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# TOWARDS A BALANCED APPROACH IN EU MIGRATION AND ASYLUM POLICY

## 12 RECOMMENDATIONS

### ENSURE POLICY COHERENCE FOR MIGRANTS' RIGHTS

1. Migration and Asylum policy must respect the inalienable dignity of each human being and thus ensure respect for human rights. These crucial principles have to be upheld and defended – even in the framework of security concerns - and must not be undermined. The full compliance of European Union policy with international human rights obligations of the EU and its Member States must be ensured in shaping as well as in the transposition and application of EU law on migration and asylum.
2. When developing a global approach to migration, the European Union ought not to limit itself to restrictive measures against migration at and beyond EU borders but take into account the comprehensive external dimension of migration. We encourage the EU and its Member States to commit to the Policy Coherence for Development process, including the links between migration and development.
3. A European policy approach to the multifaceted phenomenon of migration needs to take into account the potential economic, social and cultural benefits and challenges of migration for European societies as well as for the countries of origin and transit. To ensure coherence between EU policies, home affairs, social affairs and education as well as foreign and development policies are of equal importance. Coordination and cooperation between these policy fields need to be improved and enhanced.

### DEVELOP A PROACTIVE AND HOLISTIC EU MIGRATION POLICY

4. The EU needs to develop an efficient and effective labour migration policy. This requires an approach that takes into account the demand on the EU labour market for a qualified as well as unqualified labour force and protects the rights of all migrant workers. Therefore we urge the Member States to ratify the International Convention on the Rights of all Migrant Workers and the Members of their Families. **Family unity** should be particularly protected and supported.
5. The EU needs a **common approach to integration policy** that promotes integration as a reciprocal process resulting in an inclusive and welcoming society. The increasing diversity should be acknowledged and respect for diversity actively promoted as a positive factor. In order to promote the active role of migrants in local community, political participation is a must. The EU should use its competence in the area of anti-discrimination to promote the social inclusion of all members of society.
6. **Combating Trafficking in human beings** should constitute a specific policy area in itself. Victims of trafficking should be offered safe solutions and long-term perspectives in order to enable them to live a self-sufficient life independent of their willingness to testify against the traffickers in court. In order to gather a comprehensive knowledge of the phenomenon more resources should be invested in research and the collection of data. We would strongly recommend the EU and EU Member States ratifying the European Convention against Trafficking in Human Beings of 2005.
7. The fact that restrictive migration policies contribute to irregular migration should be fully acknowledged. Under a set of common criteria, **regularisation schemes for undocumented migrants** should be seen as a means to improve the individual situation of the undocumented migrant. **These criteria should take into account the length of residence, family situation, if the person has a job, if removal is impossible and the potential risks for the person in her or his country of origin.** EU legislation should not **criminalize** migrants in irregular situations. **Humanitarian assistance** to undocumented migrants provided by Churches, Christian organisations and NGOs or public institutions should be protected from prosecution and administrative sanctioning.

8. A **common policy on return and readmission** needs to uphold the dignity of the person and provide viable prospects for the migrants. Thus there should be no forced return after 5 years of legal stay in the country of residence. To support voluntary return to the country of origin, **coherent reintegration schemes** need to be established. Readmission to a third country is only acceptable if strong personal links to that country exist or the person requests this as an alternative. Any return policy has to safeguard family unity and particularly children's rights. Detention of undocumented migrants and asylum seekers should be avoided.
9. The execution of any removal order or return decision should be carried out within a reasonable period fixed by law. Where removal cannot be effected within this period, the removal order or return decision should be cancelled or suspended and the person should be granted a legal status that allows for the exercise of rights such as access to the labour market, social housing, public health care and education, as well as to social assistance and benefits. If, after a reasonable period defined by law, the removal or the return decision still cannot be executed, the person concerned should have the opportunity to apply for a residence permit. These persons should not be detained.

#### **CREATE A COMMON AND COHERENT ASYLUM SYSTEM**

10. A European **right to asylum and subsidiary protection** should be established as soon as possible in the EU Treaty. Existing international law on the protection of refugees must be fully and correctly applied in order to achieve high standards in a **common EU asylum system**. Measures in the area of border management should not result in violations of fundamental human rights, such as the right of full access to a refugee status determination procedure within the EU with free and appropriate legal and interpretation services and the possibilities for appeal with suspensive effect.
11. The objective of all asylum policy and of other instruments for refugee protection should be to find durable and fair solutions for refugees. Asylum applications should be processed within 6 months; all asylum seekers should have **access to the labour market** after the shortest possible time. Refugees and persons granted a complementary protection status should be allowed to move in the EU without restrictions. We thus recommend to speedily amend the EU directive on long-term residence status to cover also refugees and persons with a complementary protection status while safeguarding special needs they may have. The duration of **temporary protection status** should be limited to 2 years maximum. We wish to encourage the EU and its Member States to enhance protection of refugees by providing durable solutions also through refugee resettlement.

#### **A GLOBAL APPROACH TO MIGRATION POLICY FOR A TRIPLE WIN**

12. Access to and the organisation of systems for legal migration demand a global approach, taking into account the possibilities and constraints of countries of origin, transit and destination and of the migrants themselves. The social and economic situation in these countries needs to be balanced with the interests of the persons concerned. Safeguarding the rights of individuals, improving their living and working conditions, cheaper and safe transfers of remittances, programmes to fight poverty and injustice require a strong commitment and action to address this wide range of issues. We therefore urge the EU to advocate for greater policy coherence in these areas at the level of the EU, but also on the global level.

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