

For a legal European approach on migration and asylum

The Congress of the Alliance of Liberals and Democrats for Europe (ALDE) Party convening in Dublin, Ireland, on 2-4 June 2022:

Noting that:

- more than 4 million people have fled Ukraine (as of April 2022) since the start of Russia's illegal invasion. This is the largest movement of refugees in Europe since World War II;
- there has been an obvious difference between the treatment accorded to Ukrainian, all other non-EU refugees since 2015/2016;
- European asylum systems faced a challenge from 2015, as more than 1 million asylum seekers and migrants arrived in Europe;
- dead and missing at sea are still being reported as the UNHCR figures show;
- dead and missing have increased from 390 in 2020 to 823 in 2021 but resettlements have halved as reported by EASO;
- climate-induced migrants and displaced people have increased;
- the neighbouring authoritarian regime is trying to instrumentalise migrants, asylum seekers and refugees for its political goals;
- the situation at the Belarusian borders raise multiple serious human rights concerns;
- the EU has applied for the first time the TP Directive 2001/55/EC for 22 persons fleeing from Ukraine];
- the manipulation of migrants for political purposes by the Belarusian authorities can be classified as a serious violation of human rights. The EU Commission requested to support Latvia, Lithuania and Poland through a technical and financial support package;
- it is fundamental to promote the respect of international and European law at the borders in order to respond to the increase of migratory flows and to encourage Member States to observe the non-discrimination principle for refugees and migrants;
- following the activation of the Temporary Protection Directive, the EU will continue welcoming people fleeing the war in Ukraine and support their labour market integration as a priority; labour migration is one of the key instruments set out in the New Pact on Migration and Asylum (Pact). Not only it has economic benefits, it also improves overall migration management as it helps strengthen our cooperation with countries of origin and transit, thus reducing irregular migration; together with the legislative pillar, the Commission proposes to significantly step-up operational cooperation at EU-level between Member States as well as with partner countries. Work is already advanced with setting up Talent

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Partnerships and the EU Talent Pool, one of the key aspects of the external dimension of the Pact; the EU has also developed labour mobility schemes with non-EU countries. Pilot projects on legal migration have shown that by providing targeted support, the EU can help Member States implement schemes that meet the needs of employers, while reinforcing the human capital development in partner countries. the EU has also opened Erasmus+ learner and staff mobility in vocational education and training to non-EU countries;

- the proposal also puts in place a mechanism to ensure a level playing field between the EU long-term residence permit and national permanent residence permits in terms of procedures, equal treatment rights, and access to information. Thus, nationals from non-EU countries have a real choice between the two permits. It also facilitates circular migration by making it easier for long-term residents to return to their country of origin without losing their rights, benefiting both the countries of origin and the countries of residence;
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- the proposal also puts in place a mechanism to ensure a level playing field between the EU long-term residence permit and national permanent residence permits in terms of procedures, equal treatment rights, and access to information. Thus, nationals from non-EU countries have a real choice between the two permits. It also facilitates circular migration by making it easier for long-term residents to return to their country of origin without losing their rights, benefiting both the countries of origin and the countries of residence.

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Believes that:

- Migration is an integral part of human history and, as such, a historic and natural phenomenon, and resettlement is a key tool to provide refugees with protection and to share responsibilities and solidarity among countries hosting a high number of refugees. This is a defining characteristic of united and integrated European culture;
- a “race to the bottom” on asylum laws in order to discourage asylum seekers from choosing one country over another should not be tolerated within the European Union;
- a higher protection for unaccompanied children, women, LGBTIQ+ and vulnerable people is needed.

Recalling that:

- the 1951 Geneva Convention states that people escaping from war, persecutions and human rights violations have the right to apply for asylum;
- the ALDE Party Congress in 2017 adopted a resolution on Protecting the Rights of LGBTI Asylum Seekers;
- more than 50 million people in the world today have been forced to flee their country because of war or unwarranted and arbitrary prosecution;
- thousands of people risk their lives every year to enter the EU;
- people forced to flee, as their country of origin has become uninhabitable as a result of climate change are not recognised as refugees with a right to asylum;
- the lack of a common approach to manage migration by the European Union’s current Dublin-system has led to a disproportionate burden on countries of first arrival;
- despite the Common European Asylum System, there is a need for reform of the Dublin system, as well as a shared outlook on integration and labour policy.

Calls for:**A Critical Revision of the system**

- implement the EU’s New Migration and Asylum Pact withdrawing the compulsory registration of the asylum claim in the country of first arrival with mandatory relocation of migrants (and not voluntary as stated in the current legislation) between Member States as percentage on population and GDP of every single Member State;
- the regulations replacing the Dublin System should be based on a balanced system of solidarity and justice;
- it should take into account asylum seekers’ individual needs and situation (for example their language, education, connections, family members or contacts willing to support them), as well as the

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capacity and resources of potential host states;

- it must ensure that the burden of processing asylum claims no longer disproportionately lies with the countries at the EU's external borders, the so-called "countries of first arrival."

A human rights-centred approach to dealing with migration:

- a human rights-based approach to migration, should place the migrant at the centre of migration policies and governance, and seek to ensure that migrants are included in all relevant national action plans and strategies, such as plans on the provision of public housing or national strategies to combat racism and xenophobia;
- increase family reunifications with particular consideration for unaccompanied minors;
- ensure more protection of fundamental rights through the adoption of the Global Compact for Migration by all Member States;
- The EU to establish common facilities for asylum seekers outside the EU who will be responsible for receiving and processing asylum applications; This would allow asylum seekers to apply for asylum in the EU without needing to risk their lives entering the EU through irregular corridors, and thus reduce the risk of them falling prey to human traffickers. Once asylum has been granted, asylum seekers should be disbursed among the EU countries.

Shared outlook on integration and labour policy:

- for our refugee policies to tap the potential of jobs as an integration engine and work to speed up the allocation of work permits to legal migrants and refugees who arrive on EU soil, eliminate legal and bureaucratic barriers that stop migrants or refugees who are eager to work from doing so, facilitate the recognition of academic and professional qualifications from third countries, and extend the availability of language courses, especially for migrants or refugees whose professional background enables them to plug critical skill gaps in the host country's economy;
- removing obstacles within the EU to free trade and the free movement of labour, private capital and services;
- promote international cooperation with regard to reintegration and resettlement with special consideration for work/study programmes promoted by UNHCR and the European Commission Blue Card programme;
- devise a legislative pillar, recasting the Long-Term Residents Directive and the Single Permit Directive, to simplify the procedures for the admission of workers of various skill levels to the EU, and the mobility within the EU of workers from non-EU countries that are already in the EU, and improve their rights and their protection from labour exploitation;

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- increase the presence and enhance the mandate of the EU agencies supporting Member States as well as NGOs and international organisations working on the ground.

Transparent and sufficient funding:

- there must be transparency in the use of European Union funds in relation to support for countries of origin and transit in stemming irregular migration and combatting human trafficking and people smuggling, including projects approved;
- members States of the European Union must ensure that sufficient resources are allocated to the Asylum, Migration and Integration Fund (AMIF);
- Renew Europe should push for sufficient resources to be allocated to the Common Asylum System for it to be functional and humane, and capable of managing dynamic asylum flows, on a long term basis;
- Frontex must systematically investigate allegations of misconduct and human rights violations; it must continue its reform in order to better support the management of external borders and respect refugee rights;
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Formal definition of Climate Refugees:

- a formal definition of “climate refugees” and implementation;
- the EU to welcome climate refugees and take proactive measures to aid the countries most severely affected by climate change.

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