

## **UPHOLDING THE RIGHT TO ASYLUM AND ENSURING UNCONDITIONAL SOLIDARITY WITH ALL PEOPLE ON THE MOVE**

The member organisations of SOLIDAR have formed a Task Force on Migration and Inclusion to reflect on migration to Europe and on how to ensure the inclusion and participation of newcomers in European societies. Our recommendations follow from these observations:



Migration has been a common feature throughout the history of humankind. Notwithstanding, the question of migration to Europe cannot be detached from historical, current and future issues. These include European countries' colonial relationships with third countries, geopolitical choices that keep certain third countries dependent on Europe and climate change. At the same time, most of the world's migration takes place within the same country or between countries in the Global South.



Criminalisation of the act of migration and dehumanisation of people on the move are widespread in law, in practices and in narratives. This is evidenced by the restricted options for regular migration to Europe; the increased militarisation of the management – direct and externalised – of European borders; and the negative and polarising discourse about people on the move that is held by influential individuals, organisations and institutions.



Migrants, including refugees, have fundamental rights and contribute in an essential way to economic and cultural prosperity in Europe.

Using the International Organisation for Migration’s definition of migration as “The movement of persons away from their place of usual residence, either across an international border or within a State”, we make a distinction between two equally important aspects of the topic:



**Upholding the fundamental right to seek asylum**, which is internationally recognised yet often undermined in policy and practice, and which we must defend at all costs.



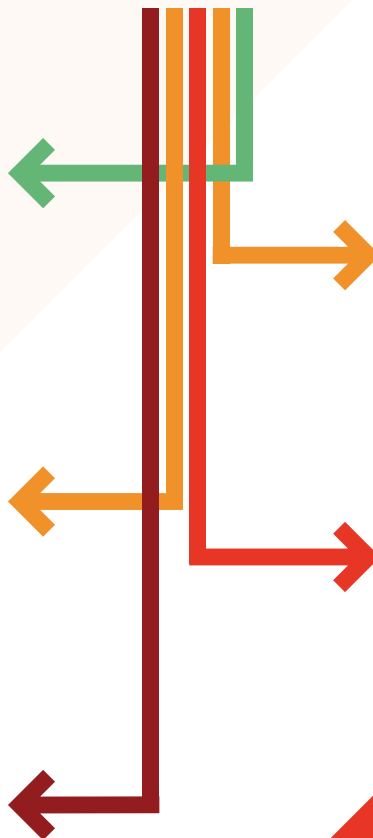
**Facilitating regular pathways for other types of migration and protection**, which have been sapped by derogations and conditionality mechanisms and need enhancement and new avenues.

Therefore, we urge the EU institutions and individual European governments to take the following actions:

**1.** Uphold the right to seek asylum as understood in the Geneva Convention and its Protocol.

**2.** Implement a solidarity- and rights-based approach to protection in Europe.

**3.** Expand safe and regular pathways for migration and protection.



**4.** Support the long-term inclusion and participation of migrants, including refugees.

**5.** Promote a positive narrative on migration and diversity.

All actions called for below should be designed, implemented and monitored with:



**An intersectional lens**, which acknowledges the additional vulnerabilities faced by specific groups of migrants, such as women and children, unaccompanied minors and LGBTIQ+ people.



**The involvement of civil society organisations and trade unions**, including migrant- and refugee-led organisations, through social and civil dialogue.

## 1. Uphold the right to seek asylum as understood in the Geneva Convention and its Protocol.


**Devise a new EU asylum policy that ensures the safety and protection of asylum applicants before, during and after lodging an asylum application.** Procedures must include safe and regular pathways to Europe and make use of humanitarian visas as well as resettlement programmes and the following:

- Access to fair and quick asylum procedures should be ensured at every point, and safeguards should be respected. Member States and EU border authorities must not engage in collective expulsions (“pushbacks”) under any circumstances. Member States should avoid resorting to accelerated or border procedures for asylum or to “safe third country” concepts that pose a threat to fundamental guarantees. Reception during the procedure, including before lodging an application and at the border, must be dignified and ensure access to basic services and legal assistance.
- Ensure the implementation of alternatives to administrative detention of people on the move in all EU Member States as a way to discontinue the “hotspot approach”. Make sure that detention is used exclusively as a last resort and that detention facilities used for migrant detention comply with the European Convention on Human Rights.
- Refuse any form of criminalisation of humanitarian assistance to migrants, refugees and asylum seekers, whether at sea, at borders or on territory – regardless of whether or not the person being assisted entered through a regular procedure.
- Desist from commitments to externalise EU border management, for example by funding third countries or private entities to prevent asylum seekers and other migrants from entering Europe. If externalisation practices are taking place, strict compliance with international and EU fundamental rights standards must be ensured, including the right to seek asylum. Both the EU and the third country must be held accountable in cases of violation.
- Abolish any form of negative migration conditionality in EU partnerships with third countries, such as trade or visa agreements. Remove from such agreements objectives for the third country on readmission, return and border management.
- Condemn all cases of discrimination at the EU’s internal and external borders, and demand equal access to asylum procedures for all those fleeing persecution.



## 2. Implement a solidarity- and rights-based approach to protection in Europe.


- **Ensure the solidarity from all EU Member States necessary to realise a fairer and better sharing of responsibility for asylum seekers.** The Member States at European external borders face a high number of arrivals in the current asylum system, because of the Dublin Regulation's principle that the country of first entry is by default responsible for an asylum application. People on the move pay a high price for this unfair system, as they are routinely pushed back by those border States, even though this is illegal. The current system has created the conditions for these violations, so it must be abandoned and replaced by one that would both:
  - **Ensure a fair distribution of asylum seekers across EU Member States,** based on the States' population and wealth.
  - **Promote the free choice of Member State in which to apply for asylum,** such as one in which arriving people already have family or social support, regardless of where they first entered the EU.
- If the Dublin Regulation remains in force, the only way to guarantee people's fundamental rights will be to enforce a binding, mandatory solidarity mechanism between Member States, focusing on relocating people.
- Enforce and improve common quality standards in all Member States for the reception of asylum applicants, including when they are found in a Member State other than the one responsible for their asylum application.



## 3. Expand safe and regular pathways for protection and migration.

**Promote the adoption and expansion of regular structural entry avenues at European level and in Member States** for labour migration, student mobility, family reunification, the search for protection, resettlement and other purposes. This will help to combat human trafficking and the deadly crossing of borders by refugees and other migrants. Such entry avenues can be brought about through the following actions:

- Broaden the definition of family reunification and allow applications in the country of destination. This will ease family reunification, allow the smooth integration of families in the country of destination and ensure respect of the human right to family reunification.
- Provide gender-sensitive assessments of asylum applications. Sexual and gender-based violence, such as female genital mutilation, should be recognised as self-standing reasons to grant asylum. Gender-sensitive accommodation, services, information and legal aid should be made available, especially for women survivors of violence.
- Adopt labour migration programmes covering as many sectors and skill levels as possible. These should comply with the principle of decent work to ensure quick detection of any labour exploitation.
- Extend the definition and promote the use of subsidiary protection to cover people in need of protection who are unable to prove individual persecution, such as victims of climate change.



## 4. Support the long-term inclusion and participation of migrants, including refugees.

- Accelerate meaningful labour market integration for migrants and asylum seekers who are ready to work. Access should be ensured to temporary work permits and language courses, even prior to final decisions on status. Decent-work safeguards are essential.
- Ensure that all people on the move have access to social rights and affordable essential services, including education, health, housing and justice, regardless of their residence status or the progress of their asylum application.
- Take comprehensive action to ensure the validation and recognition of migrants' prior learning and skills, including non-formal and informal learning.
- Enable early participation of migrants, including refugees, in a host country's political life, including citizenship education and the gradual granting of electoral rights.
- Provide EU support for Member States to promote partnerships, for example at local and regional level, to design policies and provide practical support for inclusion and effective access to fundamental rights.
- Develop options for irregular migrants to regularise their status in a territory.
- Create an enabling environment for civil society organisations working on migrants' rights and inclusion and facilitate direct, clearly regulated access to national and EU funding for civil society.



## 5. Promote a positive narrative on migration and interculturality.

- Foster a change in narrative by focusing on what unites people rather than what divides them.
- Recognize the experience of migrant and refugee-led organisations, of diasporas and of individuals with a migrant background as the main actors of change.
- Prevent and take measures to combat hate speech against migrants, including refugees. Actively work towards dismantling racism and discrimination at the individual, societal, institutional and historical levels.
- Document and make visible the valuable and indispensable contributions of migrants and human mobility to socio-economic and cultural prosperity in an ageing Europe.
- Focus on migrants, refugees and asylum seekers as holders of unconditional rights. Do not demand that they “earn” rights.

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## ABOUT SOLIDAR

SOLIDAR is a European and worldwide network of Civil Society Organisations (CSOs) working to advance social justice through a just transition in Europe and worldwide. Our over **50 member organisations** are based in 26 countries (19 of which are EU countries) and include national CSOs in Europe, as non-EU, EU-wide and organisations active at the international level. SOLIDAR represents and amplifies the voices and demands of its members at the European and international level.

SOLIDAR organises the work with members for a governance of migration based on the respect of fundamental rights and solidarity, in a Task Force on Migration and Inclusion.

For all matters regarding this paper or our work on migration, please contact SOLIDAR Social Inclusion officer Julie Martinaud at: [julie.martinaud@solidar.org](mailto:julie.martinaud@solidar.org)



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