

*Jesuit Refugee Service
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**“Current Political Visions for
Migration and Asylum in Europe”**

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In November 2004, the Heads of State and Government formulated the second multi-annual programme for Justice, Freedom and Security, known as The **Hague Programme**, establishing the main orientations in this field for the next five years. This is the follow up to the Tampere agenda, of 1999.

On the basis of this, the Commission has prepared an Action Plan which will, in effect, constitute our road map for the next five years.

The Action Plan lists concrete measures, and each measure is accompanied by a precise deadline in order to better plan the development of an area of freedom, security and justice and monitor its progress. More than 80 legislative proposals are included in the Action Plan, of which 32 will be realized in 2005. The Action Plan involves policy areas which are central to citizens, as they have a direct impact on their daily lives. In particular these are asylum, immigration and integration policies.

Regarding asylum and immigration, the Action Plan points the way towards a common European asylum system and a new approach towards migration management. The ultimate decision as to how many migrants may be accepted in each Member State must of course remain a national decision. But the plan recognises the need for a policy mix which takes into account the economic and demographic evolution of Europe, and enhances the fight against illegal migration and trafficking in human beings.

Improving the rights and status of legal migrants within the EU is a cornerstone of this approach. In particular, a successful integration policy is vital to the success asylum and migration policy, and to ensuring continued public understanding and support. Our societies enjoy the benefits of immigration, and that the persons who come to the European Union in search of better conditions should do so in safety and tranquillity. We need to avoid isolation and social exclusion of immigrant communities, and encourage exchanges of experience and information between Member States.

At the same time, a balanced approach requires the EU to further strengthen the fight against illegal migration. This is fundamental to the credibility of EU migration policy and the recently adopted proposals on return will play a major part in this fight.

Partnership with third countries of origin and transit is also of the utmost importance, in order to address the causes of immigration. We are currently in close contact with a number of countries of origin and transit and we intend to speed up the conclusion of readmission agreements which

are under negotiations with Russia, Ukraine and Morocco. Good progress is also expected with Turkey, China and Algeria.

Regarding external borders, the establishment of an External Borders Management Agency has been extremely important, as are the proposed border management fund and the creation of teams of national experts. Concerning visa policy, work is to proceed in several areas, such as document security (using biometric identifiers) and looking at the possibility of establishing common visa offices in the long term. We have also adopted the proposal for a Visa Information System, which will prove a powerful tool in controlling our borders and in minimising the phenomenon of “visa shopping”.

There is a need for a holistic approach towards migration. Community action must fit smoothly into a genuine management of migration issues, requiring clear consolidation of legal immigration channels and of the situation of legal immigrants, the fight against illegal immigration, an effective and generous asylum system based on rapid procedures offering access to true protection for those needing it, enhanced dialogue with third countries which will increasingly be invited to be partners in dealing with migration and vigorous integration policies.

On 1 September, the Commission adopted an important and comprehensive package of four concrete measures touching upon return, integration, migration and development and regional protection programmes. This “package approach” of linking interrelated issues is a good example of how the Commission wants to steer European migration policy development in the years to come.

EU policy on legal migration

But let me spend some more words on EU policy in legal migration.

The purpose of the Green Paper on an EU approach to managing economic migration which was published at the beginning of the year, was to launch a wide public debate on the future of our common legal migration policy, specifically on which rules should be adopted at EU level for the admission of migrants for paid and self-employment and on the added value of having such a European approach.

The approach chosen proved to be the right one since we could learn from the relevant stakeholders their needs and concerns, as well as hear their views and receive valuable input. The Commission received almost 130 contributions from Member States, social partners, NGOs, etc.

The outcome is being used as a basis for the Policy plan on legal migration, including admission procedures, that the Commission will present before the end of the year, as requested in the Hague Programme.

I would like to share with you some **reflections on the way forward**, and with the specification that we are still internally discussing on the precise steps to be taken:

The Commission is convinced that **Europe will need more migration**, since labour and skills shortages are already noticeable in a number of sectors and they will tend to increase. **Demographic projections** indicate that a decline in employment in the order of 20 million workers for EU-25 can be expected between 2010 and 2030 as a result of demographic change. This phenomenon will undoubtedly affect some Member States more than others. Nevertheless, it is a common trend requiring a coordinated response.

Obviously, **immigration is only one of the solutions** to compensate for demographic ageing and to sustain the growing costs of our welfare systems. First and foremost, the EU must tap into its existing human resources (EU nationals and third-country nationals already resident in EU territory). Here the importance of the Lisbon Strategy.

Saying that we need to tap into our existing resources inevitably leads us to the issue of the **transitional measures** which are presently limiting the freedom of movement of the **citizens of the new Member States**. This is a really important issue on which we need to further discuss in the EU. The Commission will take this important issue into account when defining the future steps of our legal migration policy, but the existence of the transitional periods cannot block it.

Volumes of admission of third-country nationals seeking work in the EU are - and will – remain the responsibility of Member States. It needs to be clear in our minds that **decisions to admit third country nationals are no longer the exclusive remit of each Member State. Such decisions affect other Member States** and the EU labour market as a whole. It is sufficient to consider the impact of acquired rights (such as the right to travel within the Schengen area, to deliver services in other Member States or to move to another Member State for long-term residents) to understand that the situation has changed. This “political difference” has encouraged Member States to review their national positions and to discuss a common way to proceed.

The European Union must therefore **aim at efficient and effective management of legal migration flows** and, at the same time, fight illegal migration in all its dimensions, in particular as concerns the trafficking of human beings and organised crime. We also need to intensify our efforts aimed at **reducing the informal, black economy**, which acts as a “pull factor” for illegal immigration, often leading to exploitation.

Migrants are not only important for our economies, but also for the cultural and social development of our societies. Migration and **integration** policies are inseparable. That is why integration is such an essential part of our policies. Last month the Commission presented a Communication proposing concrete ideas to implement the common basic principles on integration.

Given the above, the Commission thinks that we must take a **rights-based approach** and provide migrants legally working – and contributing – in the EU with a **secure legal status**. The single application and permit and equal conditions with our nationals in a number of areas (working rights, health, etc) are essential elements.

As to the **scope of the EU intervention**, this is a really sensible field for Member States, unanimity is still the rule and harmonisation must be a step-by-step process. We will thus need to **concentrate at first on those issues for which there is a clear European added value**, such as, for example, on a secure legal status for all regular migrants and on highly skilled migrants. An European Green card system or job-seekers permits would be difficult to agree for the time being.

Not less important are what the Green Paper called “**accompanying measures**” . An effective migration policy must be comprehensive and take into account all the different issues involved.

Information on our migration policies and on the legal possibilities to work in Europe need to be fostered, as well as pre-departure measures, like language and cultural courses.

Effectively managing migration flows and making immigration a success for all the actors involved needs strengthened **dialogue and cooperation with the countries of origin**. This should not only aim at improving the recruitment of migrant workers (or the fight against illegal immigration and trafficking), but also finding ways to promote circular migration, limit the worse effects of brain drain, encourage migrant’s entrepreneurship in their countries of origin, facilitate remittances, etc.

Finally, combating **illegal migration** and fostering an **EU return policy** are fundamental elements to ensure a balanced migration policy. In this respect, the Commission recently presented a **proposal for a directive on the return** of illegal migrants: it is the first instrument in this field to be subject to the co-decision procedure. The basis must be a return policy which is humane and respects the dignity and rights of persons. Priority should be given to voluntary return. Common minimum standards have recently been proposed and a Return Fund is to be established by 2007.

But illegal migration will not be part of the Policy Plan: a **Communication on future priorities on illegal migration** will be issued in **2006**.

Asylum

But let me know concentrate on the future perspectives for asylum policy.

With the adoption of the Directive on a common definition of who is a refugee or otherwise requires international protection and the rights and benefits which attach to each status – which we call the Qualification Directive - and the Directive on minimum standards on the processing of asylum applications – the Asylum Procedures Directive, the first stage of the Common European Asylum system is complete and the EU now needs to decide which steps to take next, in which direction should we proceed and how quickly should we take those steps.

The four main legal instruments on asylum – the Reception Conditions Directive, the Asylum Procedures Directive, the Qualification Directive and the Dublin Regulation all aimed at this general objective – to level the asylum playing field and lay the foundations for a Common European Asylum System, and ensure that our citizens could have confidence in a system that gave protection to those who required it and dealt fairly and efficiently with those without

protection requirements. Those foundations are now laid – but there is still work to be done before we have a truly common approach.

We now face a period of transposition, implementation and evaluation of the current measures. As Guardian of the Treaty it will be the Commission's first task to ensure that transposition of the Directives takes place accurately and in time and to monitor and report on what has been done.

The European Court of Justice will also have a key role to play and its rulings on interpretation of the framework legislation will also contribute to uniform interpretations of the agreed texts.

When the Asylum Procedures is finally adopted later this year we will be able to move forward under a new institutional framework with Qualified Majority Voting and co-decision of the European Parliament in accordance with the amendments to the Treaty made in Nice in 2001.

Without that agreement further work on a common approach to asylum would certainly have been under question, because of the difficulties of bringing forward legislation on an issue such as this to be agreed by unanimity among an EU of 25 Member States.

Furthermore, the fact that decisions on legislation must be made in partnership with the European Parliament will only increase democratic control and legitimisation of our policies with the EU public.

It is very important that a period of assessment and evaluation of the first stage of the Common European Asylum System takes place. This will provide the platform on which the second stage will be built.

The Hague Programme takes up the challenge for taking forward the Common European Asylum System and looks to the establishment of the common asylum procedure and uniform status for those granted asylum or subsidiary protection, based on a thorough and complete evaluation of the legal instruments adopted in the first phase. The Commission is invited to adopt second phase instruments with a view to adoption by 2010.

The Hague Programme also recognises that practical cooperation between Member States will play an important part in fostering the necessary spirit of solidarity and responsibility sharing to achieve these goals.

The Commission is invited to establish appropriate structures to assist Member States achieve a Single Procedure, to standardize Country of Origin Information and to help address particular pressures arising from factors such as geographical location. These structures should lead to a European Support Office to oversee all forms of cooperation between Member States on the Common European Asylum System.

The main goal of reinforced practical co-operation will be to improve the quality of individual decisions by Members Sates within the framework of the rules set by the Community asylum legislation.

Improving quality is in the interest of both the Member States and asylum-seekers. Better quality decision-making, particularly at first instance, could reduce the proportion of challenges to negative decisions, with resultant cost and time savings.

Greater consistency in practice of Member States as regards decisions on particular groups could help address one cause of secondary movement within the EU, avoiding asylum shopping.

The Commission will soon adopt a Communication on reinforced practical cooperation.

Burden sharing

It is also clear that Member States are faced with **increased pressures** on their asylum services and reception capacities due to mass arrivals at their **external borders**, of people seeking entry to the EU for one reason or another, some for protection.

This is an **issue** that needs to be tackled at **EU level**, if we want to ensure that all Member States continue to provide the high standards of protection set in the European Asylum System.

The Commission thinks that faced with increasing migratory pressures, the solution is not to deny refugees the right to seek asylum, but to **share the responsibility** for hearing their claims fairly across the EU.

The Commission will examine the possibilities to **adapt the ERF** to support Member States efforts to meet the demands and provide better financial solidarity. The creation of a **special emergency fund** should also be considered.

Alongside more focused financial support, the mechanisms of the **Dublin II Regulation** should also be examined in this perspective, in order to assess whether they need revised in order to provide a better basis for a fairer responsibility-sharing among Member States. This will form part of the **thorough evaluation of the Dublin system** which is going to be carried out next year.

External dimension

The Hague Programme has also given new emphasis to the external dimension of asylum and migration. It is a fact that the vast majority of refugees remain in their regions of origin in circumstances of extreme poverty and questionable safety.

The EU can no longer ignore the wider picture of global protection needs – we have come to realise more and more that asylum is a challenge that can only be tackled effectively if we try to ensure that those who need protection are able to access it as quickly as possible and as closely as possible to their needs.

In this context, the Commission has recently proposed the establishment of pilot Regional Protection Programmes, which comprise agendas of actions to enhance protection capacity in countries in regions of origin and a resettlement programme, to be developed in partnership with the third countries involved and in close cooperation with UNHCR.

The content of the first RPP should deliver direct benefits to refugees. A programme of 5 or 6 actions could therefore be envisaged which includes registration and other projects which are

focused on the delivery of practical benefits (training, infra-structure building, the provision of equipment etc).

You will be aware that it is our intention to implement the **first Regional Protection Programmes** in the **Western NIS (Ukraine, Moldova and Belarus)** in full partnership with the authorities in those countries.

The Western NIS is a region which is already the target of much Community assistance in the field of migration. **Asylum** on the other hand, has been **less prominent in the political agenda** of those countries, it is therefore important that the protection dimension is enhanced.

The main focus of EU action should be on **strengthening already existing protection capacity**, notably through the reinforcement of subsidiary protection, integration and registration, as well as core protection activities relating to case consideration and reception.

It will be equally important to complete our efforts by starting another pilot RPP in a **country close to a region of origin. Tanzania**, a region of origin where many refugees from neighbouring countries find shelter, will be our priority.

Discussions took place recently in Geneva between the Commission and the **Tanzanian authorities**, in order to identify broad areas where capacity needs to be built in order to help Tanzania in protecting the largest refugee population in Africa.

The fruitful dialogue already begun with the WNIS countries and Tanzania, will lead in the short term to the identification of concrete measures which will form the pilot programmes.

Regional Protection Programmes will be complementary and in no way aim to replace the **Common European Asylum System**.

Resettlement

As far as resettlement is concerned, the Commission believes this will be an **important factor** in every RPP in terms of delivering a Durable Solution outcome to refugees and demonstrating the **partnership** element of RPPs to the third countries involved.

However, at this stage it is difficult to envisage an ambitious initiative in this area. Resettlement is **new to most Member States**. We have to work to demonstrate its benefits and address the challenges.

The Commission is of the opinion that in developing an EU-wide resettlement policy we should take a **step-by-step approach** and the most efficient way to encourage Member States to begin or expand their resettlement efforts is by providing financial support.

This is why in the short term we intend to **amend the European Refugee Fund** so that resettlement under RPPs can be substantially financed by the Community. The amendment to the ERF will be proposed before the end of the year.

Once the first RPPs have been evaluated, we will examine whether there is a need for a more ambitious initiative on a EU wide resettlement scheme.