asylum in Europe includes the voices of those who are most affected by it.

The World Association of Christian Communication and others holds that access to communication is part of the right to development. Therefore, churches have stressed the fact that sectors that have historically been

marginalised must have effective access to communication and information. At present, there is a strong concern about the lack of direct voices of refugees and migrants in the press and about the consequences of this lack. As demonstrated in the WACC and CCME Refugee Reporting project, "invisibility to the public often goes hand in hand with a lack of understanding of the reasons pushing people to leave their countries, which in turn can lead to a lack of tolerance, especially towards certain communities". (www.refugeesreporting.eu)

IX. Concern: Xenophobia and exclusive societies

> *"[...] In times when discrimination, prejudice, racism and xenophobia are rising, there are legal, moral and economic imperatives to upholding the EU's fundamental rights, values and freedoms and continuing to work for a more cohesive society overall [...]"*[12]

Equality and non-discrimination are core values enshrined in the Treaties and the Charter and implemented in EU legislation. After the entry into force of the Lisbon Treaty in 2009, the EU mandate to promote integration was reinforced, as was the EU support to member states efforts to integrate third-country nationals, since the responsibility for actually implementing relevant strategies, measures and actions lies with the member states.

[12] European Commission Communication COM(2016) 377 final

Article 2 TFEU

"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail".

Article 21 of the Charter ("Non-discrimination")

Article 10 TFEU (Treaty on the Functioning of the European Union)

"In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".

Article 18 TFEU

"Within the scope of application of the Treaties, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt rules designed to prohibit such discrimination".

Article 45(2) TFEU

"Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment".

An EU Fundamental Rights Agency survey published in 2009 revealed that more than one third of migrants in the EU felt discriminated against because of their minority background in the year prior to the survey. According to the **EU-MIDIS II** (2017), for many, discrimination keeps being a recurring experience.

Nationality-based discrimination against third-country nationals is explicitly prohibited in Belgium, Bulgaria, Cyprus, Finland, France, Hungary, Ireland, Italy, the Netherlands, Portugal, Romania and the United Kingdom. This means that everywhere in the EU third-country nationals are protected against discrimination on grounds of their ethnic or racial origin, but not on the basis of their nationality or their migrant and residence status[13].

How can we fight discrimination, xenophobia and, more in general, exclusion?

The rising importance of the issue of integration in policymaking in many cases led to the transfer of decision-making from the national level to the local level. Indeed, the local scale corresponds to the arena where migrants settle, engage in interactions with the local population, work and live. Therefore, scholars have emphasized the role

[13] Although this form of discrimination is gaining importance as a norm of international European (human rights) law, in the frame of a reinterpretation of article 18.

of local authorities in integration policymaking and policy implementation. Member states should therefore consider the multi-level governance approach, whereby the stakeholders at different levels (local authorities, regional and national authorities) cooperate closely according to the partnership principle. In fact, if on a side local authorities may face some challenges in accessing EU funds due to administrative capacities, on the other, local authorities are much closer to the people and may identify their needs better. Funding authorities are encouraged to involve local authorities as much as possible throughout the programming and implementation of EU-funded measures. It is obvious that the often fairly pragmatic approach of local actors must be governed by overarching policy aims related to national or EU law. Local actors should for example closely monitor how policy aims and laws like equality and anti-racism can be translated into local reality.

X. Myths and realities on migration in Europe

Considering all the above, it can be stated that the border management policies and practices are strictly related to a securitarian approach to migration, which increments and depends on diffused and unfounded fears:

a) "Not everyone who comes to Europe needs protection"

Many people leave their homes in an attempt to improve their lives. These people are often referred to as economic migrants, and if they do not have a legitimate claim to protection, then national governments have an obligation to ensure that they return (either voluntarily or with use of

coercive measures) to their home country, or to another country through which they have passed.[14]

Reality:

The unprecedented level of mobility has led to debates in political spheres, the media and in the public arena on the proper terminology to qualify the various types of migrants. In those discussions, the concept of 'refugee' is almost always opposed to 'economic migrant' and it is reflected also in the EU migration policies. However, this dichotomy is not only unfortunate – given its oversimplification – but inaccurate.[15]

The key element of this differentiation between these two groups lies in the voluntariness or not of the act of emigrating, without taking into account the convergence of different factors. Traditionally there has been a distinction between forced and voluntary migration, which however is increasingly called into question. Following the 1951 Refugee Convention only those considered "forced migrants" have been considered as in need of international protection.

Mixed migration
Flows consisting of various categories of migrants with different motivations and different protection needs who travel together along the same migration routes, using the same means of transport and relying on the same smuggling networks (Emanuela Roman).

More and more migration experts argue that it is becoming difficult to argue that someone fleeing from persecution or war is a legitimate, real refugee

[14] http://publications.europa.eu/webpub/com/factsheets/migration-crisis/en/
[15] https://weblog.iom.int/false-dichotomy-between-%E2%80%98economic-migrants%E2%80%99-and-refugees

whereas someone whose economic future or environment has been destroyed has no legitimate claim to a livelihood in another part of the world. In a European context it is also worth noting that the economic and environmental degradation in many parts of the world is due to the unsustainable impact of Europe and other industrialised countries on the economy and ecology in other parts of the globe.

b) "We are confronted with an invasion"/"Everybody is coming to Europe"

Reality:

The broadcasted images of the boats arriving to Sicily or the Greek islands, combined with a mix of domestic socio-economic crisis and the emergence of terrorism all over Europe, have contributed to send the message that Europe is facing an invasion and tasked to resolve the global refugee crisis. This together with the securitarian approach chosen by the EU contributes to the general alarmism and fear throughout Europe. The problem is that these considerations lack a global and realistic perspective. What does the data tell us?

- ✓ For the third consecutive year, Turkey hosted the largest number of refugees worldwide, with 2.9 million people;
- ✓ Lebanon continued to host the largest number of refugees relative to its national population, where 1 out of 6 people was a refugee. Jordan (1 in 11) and Turkey (1 in 28) ranked second and third, respectively;
- ✓ In the year with the highest number of asylum applicants' arrivals 2015, the year of the so called "refugee crisis" an

estimated 1.1 million have asked for asylum in the EU. This is less than a quarter of the total 4.7 million immigrants registered in the 28 EU member states in 2015.

As the data shows, the real “refugee crisis” is taking place outside the EU. The number of asylum seekers arriving in the EU would have been manageable with the necessary political will and preparation. Most migration to EU countries is far less dramatic than the TV images would suggest.

c) “They steal our jobs”

Reality:

Throughout Europe it is common to hear that migrants represent a threat for local workers, among other reasons, because they steal jobs. In reality, the increasing number of the population with a migration background does not necessarily mean that the number of jobs available for the local communities will decrease.

For example, the latest “Report on the economy of immigration", by the Leone Moressa Foundation, shows how in Italy this misconception is unfounded. According to reports, from 2008 to 2016 the presence of foreign workers became increasingly evident, from 1.7 million to 2.4 million (+ 41%). During the same period, their share of the total number of employees increased from 7.3% to 10.5%. However, immigrants are mainly employed in medium and low-level jobs. In fact, over a third of foreigners (35.6%) exercise non-qualified professions,

29.3% work as a skilled worker and only 6.7% are qualified professionals.

These data show how the increasing education of the Italian population and the greater participation of women in the labour market have pushed the labour market towards higher specialized professions. The official ISTAT data on the labour market show that immigrant employment and employment of autochthonous in Italy are only partially competing and predominantly complementary.

In fact:

- ✓ By and large, immigrants take jobs that local population do not want to do (or highly skilled jobs that helped to generate work for others);
- ✓ New immigrants fill labour shortages and keep markets working efficiently;
- ✓ According to the Migrant Integration Policy Index MIPEX, in the average European country, 1/3 of working-age non-EU citizens is not in employment, education or training;
- ✓ In terms of employment quality, long-settled non-EU immigrants are often still in worse jobs than non-immigrants, with the high-educated twice as likely to be over-qualified for their jobs and the low-educated 2.5 times as likely to be living in poverty and high-educated men and women are much more likely to be working below their qualification.

d) **Family reunification is a strong pull factor**

Situation: over the past years, restrictions for refugees and beneficiaries of subsidiary protection have increased dramatically for refugee destination countries, such as Austria, Belgium, Finland, Germany, the Netherlands, Norway and Sweden. Their inclusive family reunion policies are being misinterpreted as major "pull factors" and new restrictions and delays are seen as necessary to build state capacity for integration. Due to this misinterpretation, they are restricting eligibility to the modern nuclear family and expecting transnational families to live up to standards that many national families could not: higher age requirements to marry, high income requirements, no dependence on social benefits, and tests about their language skills and social knowledge, all with disproportionately high fees to pay and little support to succeed. Increasingly, countries make exceptions to the legal conditions for those ablest to meet them (highly-skilled workers and the wealthy), but only rarely for those most vulnerable (usually for minors and beneficiaries of international protection).

Reality Transnational couples are one of the main potential beneficiaries for family reunion, but, in reality, they are rarely identified through statistics and assisted to reunite. In fact, family reunion is increasingly politicised, debates are built around urban myths and policies are mostly restricted based on statistics about the number of applications, not on evidence of their impact on integration.

The data:

- According to 2011/2 estimates from 17 European countries, 5-7% of non-EU citizen adults were not living with their

spouse or partner, a much higher level of "living apart together" than for national citizens;

- Non-EU family reunion is relatively rare in the EU. Out of every 100 non-EU residents in the average EU country, only 2.2 are newly arrived non-EU family members;
- In Germany, it is estimated that the profile of Syrian refugees was such that between 0.9 and 1.2 family members could ask for reunification. In the Netherlands, the estimate was 1.2 family members. Notably, this contrasts sharply with the repeated suggestion in the media debate that three or four family members would join each refugee.

How can churches intervene and make a significant improvement to the current situation?

On more than one occasion, it was reiterated how important it is to intervene at local level, where civil and social actors, such as churches, can bring an added value. Experience of the last years have shown how important churches have been in the welcoming of refugees, but also how much church life has profited from the work for and with refugees (see Church of Sweden: Spaces of encounter, 2017). In many countries, churches are not only important actors in urban settings, but even more so in rural environments where often no other social actor is present – thus they often are the locations of refugee reception facilities.

In fact, spiritual life is often a priority in many conflict-affected communities, perhaps especially in situations of displacement. Furthermore, in many places the church is indigenous to the location, in contrast to an international

entity arriving after displacement occurs. This local presence encourages trust and a sense of mutual identity with the local community. Furthermore, refugees and other displaced persons turn to the churches for assistance even when they are from other faith backgrounds. This said, what can churches do in concrete?

Churches have a long standing tradition of providing assistance and advocating. Their intervention can focus especially on two steps of the whole process:

1. Before arrival/on the country of origin

Churches can work as connections with communities and organisations in countries of origins, informing people on other ways of coming to the EU or promoting private sponsorship. They can advise on ways of smarter, safer travel and provide contacts in the countries of destination.

2. In the host society

Generally, local faith communities play a crucial role in the reception and welcome of refugees. Churches become an important reference point for migrants in the host society and, most of the times, religious connections are the first social relation people form upon arrival.

From the refugee/migrant perspective, the first contact with the religious community results to be crucial. For this reason, local churches have to function and be an inclusive and welcoming community. They can:

- Encourage talks, discussions or training on negative stereotyping in staff meetings and training sessions;

- Aim for a certain number of migrant social workers to be employed;
- Help asylum seekers to connect not only with locals but also with other immigrants of their own culture. This would be helpful to avoid the experience of isolation and to let the asylum seeker gain a sense of being loved and be able to share his/her situation with other people. By doing so, churches support connections between people and contribute concretely in avoiding homelessness, exploitation and trafficking.

Against this background, the Churches' Commission for Migrants in Europe, the Conference of European Churches and the World Council of Churches on 9th September 2015 in a joint letter reiterated "the call of the governing board of the Conference of European Churches, which had requested churches in Europe in its statement "Do not forget to show hospitality to strangers" of 3rd June 2015:

- "To continue to pray for those who flee conflict, war and destruction
- To commemorate those who have lost their lives on their way to Europe and use material developed for the annual day of commemoration proposed by CEC and CCME for 21 June 2015
- To continue to work on addressing the root causes of forced displacement
- To build up capacity to welcome refugees. We commend the examples given by churches in the Mediterranean and elsewhere

- To provide places where fears about the arrival of strangers can be discussed and constructive ways of living together can be found
- To cooperate in changing policies in the EU and associated states from migration deterrence to those putting the human at the heart of migration policies. This could happen in part by cooperating with CCME in the "safe passage" project
- To address national governments and responsible authorities in EU member states in order to support such human centred migration policies."

Also in June 2015, with its "statement **on responses to migrant crises",** the World Council of Churches invited

"WCC member churches and ecumenical partners, together with all people of goodwill, to promote a more open and welcoming approach to the 'stranger' and to the neighbour in need and distress, and to help receive and care for refugees and migrants in full respect for their God-given human dignity."

CCME, CEC and WCC noted "In the last months, Europe has seen a widespread movement of solidarity with refugees. Activities included (a non-exhaustive list)

- In Greece, churches are in many places supporting newly arrived refugees. On the Aegean islands, some parishes are providing for the basic needs for those arrived through neighbouring Turkey. On the Greek mainland churches are helping in manifold ways ranging from soup kitchens to providing needed items for refugees in reception centres. This emergency help

is accompanied by legal support services particularly by the Ecumenical Refugee Programme of the Church of Greece.

- In Hungary, the Reformed Church has been catering in various ways for refugees and is currently providing medical services in one of the country's refugee camps. Also the Lutheran Church and the Hungarian Interchurch Aid have acted in this emergency situation.
- Church-related humanitarian aid agencies in the Nordic countries and Germany have decided to engage and help improve the reception of refugees in Southern European countries. Calls for donations have been launched and the agencies are rolling out their work in cooperation with partners in the region.
- In the UK, various church leaders have spoken out on the refugee crisis at Calais near the Eurotunnel, calling for compassion and humanitarian responses to the situation.
- In Germany, churches have in various ways initiated and supported local initiatives supporting refugees. Synods have spoken out in favour of refugee reception and resettlement, and churches are generously donating money to solidarity activities in other countries.
- In Sweden, churches are providing the ground for a continued reception of refugees under the heading "make space!"
- In Italy, the Federation of Protestant Churches is monitoring the situation on the island of Lampedusa and providing reception and meeting spaces between

local population and newly arrived refugees in Sicily. Churches are playing an important role in the reception of refugees throughout the country.

- In the Czech Republic, the Evangelical Church of the Czech Brethren appealed to the government to allow for the resettlement of Syrian refugees with special needs.
- The Protestant Church in the Netherlands has in a public statement assured the state authorities of its support in securing reception places for refugees in the municipalities and asked for safe and legal pathways into Europe.
- Churches from Denmark, Germany, the Netherlands, and other countries have sent solidarity delegations to Italy or Greece to express their support to the churches in these countries and their work for refugees.

The call also provided argumentation for advocacy work and called for more coordination and cooperation.

ccme

churches' commission for migrants in europe