



404 EU-RROR: SOLIDARITY WITH MIGRANTS NOT FOUND!

Ahead of 18th December 2021, International Migrants' Day, SOLIDAR & SOLIDAR Foundation look back on the past year's migration developments. This statement is an opportunity to denounce current policies and reiterate our commitment to a solidarity- and rights-based approach to migration, in Europe and worldwide. It is disappointing to conclude that – migration policy, debates and developments in Europe – do not have much positive to offer.

Over a year after its presentation, the New EU Pact on Migration and Asylum presents a rather bleak picture. The majority of the initiatives it contains, and the funds related to them, aim to toughen and further externalize the EU borders, by restricting access to the EU and increasing the number of returns. The proposed pre-entry screening procedure poses a high risk of restricting procedural safeguards by essentially increasing detention at borders for up to five days for people, including children, crossing borders irregularly or disembarking from a Search and Rescue operation. The EU Action Plan against Migrant Smuggling (2021-2025) does not protect migrants as it fails to address the root causes of smuggling, which is the lack of regular pathways. Instead, it paints and treats individuals who enter irregularly, as criminals. In line with the European Trade Union Confederation (ETUC)¹ we regret that the Pact contains very few and limited proposals for labour migration, very focused on attracting skills. We would like to see initiatives for labour migration aimed at all sectors and skills levels. On the other hand, we welcome the Commission's proposals to revise some existing initiatives, such as the Single-Permit Directive and the Long-term Residence directive, which have the potential to improve intra-EU mobility and reduce labour exploitation.

Europe has multiple times again this year been the stage of human tragedies on migration routes. Thousands continue to die as they try to reach or transit through Europe², in the

¹ Executive Committee – European Trade Union Confederation (ETUC) (22nd March 2021). *ETUC Resolution on Fair Labour Mobility and Migration* <https://www.etuc.org/en/document/etuc-resolution-fair-labour-mobility-and-migration>

² 1,655 migrants have gone missing in Mediterranean routes in 2021, according to data collected by the International Organisation for Migrations: https://missingmigrants.iom.int/region/mediterranean?region_incident=All&route=All&year%5B%5D=2500&month=All [according to data available on 14th December 2021]

Mediterranean, the forests in Belarus, the Western Balkans or the English Channel, while those who manage to enter the EU are too often collectively expelled, or “pushed-back”, contrary to the principle of non-refoulement enshrined in EU and international law³⁴.

In the context of diplomatic stand-offs with neighboring countries – such as Morocco and Belarus – Member States have been presenting themselves as victims of malevolent foreign leaders who use and manage the influx of migrants to blackmail EU Member States into giving them what they want. Ironic in many ways, since the very possibility of blackmailing the EU stems from the security-driven, myopic, and often xenophobic view on migrants that characterizes much of current debate and policy, and the unwillingness for collective efforts and shared responsibilities. Migrants are the first victims of this confrontation, and are being instrumentalized by both sides. This narrative must change. Migrants are not a threat to national cohesion, our social contract, our welfare states, or our economies. SOLIDAR strongly condemns the violent mistreatment of Belarusian police towards migrants and Lukashenka’s extremely cynical methods. But the EU has a choice, and by opting for pushing migrants back to third countries and side-stepping human rights they only play into the diplomatic blackmailing at the cost of violating their EU and international human rights commitments. Ultimately, it is the shortcomings failures of the EU’s failing migration system, especially the heavy reliance on externalisation to manage its borders, that create the conditions for migrants being used in this way.

This year, we also witnessed a political and humanitarian crisis unfold in Afghanistan as the Taliban regime reclaimed control of the country. Instead of showing solidarity to the Afghan people and refugees fleeing the country, several Member States’ first reaction was one of concern for the possibility of a large influx of irregular migrants and the need to “protect” the borders. More than ever, the crisis Europe is facing is one of solidarity. In this context, SOLIDAR and its members call on European governments to take action to evacuate and resettle Afghan nationals, ensure rapid access to fair asylum procedures in Europe and stop all deportations to Afghanistan⁵⁶⁷. SOLIDAR’s members have also worked to create humanitarian corridors⁸ and support the reception of Afghan refugees.

While thousands suffer on their path to Europe, the journey and the struggle continues for those already here. At the heart of the EU, undocumented people resort to desperate measures to get authorities’ attention and make their plea for regularization heard. SOLIDAR stands in solidarity with the Union des Sans-Papiers pour la Régularisation in Belgium and all undocumented people in Europe⁹.

³ According to articles 18 and 19 of the Charter of Fundamental Rights of the EU (2000) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>

⁴ According to Art. 33 of the Geneva Refugee Convention (1951) <https://www.unhcr.org/3b66c2aa10>

⁵ SOLIDAR (2021). *AFGHANISTAN: A humanitarian and rights crisis* <https://www.solidar.org/en/news/afghanistan-a-humanitarian-and-rights-crisis>

⁶ Asylum and Immigration Board (September 2021). *Call for urgent action: guaranteeing the right to asylum to those fleeing Afghanistan* https://www.arci.it/app/uploads/2021/09/ENG_ASYLUM-and-IMMIGRATION-BOARD_Afghanistan.docx.pdf

⁷ European Council on Refugees and Exilees et al. (25th August 2021). *Current Priorities for an EU Response to the Situation in Afghanistan* <https://www.cms.hr/en/azil-i-integracijske-politike/trenutni-prioriteti-za-odgovor-eu-na-situaciju-u-afganistanu> [signed by SOLIDAR member Centre for Peace Studies]

⁸ ARCI (4th November 2021). *Afghanistan, Arci: firmato al Viminale protocollo d'intesa per corridoi umanitari* <https://www.arci.it/afghanistan-arci-firmato-al-viminale-protocollo-d-intesa-per-corridoi-umanitari-parte-la-campagna-call-for-afghanistan-per-salvare-ed-accogliere-donne-bambini-attivisti-dei-diritti-umani-e-giorni/>

⁹ European Civic Forum et al. (2021). *Statement on the situation of the USPR and undocumented people* <https://civic-forum.eu/call-for-action/statement-on-the-situation-of-the-uspr-and-undocumented-people>

Across Europe, SOLIDAR members observed substantial inequalities in access to the labour market, working conditions, access to essential services or social protection, to basic rights when it comes to migrants with different legal status. Hate speech and hate crimes are commonplace, often fueled by public figures and the media, and they target both newcomers and citizens with a migrant background, while undocumented migrants are particularly exposed to labour exploitation. SOLIDAR, our members and our partners, continue to fight for the social inclusion of migrants irrespective of their legal status, to guarantee the rights of each individual, unlock their full potential and enable their full participation in society.

Against this worrying background, SOLIDAR is alarmed to note the lack of a strong European leadership to reaffirm commitment to existing safeguards in matters of migration. We are outright shocked by the Commission's recent proposal to suspend asylum rules at the borders with Belarus, including a *de facto* detention of asylum-applicants for up to 16 weeks. We know that temporary measures are often and easily made permanent, and it is an extremely dangerous precedent to set. We stand with the S&D Group and all our political allies, to denounce this extreme and repressive proposal, and we call on MEPs from all political families to take a strong stance against it¹⁰. With this, the Commission has, again, bowed down to the political forces who are feeding on fear and who run an anti-migrant's agenda.

In light of these challenges and developments, **SOLIDAR calls for:**

- The **conclusion of the negotiations on the Pact on Migration and Asylum**, in a manner that safeguards the fundamental rights and well-being of people seeking protection. The proposed screening procedure and the increased use of detentions must be abolished.
- A **meaningful solidarity system**, encompassing solidarity towards migrants, ensuring that the right to asylum is respected, and solidarity among Member States exists, setting up a real mechanism of relocation that offers shared responsibility to protect people, rather than distributing the burden of forced returns.
- The creation, and proper funding, of a **Search and Rescue scheme** to save lives at sea.
- The development of **safe and regular pathways** towards all types of migration, not solely in a push to attract talent.
- **Inclusion policies** through improved access to the labour market, essential services and safety nets, based on human and social rights and without discrimination based on background or residence status.
- The development, in partnership with civil society, of **pathways for regularization** for people with an irregular status.

¹⁰ S&D press service (1st December 2021). *S&D Group condemns Commission proposal to suspend asylum rules*
<https://www.socialistsanddemocrats.eu/newsroom/sd-group-condemns-commission-proposal-suspend-asylum-rules>