Consiglio Regionale del Molise

WORKING GROUP

"IMMIGRATION, SOCIAL POLICIES

AND HUMAN RIGHTS"

FINAL DOCUMENT

BACKGROUND

The tragic and repeated shipwrecks of boatloads of migrants in the Mediterranean and the unknown number of refugees trying to cross Europe's borders along the other routes of escape, they confirm the alarms raised about the inadequacies of national and EU policies in the management of migration flows.

In 2014, 283,532 migrants have entered illegally into the European Union, through the routes of the central Mediterranean, the Eastern Mediterranean and the Western Balkans. Of these, 220,194 migrants have passed the EU maritime borders across the Mediterranean Sea (an increase of 266% compared to 2013). Half of them came from Syria, Eritrea and Afghanistan.

This constant flow of migration from third countries of Africa and the Middle East, which did not mention to decline in early 2015, has strongly urged the European system of reception and, more, that of some EU member states .

The national and European systems did not seem, in recent years, able to formulate a framework of organic and defined responses to migration. On several occasions, in fact, the reception system showed weaknesses which have been counteracted with interventions in emergency. Even the issue of the European Agenda on Immigration by the European Commission did not improve, to date, the management of migration flows and either the decrease in the number of wrecks.

The issues related to the management of migratory flows, in fact, affect in particular the sub-national level, because regional and local authorities are in the forefront for the reception of migrants, facing enormous difficulties in guaranteeing basic services such as sanitation, water supply, education, health, food, etc.

Local governments, on which lowers the burden of social inclusion of migrants, often find themselves with no means of intervention and without adequate resources

available. It is on sub-national and local levels, in fact, that the impact of migration on the socio-economic fabric feels more acutely through everyday problems of integration and reception of migrants.

However migration flows in the Mediterranean and their management do not constitute an emergency situation, but rather a complex and structural process, which presents significant challenges, but also opportunities for the whole of Europe that should be seized for greater economic and social integration.

GIVEN THAT

The economic crisis that is affecting most countries of the European Union is likely to accentuate the inherent tension between border control policies and respect for human rights of migrants;

Respect for human rights of migrants and solidarity towards countries from which originates the majority of migratory flows must permeate all stages of the migration policy of the European Union and the policies of hospitality and integration;

The creation of a genuine policy on migration that would collect all the challenges faced by local and regional authorities, passes through the greater EU involvement to guarantee the principles of solidarity and shared responsibilities;

Multilevel governance is a fundamental tool and a prerequisite for achieving the best results in terms of reception and integration of migrants. All levels of government should share the responsibility of the reception and integration of refugees and migrants, as well as the improvement of cooperation, coordination and inter-regional solidarity with the introduction of a mechanism for sharing responsibility between the European Union, Member States, regions and local authorities taking into account the structural constraints, available resources, the needs of the labor market, the demographic situation and other relevant factors (such as family reunification);

The CALRE Working Group "Immigration, Social Policy and Human Rights", endorses the efforts of the European Commission to continue to seek an agreement between states through a more ambitious plan, articulate and focused on the sharing of responsibilities between Member States, thus recognizing that the issue of migration concerns the whole of Europe as a whole;

The CALRE Working Group "Immigration, Social Policy and Human Rights" has taken the important commitment to analyze and propose opinions on the European immigration policies and how they are transposed and implemented by the European Regional Legislative Assemblies;

All this in the introduction, the CALRE Working Group "Immigration, Social Policy and Human Rights" invites, therefore, the European institutions and the Member States to take a decisive step beyond rhetorical statements and statements of principle and adopt concrete initiatives that, when implemented, should give tangible results. This should be done through close cooperation between the institutions that provides and enhances the role of the Regional Legislative Assemblies and local authorities.

Based on the work carried out the CALRE Working Group "Immigration, Social Policy and Human Rights" makes the following recommendations:

Common European Asylum System

➢ The EU should give priority to achievement of a high level of protection, which reduces the current margin of discretion, and access to effective judicial protection of asylum seekers, so that rights can be effectively exercised and implemented.

➢ The new phase of EU immigration policy should have a strategic approach, with a medium and long term, and focus to facilitate in general and global legal channels, open and flexible, for entry into the European Union.

➢ The Dublin Convention, that determines the responsible Member State for the examination of individual asylum request, is based on the assumption, erroneous, that all the EU Member States are similar to each other. It is necessary and urgent proceed with the revision the entire "Dublin system", replacing it with a scheme marked by greater solidarity within the European Union that reflects both the will of the asylum seekers and objective criteria, thus ensuring a more proportional allocation of responsibilities between Member States.

European Agenda on Migration

➢ With the publication of the European Agenda on Migration, has begun a new phase in the European reception system. Member States retain, however, discordant praxis and different levels of protection. It is necessary to ensure the implementation of the principle of solidarity and fair sharing of responsibility, to distribute the asylum applications in a more balanced way between the Member States.

➢ Through the application and continuous updating of the priorities of the European Agenda on Migration, the European Union must become a global player to promote the introduction of international standards and the ratification of supranational instruments on human rights of migrants by member states. The European Union must also forge strategic alliances with other international actors involved in issues related to the mobility of persons and human rights.

Irregular migration

➢ EU borders policy should be based on a greater sharing of responsibility in the control and in the management of borders. Because of their geographical position, some European regions have to tackle specific problems since they represent crossing points for illegal immigration and asylum seekers, often receiving a number of immigrants above their capacity. The European Union must introduce procedures for solidarity at the financial, operating and reception levels.

➢ It is necessary to improve cooperation with the countries of origin and transit of migration flows, according to a perspective that leaves the "emergency" character in favor of a development strategy based on long-term sustainability.

Foreign Minors Unaccompanied

➢ It is necessary to ensure that all relevant actors (EU institutions, national authorities and local authorities) will safeguard the interests of the child as paramount criterion in any decision or action affecting the child;

➢ It is necessary to process a coherent common approach to foreign minors as migration at European level. This approach must take into account the extreme sensitivity of the subject of children, their protection and the special consideration to be given to the role of regional and local authorities to which belong activities of acceptance and social support;

➢ It is necessary to make certain analysis of the phenomenon of unaccompanied minors through objective evidence and statistical data at European and national levels in order to make consistent and programmed interventions;

➢ It is necessary to identify a central body with specific powers in relation to unaccompanied minors in need of international protection, in order to develop, coordinate and supervise a system to ensure early identification of their needs and appropriate responses, particularly of durable solutions in line with the interests of the child.

Legal migration / labor migration

➤ Third countries should also be seen as partners when addressing the needs of the EU in terms of labor, while respecting the principle of Community preference for EU citizens. The EU needs to invest in informing potential migrants about the legal opportunities for access to the EU, the risks of irregular migration and on their rights and duties in destination countries;

➤ It is necessary to improve links between the demand and supply of labor and allow more flexible access to those who want to migrate for work, by deepening and carrying through the dossier relating to the recognition of foreign qualifications, the portability of pension, social inclusion of migrants and development of intercultural skills;

➤ It is necessary to promote the effective implementation of the Blue Card as an European instrument, requiring a higher level of harmonization (and simplification) of national rules, which have in fact led to different national systems relating to the Blue Card, rather than a uniformity of application;

➤ It is necessary to reduce the salary threshold established as benefit condition to the Blue Card. By fixing the share to 1.5 times the national average salary it means limiting the use of the Blue Card in specific cases (eg. the multinationals), ousting small and medium-sized enterprises, which represent almost all of the actors of the European market.

The role of regional and local authorities

➤ The sub-national authorities are the first actors to be directly affected by the difficulties related to immigration and by the responsibility of key services to the process of local integration. For this reasons local authorities must be fully involved in the creation of a European framework for legal immigration, in the development of

measures to combat illegal immigration and in cooperation with the countries of origin of immigrants;

➢ In all the discussions that will cover the implementation of European migration policies, it will be necessary ensure closer coordination between the different levels of government - international, national and local ones - for the proper management of migration flows. In all the discussions that will cover the implementation of European policies on immigration, it will be necessary ensure closer coordination between the different levels of government - international, national and local - for the proper management of migration flows. It will be necessary also to take into account the role of regional and local authorities, as well as that of all the other stakeholders who act as a first point of contact with migrants. The "territorial and local perspective" is crucial in time to ensure subsidiarity, proportionality and the impact of these policies.

➢ It is necessary to develop a multi-level governance of migration by strengthening the coordination between EU, national, regional and local levels and with third countries. The sharing of information on EU policy objectives in the field of migration must be part of the dialogue and cooperation with third countries;

➢ It is necessary to develop networks for cooperation and sharing of best practices between sub-national authorities of the regions of Europe on various aspects related to the management of migration (integration, social inclusion, employment, refugee protection, the prevention of irregular migration, etc.).

➢ It is necessary to develop tools aimed at facilitating the exchange of good practices in the governance of migration through the coordination and precise definition of the roles and burdens of all actors involved in the acceptance and integration (local, regional, national, EU institutions and third countries) as well as of immigrants themselves and NGOs.

The Coordinator of the Working Group

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