

**Intervention by Commissioner Cecilia Malmström  
At ECRE's Presidents' and Directors Consultative Forum**

*"Current Challenges and Opportunities in harmonising asylum and migration  
and the role of civil society"*  
**Brussels 24 June 2010**



Ladies, Gentlemen,

I am very glad to be here with you to discuss my priorities for the years to come in the field of migration and asylum. ECRE, with its wide membership of organisations, is a long-standing reference point for the Commission when developing its policies and this is a great opportunity to exchange views and ideas with you. I believe we could not have a more appropriate moment, given that, with the recent adoption of the Stockholm Programme, the Union has set out an ambitious plan in the area of freedom, security and justice for the next five years. The role of civil society in contributing to the development and the implementation of these objectives is essential to ensure that the views and perspective of all relevant stakeholders are taken into account.

I am fully committed to ensure that we meet the challenges ahead of us and, with the adoption of the Action Plan, I want to translate the aims and priorities

of the Stockholm programme into concrete actions with a clear timetable and deliverables.

One of my top priorities is the consolidation of a genuine common immigration and asylum policy.

Europe is facing major demographic challenges that will remain far beyond the current economic crisis. Most countries in the European Union are already beginning to be confronted with the problem of an ageing society and the contribution of migrants to counter some of the impact of these trends may be crucial. Moreover, I am convinced that labour immigration can contribute to the increased competitiveness and economic vitality of the EU in the coming years. I am therefore fully committed to developing a **coherent and ambitious legal migration policy**, while respecting Member States' competences with regard to the number of migrant workers admitted to their labour markets.

A common legal migration policy will have to be based on the needs and priorities of national labour markets, as well as on enhanced integration policies and a uniform level of rights and obligations for migrants legally residing in the EU.

Future actions of that kind will therefore include developing new and flexible admission systems for economic immigration. Within a few weeks, I intend to put forward two proposals, one concerning the **intra-corporate transfer** of key personnel of international companies and the other one concerning **seasonal workers**. This latter proposal is important not only for the reason that EU economies face a structural need for seasonal workers, but also in the context of enhancing the fight against both the exploitation of migrant workers and irregular immigration.

I plan to launch a wide public debate on the subject of **family reunification** by means of a Green Paper later this year. Depending on the outcome of the

consultation, the Green Paper may be followed by a legislative proposal in 2012. I hope that civil society will participate actively in this public consultation.

I am also aware of the high number of **unaccompanied minors** who arrive in Europe, and am convinced that the EU needs a common approach on this very sensitive issue of common concern. We know, for example, that more than 12,000 asylum-seekers last year were unaccompanied minors; and that is only part of the picture, as many of the minors arriving in the European Union do not request asylum.

The Commission therefore recently proposed an Action plan on unaccompanied minors which has been broadly endorsed by the Council. Issues such as prevention, reception and durable solutions are key for this very vulnerable group of people. Protection and the principle of the best interest of the child will be guiding principles throughout all the actions taken in carrying out the Plan. The role of civil society will likewise be vital for the effective implementation of this Action Plan.

Another of my priorities is to continue the work on the Common European Asylum System, with the aim of creating an open, legally secure and efficient system, based on high protection standards. This is in line with the Commission's long-standing commitment in this area, and in especially in view of the ambitious objectives set by the Stockholm Programme.

There are still too many divergences between national provisions and the application of our common rules. The evaluations which we have recently completed on the implementation and impact of the existing legal instruments have confirmed the need to **improve the existing legislation**, in order to address the huge disparities in protection and inconsistency in interpretation of norms.

In order to ensure that the EU offers individuals, regardless of the Member State in which their application for asylum is lodged, an equivalent level of treatment as regards reception conditions, and the same level of guarantees when it comes to both procedural arrangements and status determination we need to complete the Common European Asylum System.

To achieve this objective, the Commission has presented a series of far-reaching **legislative initiatives** (the so-called asylum package) in order to increase the level of harmonisation and strengthen protection standards, while at the same time ensuring the overall efficiency of the system. The proposals currently on the table are intended to remove many of the shortcomings in protection identified at the EU level.

You are aware that **negotiations** on these proposals **are difficult** and that progress this far is very slow. Many Member States see the proposals as too generous, too protection-oriented. Some are worried that they will place additional financial burdens on the national asylum systems, (at a time when Europe is faced with one of the worst economic downturns of its recent history).

In addition, many Member States are tempted to retain the specificities of their national asylum systems and to only agree with the harmonisation process as long as this does not put into question their national practices.

However, it is time for **Member States to translate their political commitments into concrete actions** and work to achieve the objectives which are set out in the Stockholm programme and in the Pact on Immigration and Asylum.

Common solid quality standards are essential to ensuring the level of trust between Member States necessary for the proper functioning of the system. Of course the aim of the Commission is not to encourage abuse or to create

disproportionate burdens on Member States. I am ready to work constructively with the Council and the European Parliament on these proposals, in order to achieve equitable solutions which would take into consideration legitimate concerns of Member States, while ensuring that the asylum system remains efficient, fair and protective.

In this respect the **European Asylum Support Office** will play a major role in developing the practical cooperation by providing tools for developing best practices and common manuals, capacity building and for the common assessment of country of origin information.

As you are aware, the Regulation establishing the Support Office has now been formally adopted. The seat of the Office has been established in Malta and we are currently working to ensure that it will be operational as soon as possible. I am glad that the UNHCR and civil society play have an important role in the framework of the Office.

During the negotiations, the Commission insisted that the **UNHCR** should be represented on the managing board and we are confident it will become a strong partner in the work of the Office. The Office will also be able to provide financial support for the activities of UNHCR.

I also hope that the **association of civil society** through the Consultative Forum and in the activities of working groups will allow the Office to seek and take account of the views of all relevant stakeholders, and that the Office will use the expertise and advice of all the NGOs which deal on a daily basis with the issues of asylum seekers and refugees. This input will make an important contribution to the quality and impartiality of the work of the office.

I am confident that within a few years, the Support Office will become an important point of reference for all national asylum administrations and that it

will contribute significantly to the improvement of the quality and efficiency of the national asylum systems.

It is also important to continue to work on strengthening **solidarity within the Union** and I am glad that the Stockholm programme puts solidarity at the core of a common asylum system. It is clear that some Member States are, sometimes seasonally, confronted with a heavier pressure by the influx of migrants to the EU than others, as can be seen from the number of applications received or the number of applications as a percentage of their population.

In recent years, the Commission has actively pursued a **solidarity**-driven agenda through a variety of initiatives, such as a more targeted use of the European Refugee Fund, including through emergency funding, but also by giving the European Asylum Support Office a clear mandate to support Member States faced with 'particular pressures', for instance by setting up 'asylum support teams'.

The Commission has also proposed to include in the Dublin Regulation a mechanism which would allow for a temporary suspension of transfers of asylum-seekers when such transfers would put too much pressure on the asylum system of a receiving Member State. Many Member States are opposed to this proposed amendment, but the Commission considers that this is an important element of any equitable compromise to be reached on this proposal, as made clear by the European Parliament.

The Commission has also actively promoted the **relocation** of beneficiaries of international protection between Member States in order to decrease the pressure carried by some Member States – this has led to the ongoing implementation of a pilot project with Malta for the relocation of 250 such persons.

I will assess which are the most feasible and fair solutions for the long term, and in 2011, I will present a Communication on enhanced intra-EU solidarity in the area of asylum.

We must not forget that, while the EU received about a quarter of a million asylum-seekers in 2009 that is only a small share of the nearly one million new individual applications for asylum submitted around the world last year. I am therefore convinced that the EU has and can do more to share the **responsibility for sheltering refugees with third countries** and countries of first asylum, many of which receive a far greater percentage of the world's refugees than we do in Europe. The countries hosting most of the world's refugees are considerably less economically developed than the European Union's Member States.

I regret that ongoing discussions with the European Parliament have so far prevented the rapid adoption of a common **EU resettlement programme**. Resettlement of the most vulnerable refugees from third countries to the EU should become an integral part of the EU's asylum policy in meeting the protection needs of refugees in third countries. I am confident that the growing interest of Member States in resettlement will continue, and that more and more Member States will become engaged. I am confident that the EASO will also play a major role in enhancing cooperation in resettlement activities, like the sharing of information and best practice; the organisation of training and twinning arrangements; and the organisation of joint missions.

In order to preserve the credibility of the Union's migration policy, we have to implement a clear strategy in the fight against irregular migration. Our policies must respect our international obligations and ensure that those in need of international protection obtain it. We must fight human smuggling and the criminal networks behind it.

I am satisfied with the agreement reached on **border surveillance** operations at sea which are coordinated by Frontex. This decision seeks to achieve a balance between ensuring effective border surveillance and guaranteeing the protection of the fundamental rights of all persons crossing or attempting to cross external borders, and of those in need of international protection. It sets out rules which prohibit direct or indirect *refoulement*, including in international waters, and which establish a duty of care for vulnerable groups in all sea operations coordinated by FRONTEX.

The **revision of Frontex's mandate** that I proposed on 24 February 2010 will further strengthen its operational capabilities in assisting Member States. It reinforces the overarching principle of respecting fundamental rights in the context of managing the external borders of the Member States by:

- Making the legal obligations to respect fundamental rights in all activities fully clear in all parts of the legal framework of the Agency;
- Making training in fundamental rights compulsory prior to the participation of Member States' border guards or Frontex staff in any operation coordinated by the Agency;
- Creating a system for incident reporting, whereby FRONTEX is obliged to report to the competent authorities any alleged fundamental rights violations occurring during operations. Furthermore, according to the COM's proposal the Agency may terminate joint operations if the conditions for conducting the operations are no longer fulfilled - deliberate non-compliance with applicable law by the participating authorities may be such a case;
- Opening for cooperation between Frontex and the European Asylum Support Office and the Fundamental Rights Agency;



- Adding the promotion of European standards in border management, including human rights.

The Commission's proposal provides a solid basis for discussions with the European Parliament and the Council on how to turn the Frontex Agency, which has lacked adequate resources for its many tasks, into a truly European external borders agency.

We have a lot of work to do. The challenges ahead are multiple, but I am ready to engage in a constructive dialogue with all relevant stakeholders, including civil society. The current economic crisis cannot be an excuse not to fulfil the commitments we have subscribed to.

The entry into force of the Lisbon Treaty enables the Union to demonstrate greater ambition in responding to the day-to-day concerns and aspirations of people in Europe. The role of the European Parliament has been promoted to that of co-legislator in most areas and the national parliaments will also have a stronger voice. This will make the EU more accountable for its actions and enhance the democratic legitimacy of what we do.

It is now time for us, for Member States, for the European Parliament and Council, and for civil society, to work together concretely to translate this political agenda and ambitious objectives into tangible results.

We should be ambitious in completing this task and ensure that we build a system worthy of the proud traditions of which we are a part: that tradition of tolerance, welcome and shelter which identifies us as Europeans.

Thank you very much for your attention.

