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## **Contribution of the COMECE Working Group on Migration**

**To the preparatory hearing on 30 November 1999 in view of the  
European Parliament's debate on the area of freedom, security and justice (AFSJ),  
more specifically concerning migration and asylum policies**

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*Submitted by:*

- COMECE Secretariat
- CARITAS Europa
- Spiritualités, Cultures et Société en Europe (ESPACES)
- European Justice and Peace Commissions
- International Catholic Migration Commission (ICMC)
- Jesuit Refugee Service Europe (JRS-E)
- Office catholique d'Information et d'Initiative pour l'Europe (OC�PE)
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The COMECE working group on migration appreciates the opportunity to participate in the interparliamentary hearing organised by the European Parliament's Committee for Civil Liberties, Citizens' rights, Justice and Home affairs.

From the Church's long experience in welcoming refugees and migrants, we understand immigration as an opportunity for the cultural, social and economic enrichment of our society. We call upon the European Union to adopt a positive approach to immigration. Human mobility is not merely an emergency phenomenon, but a structural feature of society. The fact that immigration into the European Union is a reality has been implicitly acknowledged by the recent decisions of some Member States to give the "sans-papiers" on their territory a legal status.

### ***A comprehensive approach***

We welcome the recognition made by the Tampere Council that asylum and immigration are "separate but closely related issues". While a clear distinction must be made between the two, the absence of a realistic immigration policy, providing for long term solutions, places an extra burden on the current asylum system, which is almost the only legal possibility for entry onto the territory.

Certain measures contained within the action plans established by the High-Level Working Group on Asylum and Migration, such as the temporary work visas proposed in the action plan for Morocco, are the first step in the direction of such a migration policy.

Together with the European Parliament, we see the establishment of a “scoreboard” as an important means through which the effective implementation of the Vienna and Tampere Council Guidelines can be monitored. In terms of priorities, we highlight the following:

### ***Immigration***

We welcome the work undertaken by the European Commission in preparing a proposal for a directive on family reunion, and in particular we welcome its openness to the participation of civil society in the preparatory process. Given that family reunion is a right, according to the jurisprudence of the European Court of Human Rights, access should not be restricted by imposing financial preconditions. We agree with the Commission that the procedure should take no more than six months to complete.

### ***Refugees and asylum***

We welcome the Tampere Council’s commitment to the “absolute respect of the right to seek asylum” (Presidency Conclusions, art. 13). This respect necessitates that individuals in need of protection are entitled to access to the territory of the EU, unimpeded by measures taken against illegal immigration. Furthermore, these individuals must have access to a fair determination procedure based on “the full and inclusive application of the Geneva Convention”. In accordance with the UNHCR guidelines, we understand this to encompass the recognition of persecution by non state actors. Along with the European Parliament, we regret that the European Council missed the opportunity to agree on a Single European Asylum system with uniform status for refugees.

We support the work of the European Commission in devising a temporary protection regime for situations of mass influx of displaced persons. We reiterate, however, that refugees under this regime should still be able to avail of the right to have their individual asylum claims considered. In this context, solidarity between Member States should provide the envisaged common fund with sufficient financial means.

### ***Conclusion***

As members of civil society, and as Europeans and Christians, we call upon the European Parliament to safeguard those who are most threatened by persecution, violence, poverty, and lack of freedom. We commit ourselves to collaborate with this process.

*Brussels, 30 November 1999*