



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



International Catholic
Migration Commission



Jesuit Refugee
Service - Europe



Quaker Council for
European Affairs

H.E. Mr Jean-Claude Juncker
Prime Minister
President-in-office of the European Council
Présidence du Gouvernement, Ministère d'Etat
4, rue de la Congrégation
L-1352 Luxembourg
LUXEMBOURG

Brussels, 14 June 2005

Re: Communication on *The Hague Programme: Ten priorities for the next five years – The Partnership for European renewal in the field of Freedom, Security and Justice* (COM 2005, 185)

Dear Prime Minister,

On the 10 May 2005 the European Commission adopted the Communication on *The Hague Programme: Ten priorities for the next five years – The Partnership for European renewal in the field of Freedom, Security and Justice* (COM 2005, 185). At the next session of the European Council (16/17 June 2005), the European Commission will submit this Action Plan for endorsement by the Heads of State and Government for the implementation of *The Hague Programme*.

As Churches and Christian organisations working on migration and asylum, we acknowledge the joint efforts and endeavours to establish a common migration policy and asylum system across the EU Member States. Based on our experience in the field of work with migrants and refugees we would like to highlight the following concerns:

Fundamental Rights

We are convinced that migration and asylum policy must be centred on the inalienable dignity of each human being and thus respect human rights. Security concerns have to uphold these crucial principles and should not undermine them. Therefore we acknowledge the approach of the Action Plan to ensure the full development of policies monitoring and promoting respect for the fundamental rights for all people including migrants and refugees. In particular we salute the special attention devoted to the rights of the child which must have an impact on the right to family re-unification, the asylum procedure and removals.

A Common European Asylum System

We welcome the efforts of the European Union to establish a common procedure and uniform status for persons benefiting from asylum or subsidiary protection before 2010. We hope that in developing this procedure and status, member states will agree on more ambitious common standards than those minimum standards included in directives developed in recent years.

A common European Asylum System makes it necessary to introduce a European fundamental right to asylum and subsidiary protection. Therefore the European Charter of Fundamental Rights should become a legally binding text as soon as possible. Existing international law on the protection of refugees and notably the 1951 Geneva Refugee Convention must be fully and correctly applied in order to achieve adequate standards in a common European Asylum System.

Asylum procedures need to provide persons with full access to an individual asylum determination procedure, with free legal and interpretation services and the possibilities for appeal with suspensive effect (effective remedy). Accelerated procedures without access to information and legal assistance, and the “safe third country” concept undermine the rule of law. The detention of asylum seekers must be avoided.

The development of Regional Protection Programmes and Resettlement Schemes will serve to improve the situation of refugees in the regions of origin or transit and work for durable solutions for refugees. It must not be misused by hindering refugees from presenting an asylum claim within the European Union. Along with 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.

As regards already existing EU asylum legislation, we urge the European Union to monitor closely the transposition of Community Law into national legislation in order to ensure a consistent and correct application.

A Common European Migration Policy

The Action Plan foresees a new balanced approach to migration policy as it deals with migrants in both regular and irregular situations. This approach will cover common admission procedures and criteria, and deliver a secure legal status and a set of rights to those who are

admitted. In this context we would welcome a close monitoring of the transposition of already adopted directives in order to ensure the fair treatment of third-country nationals.

We are convinced that the reality of irregular migration should be fully acknowledged, whilst developing a labour migration policy. This requires an approach that takes into account the demand on the EU labour market for qualified as well as an unqualified labour force. Such an approach could represent an important contribution to the reinforcement of the Lisbon Agenda. As migration also has a considerable impact on the social fabric of countries of origin, a regular framework of co-operation with countries of origin should be established in which all sides can meet on an equal footing.

Regularisation schemes for irregular migrants should be seen as a means to improve both the individual situation of the irregular migrant and should be considered as a response to the demands of the labour market. EU legislation should not criminalise migrants in irregular situations. Humanitarian assistance to irregular migrants provided by Churches, Church organisations and NGOs has to be protected from unjust prosecution and criminalisation by public authorities. Particular attention and protection should be given to migrants who have been trafficked and exploited.

Common standards for Return and Removal Policies

As regards the development of a common policy on return and re-admission, we acknowledge that the Action Plan recognises the respect for the rights and dignity of irregular migrants as a guiding principle in EU policy. An EU return and re-admission policy should provide perspectives for the migrants. Thus there should be no forced removal after 5 years of legal stay in the host country. 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 strong personal links to that country exist or the person requests this as an alternative. Detention of irregular migrants should be avoided.

A Common Approach to the Integration of Migrants

The Action Plan intends to develop measures to assist the Member States in realising a better integration policy, even though the EU does not have any legislative jurisdiction in this regard.

We are convinced that such an approach to integration policy should promote integration as a reciprocal process, with an active role for migrants as well as for the receiving society, resulting in an inclusive and welcoming society. The increasing diversity of our society should be actively promoted as a positive factor, thus also promoting a better public understanding of migration and asylum matters.

The Action Plan will foster the exchange of experience and information between national authorities in relation to introductory courses for migrants or the involvement of migrants in civil society, for example. Given the considerable importance which is attached by the Action Plan to religion in this context, Churches and Church organisations on the basis of their substantial experience can and wish to contribute to developing such measures.

Financial Resources

The European Commission intends to develop adequate financial instruments to promote solidarity among the Member States. The framework programme entitled “Solidarity and Management of Migration Flows” is designed, for example, to support Member State activities via the external borders, integration and refugee funds. The means for which this money is used should be monitored carefully. We would encourage a good balance and interaction between these areas of funding, to maximise the impact of programmes and projects. A thorough evaluation of programmes as well as of the handling and impact of projects, similar to the one undertaken for the European Refugee Fund in 2003, will be an additional asset in the future.

We should be grateful if our concerns were taken into consideration by the European Council and throughout the course of the implementation of the Action Plan.

Yours sincerely,

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