

Human dignity and solidarity as pillars for a new European asylum system



INITIATIVE
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1. The EU is based upon the rule of law. At present this is not the case in respect to asylum and migration policies. An overly outdated and ill implemented “Dublin Regulation” is still in place. Member States and notably border countries do not comply with the minimum requirements of procedure; eligibility criteria are excessively diverging; implementation failures of the Common European Asylum System are neither monitored nor corrected; search and rescue operations at sea are subject, on a case by case basis, to negotiations disregarding human rights; solidarity does not apply across Members States in contradiction with the basic principles of the Treaties. Recently Member States have turned a blind eye to the Greek authorities clearly violating the basic of principle of “non refoulement“, but at the same time offer little support to relocate potential asylum applicants from the Greek islands. This chaotic situation does not comply with the rule of law and is responsible for such tragedies as the one we have witnessed in Moria.

Because there is urgency to remedy this situation, we as *Initiative of Christians for Europe (IXE)* welcome the recent *New Pact for Asylum and Migration* tabled on September 23rd by the European Commission. We believe that this can lead to a workable compromise on which it is imperative to build; and we call our respective national authorities to engage swiftly and honestly in its negotiation with a view to its rapid adoption along the proposed timetable.

2. We want to build in particular on the positive elements included in the global and integrated approach taken by the European Commission, in particular:
 - A new system of governance aiming at harnessing migration and asylum policies of Member States in a predictable cooperation of organising with solidarity and reacting jointly in situation of crisis. We urge our national authorities to ensure the relevance of this European framework for managing migration and asylum while keeping the Commission at its centre, instead of leaving it to decisions of the Council: this has not worked and should not be repeated.
 - A compulsory solidarity mechanism triggered by the Commission at the request of the concerned Members States involving all Member States of the EU. We urge our national authorities to declare their readiness to engage in this mechanism and to facilitate its implementation through mutual cooperation.
 - The extension of the compulsory solidarity mechanism to search and rescue operations while securing the right of private ships to bring assistance to migrants in danger of losing their lives. We urge our national authorities to follow the recommendation of the Commission in this respect, based upon international maritime law, and to agree on the proposed procedure ensuring solidarity with the state of disembarkation.
3. However, if the protection of human dignity is still to be at the centre of the new pact, as advocated by the European Commission, experience shows that rules and principles are not enough. Effective implementation, compliance with standards and adequate human resources are needed. Therefore, as IXE members, we urge the Commission, our national authorities and the European Parliament to pay real attention to the following caveats:
 - The now proposed identity and security checks of refugees in the EU Border States within a maximum of five days are good and important. Nevertheless, extensive European support is needed here, because we have seen in recent years that the national resources in the Mediterranean States are often insufficient to deliver this.

- It must be ensured that the asylum procedures of people, whose home countries have a recognition rate lower than 20 % also comply with the legal requirements of a regular asylum procedure. The individuals' circumstances must always be considered and detention must be kept to a minimum. The Border States must not be left alone with that task. They must receive and accept European support in the administrative organisation and sufficient (professional) resources. The new Frontex European Asylum Agencies should be equipped with sufficient qualified staff in this respect.
 - To ensure that the practice of our Member States in recognising rejecting asylum applications is really converging, the European Asylum Agency should be tasked with its monitoring and the Commission should where appropriate ask for sanctions at the European Court of Justice.
 - The compulsory solidarity mechanism puts a great emphasis, beyond relocation, on return policies to be shouldered by Member States in support of the concerned Border State. The European Commission did well not to include the idea of returning rejected refugees to transit countries in the reform proposal, even though, the Commission clearly wants to enhance the scale of returns of failed asylum applicants. We as IXE insist that return policy should not become the "nec plus ultra" of the EU asylum policy. In implement the Return Directive no failed asylum applicant should be forced to go back to a place where human dignity and security are not respected. To that end, cooperation with International Organisation of Migration should receive the greatest attention in the new system.
4. Important elements are still missing in the pact and we, as IXE, consider that this can only be a first step, which must be followed by further steps so that we in Europe can finally regain a functioning and humane asylum system.

The new Pact is lacking a positive narrative addressing European citizens and people on the move across the world. Mobility is part of our common past and future, requiring a fair and predictable framework for organising migration towards and from the EU, including to study or seek work. Relying upon the recently agreed UN Global Compact on Migration would provide in this respect a constructive basis for initiating real partnership on an equal footing with third countries of origin. It could also inspire a truly European legal migration policy which is still missing but remains as a key response to illegal migration. We recommend that safe and legal paths for migrants and humanitarian corridors for refugees be facilitated, by which they can come to Europe safely and be welcomed, protected, promoted and integrated (Pope Francis in "Fratelli Tutti", 2020). Also, in the current situation with the COVID-19-pandemic we should reinforce development cooperation in order to give the people better opportunities for their home countries.

As IXE, we feel committed to encouraging support in our Churches and in our respective countries of those future orientated avenues for a fully-fledged European migration and asylum policy.

The Initiative Christians for Europe (IXE) is an association of lay organisations and committed Christians from different European countries. General concern of IXE is to incorporate a more vivid awareness of a united Europe in the national debates. The initiative aims at fostering the encounter of Christians in Europe and to promote the Social Doctrine of the Church to be carried forward in order to achieve a better mutual knowledge and understanding of historical and cultural differences. More information: www.initiative-ixe.eu.