

Opinion of the European Committee of the Regions — European Agenda on Migration

(2016/C 051/03)

Rapporteur: Mr François DECOSTER (FR/ALDE), Member of Nord-Pas-de-Calais Regional Council

Reference document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — A European Agenda on Migration

COM(2015) 240 final

POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS,

1. welcomes the ongoing discussions at the different European Council and Justice and Home Affairs Council meetings and the efforts to agree on a common approach and concrete solutions to the migration crisis and how best to alleviate the situation; is, however, deeply concerned by the dramatic developments in the situation and the slow progress towards a comprehensive common response from the EU and its Member States; calls on the Member States, EU institutions, and other international actors to cooperate, find realistic common solutions and meet existing responsibilities;
2. notes that the flow of asylum seekers and irregular economic migrants arriving in the EU has reached an unprecedented scale; the number of migrants clearly demonstrates that the capacity of any Member State to cope alone in the short to medium term is quickly challenged; what is needed is more union and solidarity between EU Member States, and a greater sense of partnership, belonging, and shared responsibility; stresses that all EU levels of governance — European, national regional and local — urgently need to find a common approach to manage all the social, economic and security challenges. Only a comprehensive, integrated policy approach addressing the root causes of migration will be successful in resolving the problem. This must include a strengthening of the EU's Common Foreign and Security Policy, as well as greater coherence in the EU's internal and external policies and its policies in the areas of foreign affairs, security, trade, development, humanitarian aid and migration;
3. welcomes the fact that the meetings of heads of state or government devoted to the issue of refugees have led to the adoption of a complex approach, making a distinction between firstly, the question of refugees trying to save their lives and secondly, the question of irregular immigration. This approach has allowed the issue to be addressed as a whole and, beyond the humanitarian aspects, to discuss protection of borders, security and defence matters, smuggling of migrants, return and reintegration of irregular migrants, and cooperation with the countries of origin and transit;
4. regrets, in this context, that the meetings of heads of state held to date barely addressed the humanitarian dimension of the situation; stresses that the strengthening of border controls and measures to tackle irregular migration is essential, including the strict registration of all migrants in accordance with the relevant EU *acquis*, but cannot take precedence over international obligations to save lives and respect human rights, or over the right to seek asylum in the EU, which must remain a place of refuge for people in need of international protection; therefore urgently calls for regular high-level meetings between the EU Member States, European institutions, EU agencies, regional organisations and the non-EU countries most concerned;

5. also points out, however, that one of the key aspects of the current migration situation is the increasing business being made of it by people traffickers and organised gangs that exploit human misery and the poor social conditions of the migrants. The CoR supports measures designed to step up the fight against human traffickers and organised crime proposed by European and African Heads of State and Government at the Valletta Summit on 11—12 November 2015; stresses that rapid action as well as long-term, comprehensive and concrete action plans must be set up in close cooperation with non-EU countries. Points out that cooperation on this issue must be mutual, and that countries of origin and transit must commit themselves to supporting and implementing all measures agreed in the Valletta Action Plan. This is why it is essential to have the prompt involvement of the Member States' law-enforcement agencies, stringent monitoring of criminal gangs and regular reporting on the situation and results in the battle against this form of organised crime, which threatens the safety and social cohesion of the populations of the EU Member States; also stresses the importance of detailed registration at the Schengen borders and effective monitoring of the external borders of the EU. The appropriate level of border control and measures to safeguard the internal security of the Schengen Area should be fully respected; one good example is the cooperation demonstrated by the V4 countries in providing officers to protect the external Schengen border (Hungary, Greece);

6. stresses that a stronger focus on the commitment of the EU and its Member States to upholding the principle of solidarity is necessary in order to create a more efficient migration policy tackling all the issues faced by local and regional authorities. In this respect, the CoR notes the resolution of the European Parliament that was adopted on 29 April. At the same time the CoR believes that solidarity needs to be based on mutual trust rather than compulsion, although it must not be forgotten that it is an obligation, and that it is dangerous to describe movement caused by persecution as migration;

7. welcomes, in this respect, the publication of the European Agenda on Migration on 13 May by the European Commission; believes this to be an important step towards forming a comprehensive approach to the benefits and challenges of migration; emphasises, however, that the agenda must also entail a long-term effort;

8. welcomes the importance given in that Commission communication to prioritising an effective and sustainable return policy, which respects the rights of migrants and takes into account the specific features of the countries of origin. However, deplores the current lack of effective enforcement of return decisions and calls on the Member States to implement stringent return practices for dismissed applicants and irregular migrants by means of fair and swift procedures. Stresses in this respect the importance of strengthening the role and mandate of Frontex in return operations and of distinguishing between asylum seekers and economic migrants given that the two groups are legally different and therefore require different approaches. For this purpose, practical cooperation with the relevant third countries must be improved in order to foster and create the most efficient and rapid voluntary return systems and the capacity of authorities in countries of origin must be strengthened in order to deal with readmission applicants;

9. welcomes the fact that the Commission communication underlines the importance of saving lives at sea as a priority for 'immediate action', and reiterates that solidarity, mutual trust and shared responsibility between Member States and local and regional authorities is the political compass that must be followed to achieve this objective;

10. reiterates its conviction that the EU's approach to migration must be solidarity-based, sustainable in the long term and human rights compliant. It must take account of all aspects of migration, which include humanitarian obligations, asylum seekers and economic migrants; emphasises the importance of tackling migrant smuggling and human trafficking, promoting development and stability in non-EU countries, establishing effective return policies, and addressing Europe's demographic challenges. The Committee underlines that regular migration can be an essential factor in development. In addition to the benefits that successful integration brings for migrants, it also provides significant benefits to both the economy and society by meeting labour force needs and by contributing to social security funding. The Committee therefore calls on all the relevant stakeholders — the European institutions, national, regional and local authorities, the media and civil society — not to stigmatise migrants or migration and to provide citizens with objective information on migration and its causes and contribution to the host society; the Committee rejects all forms of discrimination and racist behaviour towards migrants in accordance with the founding principles of the European Union;

11. with regard to providing objective information, as mentioned in point 10, calls on the European Commission to launch an information campaign directed at local and regional authorities and European citizens, which:

- provides up-to-date and understandable information on the true scale of the migration phenomenon,
- makes available the data collected as regards the monitoring of migration flows, once migrants have crossed European borders, and
- reports on best practices in integration, particularly as regards demographic and economic effects;

12. considers it vital to give sufficient prominence to the issue of unaccompanied minors, who are generally dealt with on the margins of immigration policy initiatives: indeed, dedicated resources should be earmarked for local and regional authorities for the specific aim of supporting and monitoring unaccompanied minors, to prevent their disappearance and ensure that these weakest individuals, along with women, are not exploited by prostitution rackets, paedophile rings or organ traffickers;

13. faced with a fast-changing migratory situation, considers that there is also a need for 'immediate action' priorities to include, in addition to measures to save lives at sea, a plan to address and eradicate the activity of smugglers along both land and sea routes. It is also essential, from this point of view, to ensure cooperation between all those concerned and involved at every level of governance: Member States, local and regional authorities, and official bodies, as well as civil society;

14. checks and cooperation between security services need to be stepped up in order to ensure and to reassure the public that the desperate situation of refugees and their arrival in the EU are not exploited as a cover for terrorists and extremists; furthermore, the role of local and regional authorities in detecting, preventing and combating radicalisation and extremism must be supported;

The communication offers pragmatic solutions based on solidarity

15. welcomes the measures for managing high volumes of arrivals within the EU proposed in the communication. Resettlement and relocation could be an effective means of addressing the problem of uneven distribution of asylum-seekers and refugees between states and between and within regions; therefore calls for increased efforts at European level to reach an agreement on the criteria for and implementation of a sustainable and fair system for distributing asylum seekers and refugees between the Member States;

16. emphasises however that irregular immigration, which has increased dramatically requires a new approach. Such an approach must take account of the fact that the way in which economic migrants are managed (information, reception, return) differs from the humanitarian aid that must be given to refugees; emphasises also the importance of a systematic conversation between governments and citizens on these planned steps, at the same time presenting the effects of these steps to society;

17. reiterates that it is time to establish more clearly what shared responsibility and solidarity may entail when it comes to asylum and migration issues. It is clear that different countries, regions and local authorities have different ideas of what constitutes fair sharing of responsibility or solidarity, based on their specific characteristics such as economic power. However, regrets that the Commission's communication does not suggest any long-term solutions as regards planning and resources to prepare for reception sufficiently early;

18. welcomes the budget increase for the EU operations Triton and Poseidon and the commitment from 15 Member States to provide additional resources and the subsequent EU decision to launch a military operation in the Southern Mediterranean (EUNAVFOR MED) to disrupt trafficking networks. However, regrets that the communication does not address sufficiently the issue of resources available to local and regional authorities to allow them to fulfil their obligations where migration and integration are concerned, ensuring they have access to national and EU funds (such as the Asylum and Migration Fund, the Neighbourhood Policy Instrument and the European Social Fund);

19. welcomes the European Council decision of 26 June and 22 September 2015 on the relocation of 160 000 people clearly in need of international protection. It shows how the principle of solidarity and shared responsibility might be realised in practice; regrets, however, the hesitant implementation and the very limited scope of the agreed measures, and calls urgently on the Member States to honour the commitment made in this context and on all tiers of government to put the necessary structures and mechanisms into place without delay; stresses that the key role of local and regional authorities must be more prominent in the discussion as they have first-hand information on their capacity to welcome refugees and migrants in a humane manner;

20. welcomes the conclusions adopted to date by the European Council and the declaration published on 25 October 2015 by the leaders of the countries situated along the Western Balkans route. In this context, it calls for all the measures agreed upon to date to be implemented, and urges countries to increase the amount of suitable accommodation available;

The solutions must be implemented fast

21. welcomes the Commission's efforts, in cooperation with third countries and on the basis of reliable information received, to anticipate unregulated migration into the EU but also calls on the Member States to improve their information-sharing arrangements, both bilaterally and in the EU context;

22. points out the importance of action taken by volunteer groups and civil society organisations to save people's lives in the Mediterranean Sea. Despite the financial solutions presented in the communication and the increased efforts under operations Poseidon and Triton, the situation continues to be an emergency to which the only solution is common and concerted action day-to-day by the EU and its Member States with regard to our human rights values; acknowledges, however, that the refugee crisis cannot be solved only by means of rescue operations at sea and calls on the Commission to take appropriate supporting measures to prevent people smuggling; one important step is the adoption of Resolution 2240 by the UN Security Council on 9 October 2015, which allows Member States to intercept vessels off the Libyan coast suspected of people smuggling;

23. reiterates that mutual solidarity is a cardinal principle of the European Union, which must be respected, not only between Member States, but also towards migrants and towards and between local authorities that face the task of helping those migrants on a daily basis;

24. underlines that during the last few months the issue has become more salient with the massive arrival of mixed migration flows in the Mediterranean, the Balkans, Calais and other EU border regions, but also because the number of migrants has risen at local and regional level. The problems faced by hubs such as Calais and Lampedusa for many years are now spreading to other cities and regions. This fact is alarming and measures need to be taken quickly, but it must also be taken as an opportunity to convince public opinion that relocation is the only way to prevent areas along migration routes from being overwhelmed by the large number of migrants; migration is consequently not a temporary challenge affecting a few specific areas, but a short, medium and long-term problem for the European Union as a whole;

25. wants to alert the Commission to the reality of the human tragedy that the migratory situation is creating in Europe: by the end of August over 3 400 known deaths in the Mediterranean according to the IOM, 700 deaths in the space of a few days in April 2015, and at least 13 deaths linked to migrants trying to cross the Channel; migrants often fall victim to smugglers involved in human trafficking, as was the case at the end of August when 71 migrants shut in the back of a lorry died in Austria, abandoned by those smuggling them;

The solutions can go further

26. calls for practical solutions that involve local and regional authorities and not only the central governments of Member States. In the aftermath of the events, for example involving migrants and the Channel Tunnel, the debate is more focused than ever on the role of local and regional authorities and shows that the challenge is not only a matter of financial means being available but also of their physical deployment. Hence the Commission must push forward pragmatic solutions to enhance local authorities' physical capacities. The uniform management of refugee camps is another way to make things easier for local authorities. Police forces and administrative staff could be sent from one region to another to foster cooperation between neighbouring regions and bring enough manpower to manage the growing population in distress;

27. calls for a further increase of this budget in proportion to the changing needs for effective rescue operations and hopes that all Member States will commit to allocating the necessary additional resources; points out, in this regard, that the review of the multiannual financial framework, which has to take place by the end of 2016, provides an opportunity to step up the resources earmarked for implementing the priorities of the European Agenda on Migration; underlines that the swift release of funds and resources should be facilitated as much as possible without being delayed by unnecessary bureaucratic procedures. Such additional resources should include allocations for infrastructure, educational facilities and emergency aid in frontline EU countries. Member States should also be provided with practical guidelines on potential funding sources, e.g. from the Asylum, Migration and Integration Fund, the European Regional Development Fund (ERDF) and the European Social Fund (ESF);

28. urges that particular attention be paid to strengthening synergies between the various bodies and systems set up to date, on the basis of their specific remit and scope: such as Frontex, SIS II and EUROSUR, operating within the framework of migration and the movement of persons and, in terms of security, EUROPOL and EUROJUST, working to prevent and eradicate the criminal offences (people smuggling and human trafficking) linked to irregular transits;

29. emphasises the importance of addressing root causes as to why migrants with no grounds for asylum come to the EU. Calls on the EU and its Member States to step up cooperation with third countries in the Middle East and Africa where democracy and rule of law need to be strengthened and to better coordinate their external policy. In this connection it welcomes the fact that an EU-Africa summit (Rabat and Khartoum process countries) was held in Valletta, Malta, on 11 and 12 November 2015; furthermore, believes that refugees living in non-EU states close to their countries of origin need to be provided with basic services, including security, both inside and outside the camps and education for their children, which requires a long-term vision and integrated planning, coordination amongst parties and local economic development;

30. takes note of the debates on EU-wide lists of 'safe third countries' in order to guarantee common standards at EU level in the processing of asylum applications from the countries affected and facilitate effective return — a prerequisite for targeting the EU's asylum and reception capacities more closely on individuals in legitimate need of international protection; underlines that in particular EU candidate and pre-candidate countries are obliged to meet the EU's standards for human rights protection in order to qualify as 'safe countries of origin'; warns, however, that the situation in these countries, in particular with regard to vulnerable groups such as unaccompanied minors, single women, ethnic minorities and LGBTI people, needs to be carefully monitored and mechanisms improved to identify and receive individuals with legitimate asylum claims from these countries and that specific reasons for persecution such as gender, sexual orientation, gender identity or ethnicity are addressed appropriately throughout the reception, examination of application and subsequent stages, including resettlement and relocation; the CoR commits to exchanging best practices at regional and local level through its Joint Consultative Committees and Working Groups, involving all seven countries listed in the Commission proposal;

31. strongly welcomes the Commission's commitment to submit proposals in early 2016 amending the Dublin Regulation, under which asylum could be requested and examined outside the EU; calls on the Commission to ensure that the distribution of responsibility between Member States is based on sustainable criteria and that the fundamental rights of migrants are also respected; this must be underpinned by an EU-wide mandatory distribution key for sharing asylum seekers between the Member States;

32. recommends that the Commission proposal include the mutual recognition of successful asylum applications so that people afforded protection enjoy the same freedom of movement within the European Union as EU citizens. In addition, the Commission is urged to put forward a proposal for a general European immigration code, so that people who want to work in Europe are given the legal possibilities to do so. The Commission should also open up a path to labour migration for the citizens of candidate countries, making it easier for them to gain access to the European labour market;

33. urgently calls on the European Commission and the EU Member States to push ahead quickly with the introduction of 'hotspots' as already approved, so that EU agencies can help the worst-affected border regions with the registration of incoming refugees, and calls for further appropriate measures to be developed;

34. regrets that no specific measures for asylum-seekers have been put forward by the Commission to create safe and legal routes into Europe, in order to avoid further loss of human lives on dangerous journeys. These could include establishing a 'humanitarian corridor', issuing more visas on humanitarian grounds and setting up reception centres in countries of transit for processing asylum applications or determining eligibility for legal entry into EU countries. The idea of a 'humanitarian corridor' is in line with the idea of relocation and solidarity as it is the most effective means of tackling organised crime. The sooner the migrants are under the authority of European public authorities the easier the task of relocation will be. It is also the best way to achieve more equally distributed admission of migrants across the Member States. Local and regional authorities could be very helpful in this respect;

35. calls for a real European Migration policy and welcomes the commitment given by the European Commission to propose new measures and review the Blue Card scheme in order to replace the 28 national systems and facilitate legal migration; urges the Commission to build on the experience of local and regional authorities and their knowledge of the local situation when drafting these proposals;

36. regrets that the Commission did not echo the suggestion made by the Committee of the Regions to develop systems for sharing expertise and pooling experience and good practice. The Committee thus reiterates that a complete system of data sharing on the subject of migration and local authorities, based on the VIS system, should be implemented. This system could bring excellent results in terms of housing management, processing the claims of asylum-seekers and refugees, integration policies and tackling irregular migration and would offer practical solutions to set in motion the principle of solidarity between local authorities. The Commission is urged to set up a platform for cooperation (dialogue) on migration issues;

37. calls for a genuine European Border Management System that establishes both professional and effective policing and which develops the capacity to detect and disrupt criminal gangs' plans to transport migrants via illegal and dangerous routes, and the capacity to receive, screen and register people who arrive by land or sea in a well-organised way;

38. agrees that the full and coherent implementation of an expanded and modernised Common European Asylum System, adapted to the current situation, should be a priority; suggests actively involving and harnessing the experience of local and regional authorities in the announced process of improving standards in reception conditions and asylum procedures, establishing training and networking of reception authorities as well as in the debate to be launched on the development and completion of the Common European Asylum System;

39. reiterates its firm belief in the intrinsic link between the level and quality of development policies and the growing number of people who migrate. It is imperative for the European Union and its Member States to achieve the level of 0,7 % of GDP as soon as possible. In this connection, the financial involvement of local and regional authorities in fighting world poverty should also be strengthened, since some of them have already committed one euro annually per resident to their cooperation activities with developing countries;

40. asks the European Commission to enforce a Single European Asylum System, which applies agreed criteria in a uniform way and provides humane and fair treatment for people seeking refuge in the Union, and a radical overhaul of the Dublin Regulation so that the differences between the 28 national systems, which are in danger of destroying Schengen, disappear, both in law and in practice;

The choice of legal basis

41. regrets that once again Article 80 TFEU has not been used to take measures implementing solidarity and the fair sharing of responsibility with regard to mobility, including its financial implications, between the Member States. Commitments concerning migration and repatriation have been entirely voluntary, and in some cases it has been cities that have taken the lead in putting these commitments into practice;

42. notes that the proposed redistribution system is based on the emergency clause set out in Article 78(3) TFEU, which seems fully justified under the present circumstances; underlines, however, that further medium and long-term measures requiring European solidarity should be adopted with the full involvement of the European Parliament to ensure their transparency and legitimacy;

The role of local and regional authorities

43. reiterates that multilevel governance is the most appropriate means of generating the necessary mix of measures and initiatives, in order to achieve optimum results in the integration of people recognised as having refugee status and migrants taken in for other reasons. All levels of government throughout the EU should share the responsibility for the reception and integration of refugees and migrants, and improve inter-regional cooperation, coordination and solidarity through the development of a permanent mechanism for redistributing them between Member States, regions and local authorities, taking into account structural constraints, resources, labour market needs, demographic situations and other relevant factors; calls on the European Commission and the Member States to provide enough financial, technical, administrative and law-enforcement support to all local and regional authorities affected by the influx of refugees and migrants while assessing the possibility of derogations from structural and financial constraints;

44. reiterates that local and regional authorities have first-hand experience of the situation: they need to be consulted and more actively included in the process of relocation. Local and regional authorities constitute an efficient level of government for providing clear data on the number of migrants present in their territories and must be included in order to enforce a fair mechanism based on solidarity;

45. urges all Member States to cooperate with local and regional authorities in the implementation and operation of both the emergency redistribution mechanism, which has been proposed by the European Commission, if it is to be put in place soon, and also in the possible future mandatory and automatically-triggered relocation system that should be proposed by the end of this year; considers that the creation of channels and opportunities for non-EU nationals to come to Europe to work or study should play a central role in the development of future migration policies. In order to establish a number of third-country nationals that every Member State will take, it is essential to bear in mind the free capacity of the labour market (including its structure) and the education system in individual regions and Member States. The Committee emphasises that it is also necessary, for this same reason, to speed up the introduction of simplified visa arrangements for third-country nationals involved in programmes of educational, scientific and economic cooperation, strengthening cooperation with other countries concerned, and to raise awareness of these programmes and of legal migration to Europe and serious dangers of irregular migration;

46. stresses that a successful European migration policy will only be achievable if there is a clear understanding of and long-term commitment to effective integration policies, and highlights that it is especially at local level that integration succeeds or fails; draws attention to the fact that many local authorities have little experience and resources to draw upon as regards integration, and therefore calls on the European Commission to organise an annual Structured Dialogue on Integration together with the European Committee of the Regions with a view to drawing up, reviewing, and updating guidelines for local and regional authorities across the continent in order to ensure smooth integration;

47. welcomes the incentive of EUR 6 000 from the Asylum, Migration and Integration Fund (AMIF) guaranteed for each relocated person, as proposed in connection with the emergency relocation programme; however, urges that these funds be used by the level of authority in charge of welcoming the migrants; in the immediate future, calls for the relevant rules to be amended so that the regions and local authorities can directly access the Asylum, Migration and Integration Fund; furthermore considers that measures must also be developed over the longer term that create permanent incentives for receiving refugees by providing financial assistance directly to the local and regional authorities affected;

48. expects that the European Agenda on Migration, together with the European Council conclusions and the discussions in the Justice and Home Affairs Council, will become the reference point for the adoption and implementation of effective migration and asylum policies based on the respect of fundamental rights and solidarity between the EU, Member States, local and regional authorities and migrants;

49. reiterates that cooperation and solidarity would be considerably easier if more is done in terms of practical and pragmatic solutions. Local and regional authorities' expertise must be drawn on in connection with integration matters;

50. underlines that the Committee of the Regions is well placed to reach out to cities and regions all over Europe, to facilitate and encourage the exchange of innovative ideas and practices and to carry forward the debate on the ways to achieve more efficient involvement of local and regional authorities in the design and implementation of immigration and integration policies, in line with multilevel governance and the subsidiarity principle;

51. reiterates that a bottom-up approach is necessary to address disparities between Member States and regions in the conditions in which asylum-seekers, refugees or irregular migrants are hosted on initial arrival and in the efficiency and speed with which applications and dossiers are processed;
52. urges that the EU, national and sub-national authorities work in close cooperation with civil society, migrants' associations and local communities and be receptive to their input;
53. reiterates that the EU should seize all opportunities to cooperate with institutional partners and to foster the debate in all relevant frameworks. In this respect, non-governmental international organisations such as the IOM, cooperation networks with third countries and civil society and cooperation between local and regional authorities, for instance through ARLEM, or CORLEAP, constitute important elements of cooperation.

Brussels, 3 December 2015.

*The President
of the European Committee of the Regions*
Markku MARKKULA
