



Proposals on migration in the Mediterranean

- Timothy Kirkhope MEP

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Controlled immigration and effective implementation of asylum procedures was one of the founding principles and priorities of the ECR Group. Much like a number of areas of EU policy making, asylum and migration is an area where reform and improvement in its implementation are needed, and the burdens placed upon some Member States addressed.

In recent years regional conflicts in Third Countries, including the Middle East, North Africa, Asia and the Ukraine, as well as an increase in criminal groups running trafficking rings and seeking to exploit border weaknesses, have increased the number of individuals attempting to reach the EU. Year on year, the number of those attempting to reach the UK through the Mediterranean increases, as does the tragic loss of life of those making the journey by sea.

This has led to increasing pressures on receiving Member States and their ability to process and provide facilities for individuals arriving, and increased pressures on Member States who admit large numbers of asylum seekers through their national systems.

Much as is the case with the fight against terrorism and serious criminality we face a situation where it is essential that we build a model of European cooperation and response which is able to effectively deal with the challenges we face, but which crucially maintains the support of the European and national electorate and the support of all of its Member States.

It is crucial that whatever actions are taken over the next few months, they not only respond to the immediate and critical challenges the EU faces in the field of asylum and migration but that we are building practical, sustainable, and sensible solutions that address the long term need to prevent further loss of life in an attempt to claim asylum in the EU; that ensure sustainable levels of migration into the EU; that create effective community integration strategies; as well as ensuring effective border and internal security.

The Geneva Convention almost 70 years ago put in place the basic international parameters for assessing the criteria for asylum seekers and refugees. These principles should still serve as the foundations for our asylum system. Europe should aim to create a system which is fair to all involved, and firm with those who seek to exploit it.

Whilst always trying to manage existing pressures must be a priority, we should seek to have long term aims which create a reliable and sustainable asylum policy, and policies more generally which seek to create a working relationship with stable Governments in conflict areas, and encourage stability, rule of law, democracy, and economic growth and opportunity in the individuals' home country. We must always try and find a solution for the cause and not just the effect.

Timothy Kirkhope MEP
ECR Group Spokesman for Civil Liberties, Justice and Home Affairs

SOLIDARITY:

Meaningful, sustainable and effective solidarity cannot be built through compulsion, but through trust, willingness to cooperate, and a moral imperative to do the right thing. Plans by the Commission as proposed in their Communication on A European Agenda on Migration to introduce a Mandatory and automatically triggered relocation system by the end of the year, as well as an EU wide resettlement scheme of 20, 000 places by the end of May.

The distribution key as envisaged has a criteria intended to reflect GDP, size of population, unemployment rate, existing number of asylum seekers and of resettled refugees. Statistics, numbers, and graphs rarely reflect the true local and national effects of decisions in the area of migration and asylum. Such decisions will always be best made by Governments who best understand the needs of their employment market, the capabilities of local services, and public support for such action.

Action at this time is not just reflective of the current situation but will be the litmus test for all future decisions made in the area of asylum and migration, and the willingness of Member States to cooperate in the future.

It is therefore important to explore proposals for further voluntary action, increased voluntary contributions from Member States, and how this can be supported through increased action in other areas, including the use of Justice and Home Affairs Funds, and increased mandates for EASO and FRONTEX.

BETTER IMPLEMENTATION:

Effective implementation of European Asylum legislation is an area where some Member States have failed. Whilst acknowledging significant pressures faced by some Member States due to their geography, they still maintain a responsibility to uphold existing EU law in relation to the processing of asylum seekers, reception and detention conditions, and fundamental rights. Trust in each other's asylum systems and willingness by all to create a level playing field is key to any future attempts to expand compulsory cooperation in this policy field. There needs to be significant improvement by Member States who have failed to live up to their legal obligations, and more needs to be done by the European Commission to enforce existing standards.

Failing national asylum systems within the EU and a failure to address this in a serious manner by the European Commission, has created increased burdens on other Member States within the European Union, as seen with the Dublin System.

The implementation of the revised Common European Asylum System is due this summer. The assessment of its effectiveness should be carried out almost immediately across the EU. Not only should the Commission identify areas of weakness across the EU, but it should offer specific assistance to combat any deficiencies in the system.

As with other policy areas, the Commission's agenda on better regulation should not exclude such an important policy area as asylum and Migration. Effective and thorough evaluation

should be carried out before identifying additional areas of legislation, instead seeking as a first step to work within the existing framework, improve efficiency, grant additional resources where necessary, review mandates and seek to lessen unnecessary bureaucracy. This should be the first action before the introduction of additional legislation. Immediate action should work within an enhanced but existing framework.

DIFFERENTIATION BETWEEN ASYLUM & ECONOMIC MIGRATION:

Seeking asylum and refuge is clearly and legally defined as something completely different to economic migration. The EU will never be able to meet the demand from outside of the EU to provide assistance, residence, and employment for all those seeking economic opportunity. That is not to say that the EU does not need or does not benefit from the skills of non EU migrants; but there does need to be a clear acknowledgement that those individuals who do not meet the criteria for asylum seekers will be returned, placed on the European Information Systems as having tried to gain entry illegally, and returned immediately.

Whilst the European Commission is making proposals to expand the area of legal migration, it is important to make the clear distinction between economic migration and asylum. Legal migration instruments should not be enhanced as an additional resource in order to lessen the burden on the asylum system and particular Member States.

The Commission should move away from a system of publishing proposals which encompass the entire area of migration, but approach the two areas as different, requiring different approaches and different solutions, both at European and Member State level.

There are clear legal differences which should be acknowledged by keeping these two areas separated within legal mechanisms. The Commission should have two separate migration Agendas.

RETURNS:

There needs to be an efficient system of returns. In order for this to be successful it needs to take place with the assistance of EASO where necessary, as key to a quick and efficient returns policy is the fast processing and conclusion of applications. Furthermore, the EU needs effective resettlement agreements with third countries, and formal cooperation agreements with Third Countries to increase and enhance voluntary returns.

We encourage the European Commission to come forward with a proposal on a rapid returns policy following the evaluation and review of existing measures, for example to include within this framework the enhanced assistance of FRONTEX.

BORDER SECURITY & THE FIGHT AGAINST HUMAN TRAFFICKING:

Member States should be encouraged to offer additional and meaningful resources and financial assistance in order to address the current deficiencies in the EU's border security and lifesaving operations, in cooperation with the FRONTEX Agency.

Whilst lifesaving operations are a key priority for any joint missions between Member States and EU Agencies, maintaining the EU's internal security is also essential.

It is estimated that human traffickers are profiting in excess of 20 billion euros annually. Whilst there are human traffickers who work alone or in small groups, EUROPOL

information shows that many of these operators are highly mobilised, extremely well-funded organised criminal groups, with links not just to human trafficking, but to drug smuggling and terrorism. Where there is illicit money to be made through the trafficking of persons, then it is a problem that will continue until we stop the flow of persons and the flow of money. We must also recognise that in a small minority of cases criminals and terrorists are embedded within migrants who are trafficked for illicit purposes, and this presents a further security challenge to the EU, which needs to be addressed.

Member States and Third Countries should increase cooperation with EUROPOL in order to identify the modus operandi, routes, and methods used by criminal groups; and provide additional resources where necessary for increased Joint Operational Team 'Mare' launched by Europol to fight against organised criminals and smuggling networks.

Member States and third countries should also lay down the strongest possible criminal sanctions against human traffickers and smugglers and criminal Groups both into and across the EU. The European Commission must review the EU's existing framework, and if necessary fill existing legislative gaps.

It is essential for Third Countries in areas of departure of trafficked vessels to patrol their own territorial waters in order to intercept trafficked vessels, and third countries must respect international law with regard to saving lives at sea and ensuring the protection of refugees and respect for fundamental rights.

It is also suggested that EUROPOL, FRONTEX, and Member States (with the offer of additional resources) with legal agreement, help patrol these international waters and waters in points of departures, and assist in the legal destruction of vessels used by traffickers. We must also allow for Member States to propose and carry out further action and interceptions of criminal individuals through joint operations in order to tackle illicit activity at the source within the appropriate legal framework.

Closer coordination and cooperation of EU, EUROPOL and Member State policies relating to the training of local police forces at the points of departure of vessels of trafficked persons in order to identify and stop criminal groups and individuals should be established.

The European Commission should work with third countries and provide necessary resources for a wide spread information campaign in third Countries as to the dangers of human trafficking, and establish third country advice centres in collaboration with EASO and the external action service.

However, further large scale operations including potential proposals for processing asylum applications and wider EU representation in Third Countries would need extensive assessment and evaluation as to its long term viability. Such an evaluation would need to fully assess issues related to the EU and competence and legal base, international law, resources, and budgetary implications, security and the effects on the quality and expedience of the application process within the parameters of the EU's existing legal framework for asylum.

THE DEVELOPMENT OF EXISTING AGENCIES:

In order to offer valuable and enhanced assistance to Member States where identified and requested, the mandate of EASO and FRONTEX should be temporarily increased / enhanced, and in the long term following evaluation a revised legislative mandate for these European Agencies should be proposed.

It is essential to increase information sharing between Member States through the EURODAC system, and through the ECRIS (European Criminal Information System) to include information on third country nationals.

An evaluation as to the workings of ECRIS and EURODAC should be rolled out across all Member States, in order to assess inconsistencies within the systems across the EU. The Commission should propose a full revised legislative proposal of the ECRIS system requiring the participation of all Member States.

The efficient use of EURODAC is essential in order to avoid onward travel within the EU, which provides for the added problem of trafficking within the EU and further illegal exploitation, as well as the possibility of forum shopping.

INTERNATIONAL COMMUNICATION & COOPERATION:

The EU should strengthen its cooperation with partner countries in the Middle East and Africa in order to promote democracy, the rule of law and human rights. There needs to be greater cooperation with countries in the region within the Arab League and the African Union in order to manage, resettle and grant asylum to displaced persons in these regions.

The EU should push for the establishment of a bi annual Migration Crisis Conference, attended by national Governments, European institutions, EU agencies, and regional actors such as the African Union, and the Arab League, and other countries who help with the relocation and resettlement of refugees in conflict regions.

JUSTICE AND HOME AFFAIRS FUND AND INTEGRATION:

Key to any successful and long term asylum and migration strategy is the full and successful integration of individuals within existing communities. Therefore, the Commission should come forward with a revised plan on how to make funds available to those Member States taking larger numbers of asylum seekers in order to assist with a number of issues related to integration, language, and community coherence. Community relations and asylum policy are two issues intrinsically linked.

In this regard Justice and Home Affairs Funds should be made available with additional resources for the creation of temporary and long term infrastructure to provide emergency medical care and schools and basic infrastructure in frontline receiving Member States.

*** The Union's common policy on migration is based on Title V TFEU. Therefore, the specific aspects referred to, concerning Protocols 21 and 22 to the Treaties, on the position of the United Kingdom, Ireland and Denmark, must be taken into account ***

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