



Churches' Commission for Migrants in Europe  
Commission des Eglises auprès des Migrants en Europe  
Kommission der Kirchen für Migranten in Europa



Commission of the Bishops'  
Conferences of the European  
Community - Secretariat



International Catholic  
Migration Commission



*Jesuit Refugee  
Service - Europe*



Quaker Council for  
European Affairs

Rt. Hon. Charles Clark, MP  
Home Secretary  
2 Marsham Street  
London  
SW 1P 4 DF  
United Kingdom

Brussels, 11 October 2005

**Re. Discussion on the situation in the Spanish autonomous cities of Ceuta and Melilla at the Justice and Home Affairs Council on 12 October 2005**

Dear Minister,

At the next session of the Justice and Home Affairs Council on 12 October 2005, the ministers in charge of migration and asylum policy will discuss the latest events at the external border between the European Union and Morocco at the Spanish enclaves in Northern Africa of Ceuta and Melilla.

**Churches and Christian organisations deplore the loss of life at Ceuta and Melilla**

As Churches and Christian organisations working on migration and asylum, we are deeply concerned about the dramatic events at Ceuta and Melilla where hundreds of people have tried to enter the European Union. We deplore that men and women have lost their lives or have been seriously injured. In our view these events at the EU-Moroccan border represent the latest example of more and more people's desperate attempts, and often deadly attempts, to reach the European Union, which we can be witnessed every day at any of the EU's external borders. However, the events in Ceuta and Melilla mark a new escalation in the attempt to stop these people from entering the EU: for the first time since the fall of the Berlin Wall and the iron curtain, unarmed people have been shot dead at a border of the European

Union. We expect that a thorough judicial investigation into these cases of homicide will be carried out.

### **The EU will have to prove its commitment to the human rights of migrants and refugees**

We are convinced that all human beings, including those who try to cross the border from Morocco to the European Union, enjoy inalienable dignity and thus **have the right to** respect for their human rights. The European Union defines itself as a Community of justice and proclaims itself to be committed to the full development of policies monitoring and promoting respect for the fundamental rights for all people, including migrants and refugees. Confronted with the events at Ceuta and Melilla, the European Union will have to prove its commitment, including the fundamental right to protection. It should be taken into account that these people may qualify as refugees under the protection of the 1951 Geneva Refugee Convention. Therefore they should not be exposed to any infringement of their rights e.g. by “refoulement”.

The discussion following the events in Ceuta and Melilla has concentrated on the question of how to hinder these so-called “illegal migrants” from entering the European Union. We believe that human beings, even if they try to enter into the European Union by irregular means, must never be considered as “illegal”. A responsible debate should stop criminalising these human beings.

### **Only a human rights based approach to migration policy offers a long-term solution**

The reinforcement of border controls both in the EU and neighbouring countries has been at the centre of the debate on possible instruments to stop irregular migration. Politicians have made proposals to introduce more restrictive measures and to increase spending in this field. We are convinced that this approach does not offer a long-term solution. Higher fences will not stop irregular migration. Only a human rights based approach to a common migration policy dealing with migrants in both regular and irregular situations will offer a long-term solution. This approach should open regular ways for migrants, cover common admission procedures and criteria, and deliver a secure legal status. We are convinced that the reality of irregular migration should be fully acknowledged whilst developing such an approach. A considerable increase in development co-operation in order to tackle the root causes of forced migration should be realised. The demand on the EU labour market for qualified, as well as unqualified labour, should be taken into account and could represent an important contribution to the realisation of the Lisbon Agenda. Regularisation schemes for irregular migrants should be seen as a possible means to improve the individual situation of the irregular migrant and should be considered as a response to the demands of the labour market.

### **Fully-fledged partnerships between the EU and countries of transit and origin**

The current debate has placed strong emphasis on the conclusion of re-admission agreements with countries of transit and origin. The current negotiations with Morocco and Libya may serve as an example. In our view, re-admission agreements may only be concluded with third countries when a sufficient degree of protection for migrants’ human rights is granted. We are convinced that in Morocco and Libya this is not the case. Morocco is currently reported to have dumped immigrants in the middle of the Sahara desert near the Algerian border. Under such circumstances it has to be doubted whether Morocco can still be granted, as intended by the European Commission, the status of a “safe” country to which immigrants can be safely sent back. Furthermore we hold that the European Union needs to establish fully-fledged partnerships with countries of transit and origin. To this end it needs a comprehensive approach to migration, addressing political, human rights and development issues in these countries and regions. This requires combating poverty, improving living conditions and job

opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights.

### **Regional Protection Programmes cannot replace a comprehensive EU migration policy**

In public debate the events in Ceuta and Melilla are increasingly discussed in connection with the establishment of regional protection programmes. While there are some connections between both issues, we insist that both debates be kept separate. We believe that the development of Regional Protection Programmes and Resettlement Schemes may contribute to an improvement in the situation of refugees in the regions of origin or transit, and work towards durable solutions for refugees. Therefore we appreciate the latest proposals of the European Commission in this regard. In the long run it could potentially reduce the number of people having to enter the EU irregularly to seek protection. However, these programmes must not be misused by hindering refugees from presenting an asylum claim within the European Union. This is essential, as the improvement of protection conditions for those who have already found initial protection in regions outside the EU remains the most burning need to be addressed. Along with the UNHCR we would like to underline that there cannot be any hierarchy between the durable solutions of refugee protection. In addition, we hope that the European Union will live up to its responsibility for the protection of refugees by working towards a European scheme for refugee resettlement.

### **EU return and re-admission policy must recognise the human rights of migrants**

We acknowledge that the development of a common policy on return and re-admission has to be one element of a balanced human rights based approach to a common migration policy. However, we call upon the European Union to recognise respect for the human rights and dignity of irregular migrants as a guiding principle in EU policy. An EU return and re-admission policy should provide future perspectives for the migrants after return. To support voluntary return to the home country, coherent re-integration schemes need to be established. Re-admission to a third country is only acceptable if the person requests this as an alternative. Detention of irregular migrants should be avoided.

We would be grateful if the Justice and Home Affairs Council took these concerns into consideration.

Yours sincerely,

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Caritas Europa

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