



POSITION PAPER

S&D POSITION PAPER ON MIGRATION & ASYLUM

***ONE EUROPE FOR ALL OF US –
SOLIDARITY, DIVERSITY AND SECURITY***

A common asylum and immigration policy for Europe

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TABLE OF CONTENTS

| | |
|--|----|
| Introduction..... | 3 |
| 1 International cooperation | 5 |
| Human rights must be respected in all instances..... | 5 |
| A CFSP/CSDP aimed at eliminating the root causes of irregular migration | 7 |
| Developing more effective preventative diplomacy..... | 9 |
| Improving development cooperation..... | 10 |
| Give a political answer to climate migration..... | 11 |
| Enlargement and the European Neighbourhood Policy as key policies for better migration management..... | 12 |
| A fair & free trade policy | 14 |
| 2 Protection | 15 |
| A Common European Asylum System (CEAS)..... | 15 |
| External borders policy and the proposed European Border and Coast Guard Agency | 20 |
| a) The Schengen Area..... | 21 |
| b) Targeted revision of the Schengen Borders Code | 22 |
| 3 Integration..... | 23 |
| A more balanced European Immigration Policy | 23 |
| Integration Policy..... | 25 |
| Access for migrants to education and social and civil rights | 27 |
| Policies against discrimination and xenophobia..... | 28 |
| 4 Budgetary implications..... | 29 |
| Conclusion..... | 31 |

INTRODUCTION

The European Union is facing the largest refugee crisis since the end of World War II. It is a crisis of unprecedented magnitude that originates largely from conflicts, persecution and humanitarian disasters in Europe's neighbourhood, and beyond. The violent conflicts in Syria, Afghanistan, Iraq, repressive regimes in Eritrea and Sudan, and instability and poverty in other parts of Africa, have forced millions of men, women, and children to flee their homelands in search of safety, protection and a decent life. The migratory challenge is seriously jeopardising the fundamental pillars of European integration which necessitates solidarity among the Member States.

The S&D Group will continually seek to pursue solidarity both within the European Union and internationally. The EU needs a migration policy that allows the EU and its Members States to take their full share of responsibility for the refugee situation, and to be a generous and trustworthy actor in the international community.

A strategy for successfully and sustainably dealing with the refugee situation requires a clear commitment to implement common European responsibility in the area of migration. This position paper presents the essential elements of this commitment.

The past years and months have clearly demonstrated that the European Union asylum and migration policy is not fit for purpose and needs a fundamental rethink.

Article 80 TFEU puts the principles of solidarity and fair sharing of responsibility at the heart of the whole European system, providing a legal basis for the implementation of these principles in EU policies on asylum, migration and border control.

While acknowledging the challenge with which all Member States are confronted when managing their borders responsibly, this needs to be done in a way that does not impede access to protection for people who need it. The fact, that even today, access to an asylum procedure is not always guaranteed at the EU's external borders, and that people are being pushed back, goes against the fundamental values of the EU and international law. As well as promoting measures for protection-sensitive border management that fully respects the universal right to apply for asylum, we call on the EU and its Member States to give effective help to those Member States confronted with extreme pressure. Relocation and resettlement of beneficiaries of international protection and asylum

seekers, as well as their swift and full integration into Member States are concrete forms of solidarity and responsibility sharing. More needs to be done at European and Member State level with respect to all of these measures. **Socialists and Democrats believe that the political will which is required by the EU to manage the protection of refugees within its borders, should be pursued with equal determination in European action beyond those borders.**

The immigration and asylum policies of the EU must be seen as part of a bigger picture and properly take into account the external dimension, which is key for dealing with the root causes of migration. Actions in this field must be co-ordinated with other policies ranging from the CFSP/CSDP, Enlargement and European Neighbourhood policy, Development Cooperation, and Human Rights to Trade, Social and Employment Policy, Education, Training and Budgetary issues.

Taking account of the limited resources, we insist on the need for better, more effective coordination of funding based on a careful needs assessment. Targeted support for relevant NGOs working and making a difference on the ground should be ensured. There is, furthermore, a need for better internal coordination and cooperation among the relevant parliamentary committees, the Commission and its Directorate Generals, the Union Agencies and the EEAS.

The S&D Group fought to have a strong and better funded Asylum, Migration and Integration Fund (AMIF) and now Member States must make full use of the resources provided under this Fund, as well as the European Social Fund (ESF) and European Regional Development Fund (ERDF) in line with their own policies to ***set up and develop meaningful integration strategies at local, regional and national level.***

The S&D Group is committed to ensuring that a 'European Policy on Migration' is based on a holistic European approach underpinned by **solidarity, cooperation and trust** between Member States **fulfilling their responsibilities in line with the fundamental and gender sensitive values of the European Union.** All this should be done in **close cooperation with origin, transit and destination countries with a view to managing migratory flows, tackling the root causes of irregular migration and promoting safe routes for legal migration.**

1 INTERNATIONAL COOPERATION

*It is in the self-interest of the European Union and its Member States to address the political and economic causes of migration. The EU must prioritise conflict-prevention, appropriate CSDP missions, develop the application of the rule of law internationally, support social, human, and economic development, **humanitarian assistance**, institution building, democratisation, the promotion and consolidation of human rights and a responsible trade policy.*

Human rights must be respected in all instances

A **human rights-based approach to migration**, which safeguards the rights of migrants and refugees in migration policies and management, is a fundamental point of principle for the S&D Group and can never be compromised.

Particular attention should be paid to the situation of marginalised and disadvantaged groups of migrants and refugees, such as **women, children and LGBTI migrants**. Recalls that girls fleeing conflict and persecution are at a heightened risk of sexual abuse and prostitution; a migration policy from a gender perspective should be designed in order to respond to their particular needs and to address gender-related violence against women and girls. People with disabilities are particularly vulnerable in refugee situations and the EU must always ensure their needs are addressed.

In order to better protect **the social rights of migrants** and, at the same time, avoid social dumping, we urge the Member States to ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which is the most broadly-based international legal framework providing adequate protection for the rights of migrant workers and their families. The S&D Group believe the EU must step-up efforts, in its cooperation and humanitarian assistance with third countries which experience large refugee populations, to assist the integration of refugees in those countries, to encourage them to be able to work fully in line with ILO conventions, as well as providing humanitarian assistance to ensure welfare needs and human rights are met.

Greater efforts should be made to prevent irregular migration and **fight criminal migrant smuggling** and **human trafficking**, in particular by introducing safe and legal routes for migrants and refugees, and combating criminal networks through timely and effective exchange of relevant intelligence information. The EU needs to extend the framework for legal migration, organising, when appropriate, circular migration agreements and mobility partnerships in close cooperation with partner countries and granting **humanitarian visas** that will ensure safe transfer of refugees to Europe. Furthermore, large-scale resettlement efforts are urgently needed to establish safe and legal routes from countries such as Turkey, Lebanon and Jordan to the EU. The European Union should work with human rights defenders, other local NGOs, refugee organisations, and international agencies to identify people at risk and to develop swift and sensitive systems to be able to offer such people humanitarian protection and give a voice to refugees themselves. Recalls that migrants should not be sent back to countries where they risk ill-treatment and torture, as collective expulsion and push backs are prohibited under international law.

Refugees flee from conflict and repression. European efforts towards conflict resolution and prevention are therefore an essential part of the European policies to promote democracy. For this reason, it is also important that the EU does not fund regimes and political leaders in third countries that are responsible for suppression, violence and therefore migration.

The **promotion of democracy** is a fundamental objective of the European Union in its external relations, in development cooperation, in conflict prevention and in crisis management. Democracy, socio-economic development and the rule of law are basic preconditions for sustainable peace. A global and coherent approach is essential to combine the two approaches of promoting democracy: the developmental approach, which focuses on socio-economic progress for all and pro-poor sustainable growth, and the political approach, which supports political pluralism, parliamentary democracy and the rule of law, human rights and basic freedoms and a functioning civil society.

We have to draw lessons from the Arab Spring and promote positive change without undermining the stability of states. Identifying and supporting truly pro-democratic actors and moderate forces will be crucial in this respect. The **use of 'smart' sanctions** can be a useful instrument of the EU human rights policy towards the most repressive

regimes; selective punitive measures, such as asset freezes and travel bans imposed on high-ranking individuals and their financial supporters, can and should be used. They can be deployed in a way that can restrict but not cut-off altogether diplomatic engagement, bilateral trade, and which can still maintain provision of EU assistance to civil society in countries concerned, and support and people-to-people contacts. To deter human rights abuses, the European Union has a positive role in international diplomacy to ensure that any targeted sanctions should be applied systematically, consistently and with the broadest possible international cooperation. Furthermore, they should be coupled with concrete positive incentives, rewards and closer engagement with those who change attitude by promoting true democratic reforms.

Full implementation of all of the provisions of the EU directive against human trafficking, including identification and support of victims is also necessary to successfully combat this phenomenon.

A CFSP/CSDP aimed at eliminating the root causes of irregular migration

The S&D Group calls for **solidarity both within the European Union and with third countries** that are facing disproportionate migration pressures. We insist that the EU must share the responsibility with third countries for managing refugees. We stand for a win-win approach and we urge the EU and its Member States to support financially the countries that offer hospitality to refugees, and also to implement their resettlement commitments.

The European Union should not give the impression that it wants to outsource the "problem". Recognising our responsibilities is an obligation under international law. We **call for transparency and involvement of the European Parliament in the process of concluding agreements with third countries**, including readmission and operational arrangements between Frontex (to be developed into the European Border and Coast Guard) and third countries, insisting on timely consultation and that all agreements respect international and human rights law including with regard to return, joint patrolling, search-and-rescue or interception operations. Any readmission agreement must fully respect human rights and the principle of non-refoulement, and not

put at risk any person in need of international protection. **European funding should be used for capacity building** and targeted programmes that create growth and job opportunities at local and regional level. Re-integration programmes for irregularly returned migrants should be developed in close cooperation with the third countries concerned.

Financial assistance should go beyond humanitarian aid and seek to create incentives for both the refugees and the local population. Strategic investments in the areas where refugees are hosted can be mutually beneficial. We must support education initiatives such as the **Erasmus+ programme** that aims to promote sustainable development of partners and the success of the Europe 2020 strategy. The engagement of neighbourhood partners in the Erasmus+ programme should be encouraged by increasing the available funding and facilitating the participation of higher education institutions.

The S&D Group reject the notion that Europe exercises 'soft power' whilst 'hard power' is exercised by others. We honour the contribution of military service personnel who contribute to European peace-keeping and peace-building missions, as well as civilian personnel who make a vital contribution in areas for CSDP such as border management, security sector reform and the development of justice systems. This could involve CSDP missions which support 'no-fly zones' or 'protection zones' and 'humanitarian corridors' in conflict situations, which we recognise involves sensitive political decision-making but which is an option that must be fully considered and used where justified.

The EU has to develop further **early warning capacities** in order to address conflict risks before they escalate into violence and be pro-active, engaging in mediation and preventive diplomacy. This can be achieved mainly through the establishment of migration information centres in third countries, the swift deployment of European immigration liaison officers to European delegations in key third countries to gather information on migratory flows and direct cooperation with local authorities. Combating ISIS/Da'esh and finding a durable solution for the conflicts in Syria and Iraq, as well as stabilising Libya, the Sahel and Afghanistan are amongst the main goals for the EU.

It is important to invest in a **real European long-term strategy on Africa** guided by the principles of solidarity and shared responsibility in response to the human, social and

political challenges of migratory flows between African third countries and the European Union. The EU's engagement in African third countries through development cooperation plays a decisive role in addressing the root causes of irregular migration and forced displacement. It is crucial to differentiate between the different countries and regimes in Africa in order to establish a specific approach for the countries concerned.

The **EU should work with and within international organisations to promote global responses** and synergies, without giving up its own responsibilities. The Union and its Member States should promote such solutions in international fora, first and foremost in the United Nations, and keep and strengthen their support for the United Nations High Commissioner on Refugees (UNHCR), the UN High Commissioner for Human Rights and the International Organisation for Migration (IOM). It needs to actively promote the ratification and full respect of international instruments, most importantly the 1951 Convention on the status of refugees and the 1967 protocol thereto and the Rome Statute for the International Criminal Court. The S&D Group should strongly resist any attempts to dilute or undermine the Geneva Convention, and instead work in international institutions for new and stronger global governance to strengthen the rights and protection of refugees.

Developing more effective preventative diplomacy

In order to fully utilise the Common Foreign and Security Policy to better respond to the dramatic and sustained increase in refugee flows, the **European Union needs to develop a swifter, more proactive capacity to identify potential conflict and other situations which may generate future migratory pressures and to act accordingly.** We recognise that building consensus amongst the EU Member States has too often been a delaying factor in enabling such actions, but express confidence in the EU High Representative/Vice-President and the capacity of her services to undertake this task, and call on the Member States to give her greater political backing to do so, without prejudice to their competences. This should include developing existing EU tools for crisis management, utilising the European Union's political and human rights dialogues, enhanced cooperation between the European External Action Service and member state diplomatic initiatives, bilateral contacts in international institutions and other diplomatic engagement in pursuit of this task. This could be symbolised by agreement between the

European Parliament and the European Council to give political support to a new “early intervention” concept to respond the potential for future migratory pressure.

Improving development cooperation

Development policy and capacity building can help countries on the path to sustainable socio-economic growth, and provide opportunities and alternatives to migration. We have been pushing for a development policy in which human rights are respected and promoted and other EU policies take into account development challenges and better donor coordination, according to the principles of Policy Coherence for Development.

We **refuse the instrumentalisation of development aid for security purposes** - which was unfortunately the case after the Valletta Summit and the creation of the Africa Trust Fund. The S&D Group argue for external financial assistance to third countries experiencing high refugee flows to be genuinely additional and never divert existing assistance aimed at poverty-reduction and other development goals. Failure to do so risks antagonism from third country governments and between refugees and local populations, which is self-defeating in efforts to reduce the pressure of refugee flows on the European countries themselves. While the idea of the Africa Trust Fund is to be welcomed, we believe that the Fund should prioritize projects aimed at employment, education, food security and combatting radicalization which is better framed to curb the numbers and improve the living conditions of the local population.

We have led on **promoting corporate social responsibility**, greater transparency and accountability in all sectors, restate our commitment to achieve strong EU binding rules in the fight against conflict minerals and to ensure respect for human rights in global supply chains of all European companies, making sure that high environmental, health and labour standards are respected so that people are not forced to emigrate.

One of our development policy goals is to fight illiteracy and **for access to quality education for all citizens**, with a special focus on women and girls, because this gives them the possibility of empowerment and self-determination. Educating girls is key to future prosperity.

The European Union and developing countries **must promote development projects and investments which create job opportunities for the local population** and conditions for inclusive economic growth for a decent life for all. The EU must also make further efforts with regard to the development and democratisation of these countries and promote the rule of law.

Finally, we insist that **migration is also a tool for development**, in particular **circular migration**. We also stand for the reduction of transaction costs of remittances for migrants, through the provision of more formal and accessible remitting channels, in accordance with the sustainable development goal 10 of the new internationally agreed framework, and the promotion of access to financial services, with particular attention to rural areas.

Give a political answer to climate migration

We stand for sustainable development and see the **fight against climate change** as essential because it is mostly industrialized countries that cause climate change, but developing countries that suffer from it.

The S&D Group have and will continue to champion the concept of establishing rights for 'climate refugees' in European Union policy, and the EU should pursue action in international institutions to do so, in line with the concept of 'climate justice'.

The push towards migration can also be reduced by disaster-risk-reduction, resilience and food security. These not only save lives and livelihoods, but are also more cost-effective. We want to see the EU and the Member States considering more seriously the already evident phenomenon of environmentally induced migration, develop adequate political responses, and promote the international codification of environmental migrants. We are also campaigning to curb commodity speculation and for the regulation of financial markets.

Enlargement and the European Neighbourhood Policy as key policies for better migration management

We strongly supported visa facilitation and liberalisation for all Western Balkan countries, a goal achieved after they had reached the necessary benchmarks for document security and fundamental rights linked to the movement of persons.

Candidate countries, like Serbia, the former Yugoslav Republic of Macedonia, and Turkey are important transit countries in need of EU support. We welcome intensified cooperation with all countries neighbouring Syria to manage the current crisis and believe more emphasis should be given in assistance to Lebanon and Jordan but we remain to be persuaded that the EU-Turkey “refugee deal” is sustainable and fully respects human rights.

The S&D Group recognise and welcome that some countries in South East Europe and Turkey have shown solidarity by welcoming large amounts of refugees, while often having less financial and operational means than the EU and its Member states, but **we reiterate that any cooperation with third countries must be in line with human rights and international humanitarian law.**

We reject any connection between the European Union accession process, which would prejudice our values and established criteria, for the sake of co-operation on migration. Furthermore, we are opposing the use of IPA funding for migration-related projects, for the same reasons we oppose the diversion of development assistance funding in other countries. IPA funds should help the candidate countries in their efforts to join the EU instead.

We strongly support the Commission's efforts to open up further legal migration towards the EU. **Through the renewed ENP, we want to build stronger partnerships in order to promote mobility and mutually beneficial migration.**

The visa-liberalisation with Moldova has been an example of good implementation in the eastern neighbourhood. **We support the granting of visa-free travel regime for Kosovar, Ukrainian and Georgian citizens**, as soon as all necessary conditions are

met. Therefore, we encourage the Council to take the relevant decision without undue delay.

Concerning the **Southern neighbourhood**, the on-going refugee crisis demonstrates that the security-oriented approach on its own and a "Fortress Europe" mentality approach is unsustainable and undermines the European Union credibility. The root causes of migratory pressures in the Southern Mediterranean - such as political instability, unemployment, the absence of a perspective of a better life for young people in particular, corruption, and poor public services - must be addressed. Despite this, we recognise that migration as such will always be there and that sustainable European policy is needed to deal with this. **Creating jobs and improving living conditions in southern partner countries must be our priority, while avoiding a counter-productive brain drain.**

Whilst we reject attempts from the nationalist Right in European politics to equate refugees with terrorism, we do not deny that the threat of terrorism and extremism in the region can provoke migratory movements, and restate our commitment to pursue cooperation in both security and in anti-radicalisation efforts with third countries in addition to the European Union development assistance and with full respect for human rights.

The mass exodus of refugees fleeing the war and **humanitarian catastrophe in Syria** continues, with no sign of the conflict ending soon. The newly revised Common European Asylum System will be nothing but an empty shell if access to Europe is rendered difficult, if not impossible, for refugees seeking protection. The European Union and its Member States should increase their efforts in this field, by offering also to young refugees' opportunities to study and train in Europe, so that they can return to their own countries and contribute to rebuild them once that peace and stability are re-established.

The S&D Group believe the European Union should step up its efforts to assist refugees to prepare to return to their countries through training and other support, so they can contribute to re-building peaceful and prosperous societies in post-conflict countries, including in Syria when the conditions allow.

A fair & free trade policy

Through the European Union's trade policy, we are committed to opening our markets to boost trade and investment and help countries within our neighbourhood create opportunities, especially for young people who took to the streets in these countries to demand more and better jobs. The recent WTO agreement reached in Nairobi will reinvigorate the multi-lateral trade system, which remains the best guarantee for open, free and fair trade, beneficial to both developed and developing countries. But this is just the first step towards the more ambitious Doha development agenda.

To address the root causes of irregular migration, we want **to see the EU develop a comprehensive policy on the extraction of raw materials**, starting with a mandatory system of due diligence and traceability enshrined in the so-called "conflict minerals" regulation. For too long now, trade in minerals, precious stones and other commodities have played a central role in funding and fuelling some of the world's most brutal conflicts and driving people to leave their homeland. For the S&D Group, natural resources should be a blessing for a country, not a curse. We have therefore been instrumental in pushing for a legal system to ensure traceability of tin, tungsten, tantalum and gold, in order to make sure that products containing these minerals (smartphones, laptops, etc) that are sold in the EU do not fuel armed militias or foster human rights violations in conflict areas. Although there have been voluntary guidelines in place for five years, over 80% of companies have chosen not to publish any information on their supply chain according to due diligence standards. We want to establish responsible supply chains to ensure that EU consumers do not indirectly fuel armed conflict and can trust that our everyday products are not fuelling armed conflict elsewhere.

The S&D Group have played the leading role in the European Parliament to win EU rules on transparency for extractive industries and on non-financial reporting including respect for human rights by larger companies; and we will continue to press for further actions for European companies in all sectors to respect human rights in their global supply chains in line with the UN Guiding Principles on Business and Human Rights.

2 PROTECTION

The European Union must ensure equal treatment of asylum seekers irrespective of the Member State in which they apply. This must be done in a way that reflects both solidarity and sharing of responsibilities between all Member States. Today, while numerous conflicts have forced more people to flee their homes worldwide than at any time in 20 years, S&D leadership on refugee rights and protection will be crucial in addressing some of these challenges.

The European Union migration policy must be guided by respect for human rights and the principles of solidarity and fair sharing of responsibility among Member States. It should ensure not only the integrity of the Union's borders, but also the fight against human trafficking and ensuring safe and legal routes to the European Union for migrants and potential refugees. At the same time, further efforts are required to protect vulnerable groups including children and to clear any international law misconceptions and interpretations, such as the consideration of LGBTI people as a social group under Article 1 of the Geneva Convention.

A Common European Asylum System (CEAS)

The End of Dublin:

The premise on which the current **Dublin Regulation** was created is no longer valid. The increased arrival of migrants and asylum seekers to Europe over the past months has put considerable strain to a system that gave exclusive responsibility to some Member States which had to deal with 80% of all asylum requests submitted in the European Union threatening the European project as such and most notably Schengen. The S&D Group strongly believes that serious consideration should be given to the harmonisation and **Europeanization of asylum procedures** towards a real solidarity sharing system between Member States which would become a unified and effective Common European Asylum system. However, harmonisation should not mean a lowering of standards. On the contrary, we have to build on what we achieved as a political group during the last reform of the CEAS in 2013 and work not only on

implementing these standards, but further improving them until we can reach full harmonisation at a high level.

Building on and strengthening the content of the Strategic Own Initiative Report in the LIBE Committee, the S&D Group position is as follows; *the current Dublin system has to be revised. Applications should be collected centrally at the European level, viewing each asylum-seeker as someone seeking asylum in the European Union as a whole rather than in an individual Member State (This should be done under the authority of a strong European Asylum Agency, by reinforcing EASO) There is a clear need for a central system for the allocation of responsibility for any persons seeking asylum in the Union Such a system could provide for a certain relative threshold per Member State, above which no further allocation of responsibility is made until the remaining Member States have met their own threshold.*

Such a central allocation mechanism could considerably help in deterring secondary movements as all Member States would be fully involved in the centralized system and would no longer have individual responsibility for the allocation of applicants to other Member States.

Such a future system could function on the basis of a number of Union 'hot spots' from where distribution should take place. The completion of the set-up of these hot spots is really needed. Adequate financing at both European and national level is required. We must provide an adequate platform for the agencies to intervene, rapidly and in an integrated manner in full respect of fundamental rights of the migrants. The work of the hotspots must be carried out quickly in order to facilitate the effective and efficient relocation of refugees, building on the preferences and profile of asylum seekers. These hotspots must not become overcrowded detention centres. Adequate shelter for vulnerable groups such as unaccompanied minors is crucial. Criteria such as family unity or the best interest of the child, including educational support actions, have to be fundamental for the new legal framework. At the same time, asylum seekers have to be adequately informed about the relocation procedure as such, about their rights and about possible countries of destination.

We should stop using the first country of entry criterion to determine which Member State should be responsible for examining the application for asylum. The so-called "frontline"

Member States should be responsible only for the registration and taking the fingerprints of all migrants, but they should not be held responsible for the examination of the migrants' asylum application. This, in turn, would ensure that no Member State's reception capacities are disproportionately affected. However, in this context we would like to stress that the new Commission proposal on the Dublin Regulation of 4 May 2016 does not meet our expectations. Rather than trying to fix a system that does not work and has never worked, we should opt for an ambitious reform creating real solidarity via a fair distribution system with permanent relocation.

A European approach is required for **permanent relocation**. The S&D Group stresses that relocation of persons benefitting from international protection must be mandatory and permanent, as voluntary schemes have proven to be ineffective and very little results were achieved. Any such mechanism must take into consideration both the needs and capacities of Member States and the preferences of those who have been granted asylum status.

The full implementation and further harmonization of the European framework laying down the rules for asylum procedures (Procedures Directive), reception conditions (Reception Directive) and of common criteria giving access to protection (Qualification Directive) as well as a reform strengthening the **European Asylum Support Office** are key for an effective permanent relocation mechanism. Furthermore, specific procedures and methods, such as age assessment methods, should be fully harmonized, ensuring respect for human dignity. Such a uniform European protection status would also enable mutual recognition of asylum decisions, which should then enable free movement under the same conditions as the EU nationals.

In order to be able to monitor properly the implementation of a fully-fledged Common European Asylum Policy, EASO's financial and operational capacities have to be substantially strengthened. The Agency should become the principal coordinator of claims for international protection in a truly harmonised European asylum system. More generally speaking, serious thought should be given to how the EU-budget for the asylum and migration policies in general can be substantially increased in the near future, without negatively impacting on other EU policies.

We need a European approach on resettlement for persons in need of protection and the introduction of systematic **mandatory large-scale resettlement programmes** at European level in case of a significant stream of refugees, for example from Syria and Iraq. This would alleviate countries in the region that host millions of refugees, and would simultaneously create safe and legal routes for the most vulnerable refugees.

Legal and safe routes to the European Union for asylum seekers have to be established through the issuing of humanitarian visas at EU embassies and consular offices, and through an extensive program for the large-scale resettlement of refugees from third countries. Humanitarian visas would provide temporary entry into the EU so that asylum applications could be processed safely. Member States should use existing EU legislation such as Article 25 in the Visa Code, and Article 5 in the Schengen Borders Code, making it possible to grant humanitarian visas for asylum seekers. An extensive resettlement programme that would move refugees from conflict zones and refugee camps in third countries to safety in the European Union should be matched with a mandatory structured resettlement program at the European level and would thus ensure that the EU and its Member States take their full share of responsibility for the refugee situation in the world. In addition, the Temporary Protection Directive 2001/55/EC, was never triggered.

The establishment of humanitarian corridors throughout the countries of transit for refugees (in both the Mediterranean and the Western Balkans), with the aim of providing humanitarian aid and ensuring that the refugees' most basic needs are covered and their human rights respected has to be seriously considered. That is indeed the only way to prevent the exploitation of asylum seekers and migrants by criminal networks and to achieve the objectives of the EU Action Plan against migration smuggling.

The EU Visa policy must become a tool for managing mobility and supporting democratisation and prosperity in third countries. We support visa facilitation and liberalisation for all countries that fulfil the relevant criteria. Visa liberalisation fosters people-to-people contacts and business, scientific and cultural exchanges, producing significant changes inside societies.

Regarding returns policy, we must insist that returns respect the principle of non-refoulement and go hand-in-hand with the respect of the procedural rights and standards

already laid down in the EU acquis, to ensure a humane and dignified treatment of returnees. Returns decisions should be taken on a case-by-case basis in full respect of Article 14 of the Universal Declaration of Human Rights.

While migrants smuggling and human trafficking are two distinct phenomena, there is also a possibility of crossover between them, entailing the risk that criminals start forcing refugees and migrants into exploitation, in particular children and women. With this in mind, Member States should take immediate and coordinated actions to protect these victims and potential victims of trafficking along migration routes. It is essential to identify them in a better and more proactive way, in particular at border crossings and in reception centres.

Regarding the situation of unaccompanied minors, we need a stronger multi-disciplinary cooperation to ensure the best interests of the child are effectively protected, including by promptly appointing legal guardians with adequate training. Lastly, Member States should ensure that law-enforcement authorities and asylum authorities cooperate to help human trafficking victims in need of international protection lodge an application for protection.

As part of the response to the refugee crisis the Commission proposed on 9 September 2015 establishing a common European list of safe countries of origin, initially comprising Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey. This would enable fast -tracking of asylum applications from citizens of these countries, which would be considered 'safe country of origin' according to the criteria set out in the Asylum Procedures Directive.

This in no way establishes an absolute guarantee of safety for the applicants. Any list of safe countries of origin should not detract from the principle that every person should be entitled to an appropriate individual examination of his or her application for international protection in accordance with the provisions of the Asylum Procedures Directive and the relevant procedural safeguards.

External borders policy and the proposed European Border and Coast Guard Agency

Recent events at the external borders of the European Union and the internal borders of the Schengen area must act as a wake-up call. The number of migrants willing to risk their lives trying to reach the Union shows no sign of abating. The need to protect our borders and to have an efficient system of border control cannot be detrimental to the fundamental rights of migrants arriving at European borders, including their right to human dignity and respect for the principle of non-refoulement.

We believe that migrants should always be seen, first and foremost, as human beings with inherent human rights, in this regard we condemn the installation of border defence systems such as fences or razor wires, and the use of rubber bullets or tear gas against migrants.

The Commission has come forward with a wide-ranging proposal for the establishment of a new European Border and Coast Guard Agency, which will replace the existing Frontex agency. The new agency would work together with the national border guards to comprise a European Border and Coast Guard under shared responsibility. We welcome the proposal to strengthen European Integrated Border Management but we have serious reservations about certain aspects of the proposal.

The S&D Group have in the past sought to extend the role of the Border Agency so that it has a more central role in search and rescue operations and does not act only to protect EU borders from irregular migration and against people trafficking and criminal smuggling. We supported interception rules for Frontex-coordinated operations at sea, to achieve effective and coordinated rescue measures complying with international human rights refugee laws and with obligations under the Law of the Sea. Assisting migrants in distress and rescue at sea were key priorities for the S&D Group to give their support to EUROSUR (European external border surveillance system).

We therefore take the view that any new agency must have not just enhanced powers for involvement in return procedures but also enhanced powers with regard to search

and rescue activities and enhanced powers to allow it to help deal with humanitarian emergencies at the external borders of the Union.

The S&D Group have supported the establishment of a number of 'hotspots' at certain sections of the external borders of the EU. We believe that 'hotspots' should facilitate the Union in granting protection and humanitarian assistance in a swift manner to those in need; we are of the opinion that great care needs to be taken to ensure that the registration of migrants at hotspots is carried out in full respect of the rights of all migrants, and we accept that proper identification of applicants for international protection at the point of first arrival in the EU should help facilitate the overall functioning of a reformed Common European Asylum System.

We believe that, for the hotspots to function properly, it is necessary not only to increase the budget and staffing of any new Borders Agency but also the budget and staffing of EASO to ensure that adequate expertise on applications for international protection, humanitarian assistance and information on relocation is available on the spot for those arriving. We do not want hotspots to become mistrusted detention centres, which newly arriving migrants try to avoid or escape.

We want to encourage the involvement of all EU agencies, local authorities, NGOs and civil society organisations in providing humanitarian assistance in times of crises. We must be willing to use the expertise of NGOs and civil-society both in relation to rescue operations and the initial reception of migrants.

a) The Schengen Area

Schengen is one of the pillars of the European Union and one of its most cherished achievements. The creation of the Schengen area and its integration into the EU framework represented a major extension of citizens' rights and European integration, marked by the removal of internal border controls and unprecedented freedom of movement for a population of more than 400 million people over an area of 4 312 099 km² (and 26 countries¹). It is one of the pillars of the European Union.

¹ The Schengen area is distinct from the area of the EU as some of its Members do not participate in the free movement aspects of Schengen (UK, Ireland) or could not yet lift

The recent migration phenomenon has led to unprecedented strain being placed on the Schengen Area. In reaction to unprecedented strains, populist sentiment, and a beggar thy neighbour approach - which is the exact opposite of an approach based on solidarity - some Member States have closed their internal borders. The temporary derogations permitted by the Schengen Borders Code are being tested to their limits.

We do not believe that migration flows pose a credible threat to internal security, and totally reject any disingenuous links made between migration and terrorism. In the last mandate, the S&D Group led negotiations to transform Schengen from an opaque regime based solely on co-operation between governments, into a truly European system. Unfortunately, national political interests have trumped the broader European interest. The solution lies in application of the Schengen rules and the creation of a truly common European Asylum System, so that no Member State can use increased flows of asylum seekers as a ground for closing borders.

b) Targeted revision of the Schengen Borders Code

The Commission has proposed a targeted revision of the Schengen Borders Code. The S&D Group are in favour of measures which increase the security of our citizens. However, we have reservations about the practical impact of these measures at the external borders of the Union. We have also repeatedly argued and continue to make the case that the Member States need to make better use of existing tools at their disposal rather than constantly calling for new tools to be made available or new measures be taken. In that regard, it is clear that a proper sharing of information between the Member States and the relevant EU agencies is of paramount importance so that the mechanisms which exist function properly.

internal border controls (Croatia, Cyprus, Bulgaria, Romania), while some non-EU countries participate (Norway, Iceland, Switzerland, Lichtenstein).

3 INTEGRATION

European migration policies have been focusing more on repressive responses to migration flows than on inclusive ones and the promotion of solidarity. It is in the interest of the European Union and its citizens to ensure that migrants, whether economic migrants or refugees, have the chance to integrate and play a full role in their adopted society. This can be achieved by opening channels of legal migration, by granting access to the labour market, by granting education and training civil rights, and by putting in place strong policies against discrimination and all forms of exploitation.

A more balanced European Immigration Policy

More than ever, the economic crisis has shown how precarious the situation of third-country nationals is in the labour market. There is evidence of social dumping and discrimination regarding equal remuneration, over-qualification, and access to labour market facilities. We need a coherent, comprehensive migration policy that should reflect the positive and concrete contribution that migrants make to the European economy, including harmonized legal frameworks for stable and temporary migration, in the Mediterranean and across the Union. Europe must put an end to social dumping and ensure the principle of equal pay for equal work at the same place irrespective of the labour contract or the type of worker. These are crucial aspects for combining social protection with fair mobility and migration in Europe.

We are committed to increasing legal channels of migration as one way of reducing the need for migrants to resort to more dangerous irregular methods of entry and providing a lucrative boon to criminal gangs. We have been in the vanguard of efforts to adopt legal migration instruments at the European level that provide for the equal treatment of workers.

The principle of equal treatment for third country nationals is fundamental in order to tackle both the non-discrimination and integration of migrant workers, as well as to avoid social dumping. The shorter the permit to stay and work, the lower the chances for migrants to have their rights recognised and respected or for social dumping to be

prevented. The vulnerability of migrants in the labour market must be reduced, especially when they result from precarious short-term work/residence permits. All the existing and future European legal tools in the area of migration should be better coordinated and should implement the equal treatment principle in a coherent way.

In the last mandate, we fought for and adopted the Seasonal Workers Directive (which represents the first legal migration instrument adopted at European level directed at low-paid workers from third countries). We pushed for the establishment of appropriate safeguards for seasonal workers in terms of condition of entry and the rights that those workers will enjoy (improved trade union rights, social security entitlements and working conditions, taking into account not only legislation but also collective agreements). At the same time, we ensured that adequate sanctions will be imposed on employers who try to exploit seasonal workers by breaching the terms of the directive. When fully implemented, this should provide a channel of legal migration promoting a positive message on immigration. Similarly when adopting the Single Permit we secured equal treatment on working conditions, freedom of association, education and vocational training, recognition of diplomas, social security, tax benefits, and access to goods and services and employment offices.

It is unscrupulous employers, not migrants, who promote and profit from the black market in labour. Governments should strengthen national laws to prevent exploitation, ensuring that breaches are subject to strict sanctions against employers while protecting the rights of exploited migrant workers, and guarantee the right to union membership.

In this mandate, we have already agreed on improved rules for the entry and stay of Students and Researchers, including a mobility scheme for students and researchers coming to the EU. We will work to ensure that researchers get equal treatment without restrictions, as they are regular workers. We will work constructively to reform the Blue Card System, to make it a genuine tool for legal migration for people wishing to come to the Union to work. We shall fight to ensure that it is available to all workers with the required skills on the basis of strict equal treatment.

Equal treatment and equal pay for all workers is not only a way to ensure social integration of migrants, but will also contribute to the fight against social dumping generally. In that context, the Commission has to ensure the proper enforcement of the

Long-term Residents' Directive, given that many workers are facing unlawful restrictions to their rights in some Member States.

In order to ensure a fair migration scheme with equal treatment and non-discrimination, we are calling for:

- **A framework directive on working conditions and equal treatment for third country nationals** to recognise their rights and prevent social dumping.
- Provisions to ensure equal treatment in terms of wages and working conditions as a precondition for labour migration schemes in the framework of trade agreements.

We ask for further integration and support to initiatives like the “educational corridors” by promoting agreements with European universities to host students coming from conflict areas.

Adopting European laws is of course only a first step: we must ensure that they are properly implemented in the Member States.

In the long run, the European Union will need to overcome the overly restrictive and fragmented approach of its policies in terms of labour migration. A harmonised legal framework with common rules should be established in order to regulate the conditions of entry and residence for third country nationals seeking employment in the EU.

Integration Policy

The European Union has a long and rich experience of migration. While integration is one key to ensuring the success of the European project as a whole, it also represents a challenge that the Union and its Member States have been reluctant to really face. Rather than incorporating immigrants effectively into schools, workplaces, and political systems, European societies are - in many respects - slipping into a state of 'disintegration', giving rise to extremist, xenophobic and Eurosceptic forces.

Within the European Union, Member States have different approaches and policies on integrating migrants and refugee. Some countries have complex integration plans whereas others only provide the bare minimum. The S&D Group encourages the European Commission to place more emphasis on developing country-specific guidelines on integration of migrants based on existing best European practices.

Continued immigration, managed wisely, creates substantial economic and social benefits, while enriching cultural diversity, but racism and nationalist forces can also mobilise fears against migrants, and the extent of immigration is the focus of sustained public debate in many Member States. For the S&D Group, the need to integrate immigrants who already live and work in the EU is self-evident. They must become full members of society, ultimately having the prospect of attaining citizenship. Anything less would imply sanctioning a two-tier society, a notion that offends our core values that must guide EU policy on integration.

Having said that - refugees have both rights and obligation in host Member states since the integration is a two-way process and respect for the societal values and constitutional fundamentals upon which the EU and the Member states are built must be an integral part of the integration process, as must respect for the fundamental rights of refugees. Interreligious dialogue should also be promoted.

Yet in trying to overcome this challenge, the European Union has committed precious few resources. Our Group's efforts to insist on more spending on integration have been met with inflexibility by the Council and even the Commission. More spending in this area will, of course, need fresh money so as not to endanger other areas of spending covered by the EU Budget.

Success in integration would strengthen the Union's economy in the face of global competition, attract workers and entrepreneurs our economies need, (as well as the scientists and students who are the bedrock of our ability to innovate), and make our societies stronger, more inclusive and more prosperous. The benefits of integration range even further than GDP growth, more secure pensions, and diminished unrest. Europe's immigrants can serve as the Union's bridge to a globalising world; enhancing trade, reinforcing social networks, and confirming the Union's position as a global leader capable of overcoming cultural and religious divides.

And finally, integration is not only a question for the EU institutions. Member States, regional and local authorities, civil society organisations, and active citizens also have a key role to play. We argue for greater cooperation at all levels on the labour market integration and social inclusion of migrants.

Access for migrants to education and social and civil rights

The living and working conditions of migrant workers are an essential factor for integration, but so far not enough has been done. In order to ensure migrants' integration into the social and economic life of the host country, measures have to be taken at national, regional and local level to ensure free and equal access to public education and training, especially providing language classes for migrants and their children, regardless of their regular or undocumented status, as well as recognition of their qualifications and validation of their skills.

Education, working opportunities and family reunification represent important elements for a successful integration policy the profile of culture, education and training, youth and sports in those operational measures undertaken as part of the European Agenda on migration should be enhanced.

The European Union has recently adopted new instruments, which would allow - if duly applied - the strengthening of the rights of children. In addition to a strict monitoring of the different mechanisms and instruments in force, we call for mandatory guidelines on unaccompanied children, which ensure not only assistance through all stages of the proceedings, but also better coordination between the different stakeholders involved at European and national level.

Access to education and training will reduce the risk of exploitation, increase chances of their integration, as well as giving people who have left their country the capacity to return. Training courses for teachers, institutions, social workers and NGOs would raise awareness and focus attention on elimination of exclusion and marginalisation and we recognized also the key role played by the media, including social media, both as a

potential platform for extreme discourses and as a vehicle for countering xenophobic narratives, breaking down stereotypes and prejudices and promoting tolerance.

Expanding access to lifelong learning, with a special focus on women including non-formal and informal learning tailored to their needs accompanied by the recognition and the validation of competences has the potential to be an effective tool for the active inclusion of refugees, enhancing social participation, inclusion and their ultimately integration into the European labour market society.

Migrants have to be considered primarily as human beings, with equal human and social rights and not just as a workforce. They should be entitled to free and fair mobility and to equal treatment in the workplace. Obstacles for third-country nationals to be admitted to public service employment should be removed, at least as long as the post does not involve the exercise of public authority.

A minimum level of protection for undocumented migrants and their families has to be ensured, for instance, access to housing, healthcare, education and training, social protection and other fundamental public services. A European framework setting out criteria for the regularisation of or granting of amnesties to undocumented migrants should be considered.

Extending voting rights in local and European elections to all lawfully resident citizens after a set time period would contribute significantly to their integration into European society. We want to foster a more inclusive idea of citizenship, and encourage access to nationality for children born in the EU. All citizens of Europe, regardless of where they or their parents came from, are an integral part of our society. Migrants and their children must be given opportunities to be full members of European society, through participation and citizenship. Long-term residents should have the right to active and passive participation in local elections where they live, which means they should have not only the right to vote but also the right to get elected. If migrants are to integrate and play a positive role in the community, they should be allowed regulated access to labour and social rights, as well as access to education and training, housing and healthcare.

Policies against discrimination and xenophobia

The principle of equal treatment is one of our core values. Every human deserves to be treated with respect and dignity.

The S&D Group stand for a Europe of tolerance, solidarity and inclusion, whose core values and principles are enshrined in the European Charter of Fundamental Rights. We have fought hard against the evils of extremism, racism and xenophobia. Unlike those who seek to exploit the issue of immigration for xenophobic ends, we believe in an ambitious European approach based on ending all forms of discrimination based on ethnicity, belief, age, gender, gender identity and gender expression, disability or sexual orientation, in or out of the workplace. We continue to call on the Council to unblock negotiations on a comprehensive Equal Treatment Directive.

We call on the Member States to implement the Paris Declaration of 17 March 2015 on promoting citizenship and the common values of freedom, tolerance and non-discrimination through education as an effort to foster active dialogue between cultures as well as global solidarity and mutual respect, focusing attention on the importance of civic education and a forward looking concept of inclusive citizenship to foster mutual respect while providing migrants a position allowing them to participate in our common future.

Cultural dialogue and diversity should be integrated in a transversal way in all EU policy areas that impact on shared fundamental values and rights such as youth policy, education and training policy, mobility, employment and social affairs, external policies, women's rights and gender equality, trade and regional development.

4 BUDGETARY IMPLICATIONS

The European budget is crucial for implementing consistent migration policies and providing rapid responses to unforeseen events and emergency situations, such as the recent increases in the number of arrivals of migrants and persons seeking international protection.

Member States have consistently set high ambitions for the Union, but they never provided sufficient funds to back them up, in particular for key agencies, such as EASO. Also, the new Commission initiatives, such as the new emergency support mechanism and the Action Plan on the integration of third country nationals, have been presented without proper funding plans, relying only on reshuffling money from already underfunded programmes dealing with migration issues.

It is becoming impossible to carry out new and growing tasks, and at the same time deliver on a demand for better results, with fewer resources. The trend has been to focus the allocation of resources more towards internal security and the protection of EU borders, than on prevention - in the form of tackling root causes - and the offer of international protection and a chance of integration and social inclusion. Despite the fact that the ambitions have not lowered, the Council sought to cut resources in the 2014-2020 Multiannual Financial Framework across the board, by about a fifth.

The additional measures approved under the European Agenda on Migration severely affected EU spending in 2015 and 2016. The small margin available under the relevant part of the budget (*Heading 3- Security and Citizenship*) has been exhausted completely, and the flexibility provisions had to be used to their maximum. Furthermore, new Commission proposals (*such as proposal for the establishment of the European Border and Coast Guard Agency and the new emergency support mechanism*) will create further pressure on the already-exhausted EU budget. There are simply not sufficient resources to finance activities needed to cope with the current migrant and refugee phenomena. This could have not been foreseen at the time of the conclusion of the MFF 2014-2020. In the mid-term revision of the Multiannual Financial Framework, the S&D Group will insist on an increase of the envelopes of the concerned programmes. Furthermore there is a need to revise upward the ceilings under the relevant part of the EU budget Heading 3 (Security and citizenship) and Heading 4 (Global Europe) to ensure that the means available are sufficient.

The challenges for policies affecting immigration and asylum are such that they cannot be met by individual Member States alone. The EU budget is an excellent tool for responsibility-sharing and expressing solidarity within the Union, through which all Member States contribute to the financing of these policies. If correctly used, it can

achieve synergies between different EU policy areas and programmes, and the full benefits of cooperation.

CONCLUSION

The European Union and its Member States have to accept that Europe is a continent of migration, and that it is in Europe's self-interest not only to allow managed migration, but also to ensure the integration of migrants.

The European Union must also recognise through its external policies that we have a deep responsibility in our own neighbourhood and as a global player to pursue international action to manage refugee flows, and to champion such action with full respect for the rights of refugees and for humanitarianism, which are key European values.

The individual right of asylum is a cornerstone of the European asylum system which should not be undermined. We need a centralised common European Asylum system that has to be underpinned by an approach that is both 'common' for all member states and 'European' not leaving individual member states to deal with the responsibility on their own. All related policies should place individuals, their dignity, their integration, safety and protection at the centre of European action, focusing on safe and lawful access to international protection, increased avenues of legal migration for those seeking a better future, political dialogue and partnership with countries of origin and with countries of transit, supporting democratisation processes, institution building, development, European integrated border management, the fight against criminal smugglers and trafficking of human beings and joint protection of people in distress.

A holistic approach to migration policy is in the best interest of current and future EU citizens. This migrant/refugee crisis should be seen as an opportunity to work closer together while demonstrating humanity and putting our values into practice. It must be, therefore, co-ordinated with other policies ranging from the CFSP/CSDP, Trade, Development, Enlargement and Neighbourhood, climate change and Human Rights to Employment, Education and the Budget according to the principles of Policy Coherence for Development.

These EU policies should place individuals, their dignity, safety and protection at the centre of European action, focusing on a strong political dialogue and partnership with countries of origin and with countries of transit, supporting democratisation processes, institution building, development, joint border management, the fight against smuggling and trafficking of human beings and joint protection of people in distress including opening legal channels for controlled mobility to the European Union.

In this paper, the S&D Group call for a new emphasis in the European Union external policies on preventative diplomacy, conflict-resolution and prevention, crisis management, assistance to third countries in border management, other security cooperation, working with the United Nations and other global institutions to develop and strengthen existing international mechanisms to assist and protect refugees.

This is not the time to hesitate: political authorities at the European, national, regional, and local level must act urgently to adopt and implement the measures that reflect our multidisciplinary, progressive, European strategy. The European Parliament and national parliaments must be fully involved throughout the process. It is of key importance that the EU and its Member States take their full responsibility regarding refugees in the world.

A co-ordinated migration policy is in the best interests of current and future EU citizens. The Commission and especially the Council will have to take a positive approach to legal migration and integration but also show greater commitment to tackling the root causes that force people to leave their homes and migrate or seek asylum.