

European asylum and migration policy

A Statement of the Conference of European Justice and Peace Commissions on a European asylum and migration policy, to be discussed at the Tampere-summit, 14 and 15 October 1999

The General Assembly of the Conference of European Justice and Peace Commissions in principle agrees with a common policy on asylum, immigration, police and judicial cooperation. However, the underlying philosophy of the proposed Action Plan of the Commission and the Council raises several questions:

* The European Justice and Peace Commissions disagree with the way the concepts of freedom, justice and security are used as common denominator for a European asylum and immigration policy. We believe that the construction of Europe should be based on values as responsibility, solidarity and hospitality, and that these values should animate the development of a common foreign and security policy of the European Union in relation to migration and asylum. We believe furthermore that a strictly European policy which tries to control migratory movements is the wrong answer to the worldwide developments and therefore will be inadequate. Instead, a global approach to migratory movements should be formulated.

* The concepts of freedom, security and justice are not sufficiently and clearly defined in the Action Plan. The concept of security, in particular, is interpreted in a restrictive way and linked to the fight against illegal immigration and crime. We believe that security, justice and freedom should apply to all citizens of the European Union and to all other persons residing in its territory, bearing in mind the fundamental rights of a human person and the prevailing criterium of human dignity.

* The Action Plan fails to present a vision on future perspectives regarding asylum, immigration, police and judicial cooperation. It only presents an agenda for operational measures without indicating the contents of these measures. It is imperative that the tradition of secrecy is abolished and that the implementation of the Action Plan in the next five years be subject to full transparency and public and parliamentary scrutiny.

On the basis of these premises, the Conference of European Justice and Peace Commissions urge the heads of states, who will gather in Tampere

1) to decide upon the sharing of solidarity between member states in the EU regarding temporary protection for displaced persons.

2) a) to uphold the legal concept of a 'refugee' as formulatad under the 1951 Geneva Convention.

b) to ensure that people in need of protection under article 3 of the European Convention on Human Rights, article 3 of the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention Against Torture be given the same kind of protection.

3) to grant the same rights concerning free movement and work to third country nationals who have been legally residing in the territory of the member states for a period of five years as to the citizens of the European Union. At the same time third country nationals should receive a permanent residence permit.

4) to define minimum standards which guarantee the right to family life at the earliest possible term. Point of departure should be that any third country national legally residing in a member state has the right to family-reunification and family-building according to national law, but taking into account binding communautarian minimum standards.

5) to guarantee basic social services to undocumented migrants. Undocumented migrants should be given the opportunity to obtain a legal status, for instance, if they can prove to have worked and be integrated in one of the member states for a certain period of time and did not commit criminal activities.

We ask that the new dispositions of the Treaty on the European Union regarding the construction of an area of freedom, security, and justice encourage the creation of an area of authentic democracy and respect for human dignity. This means a rupture with the present security oriented approach of the Action Plan. We urge that the common policy on asylum, immigration and police and judicial cooperation will be based on solidarity and hospitality.

Vienna, 29 September 1999

Source: Justice and Peace Europe, 29.09.1999