

# ECRE's priorities on asylum and migration for the European Parliament elections in June 2024

In the run-up to the European Parliament (EP) elections (June 2024), ECRE suggests four priorities for the election programmes of political groups and the work priorities for the EP and the European Commission (EC) for the next legislative term (2024-2029).

- 1 Fair and functioning asylum systems in Europe which reflect the highest human rights standards**
- 2 Inclusion of refugees in European societies through access to rights**
- 3 Transparent and accountable EU funding which advances the rights of displaced people inside and outside Europe**
- 4 EU external policies which promote the rights of displaced persons and not European migration control objectives**

The context in which the priorities were developed, as well as related objectives for the European Commission and the European Parliament to deliver on them, are explained below.

# 1 Fair and functioning asylum systems in Europe which reflect the highest human rights standards

## CONTEXT:

The year 2024 will see the European Commission, the European Parliament, and the Council of the EU emerge from years of negotiations on the reform of the Common European Asylum System (CEAS). This process has consumed immense political energy from all three institutions. It has distracted attention from other priorities related to EU asylum policy, most importantly enforcement of EU asylum law, including compliance with the CEAS rules and the accountability of Member States for upholding commonly agreed standards, EU and international law.

The new European Parliament (along with the Commission, the EUAA and the CJEU) need to embrace the opportunity that the end of the Pact reforms represents and focus on ensuring access to fair and effective asylum systems for people fleeing conflicts and persecution, regardless of race, colour, religion or nationality.

## ON ACCESS TO A FAIR ASYLUM PROCEDURE AND ACCESS TO EUROPEAN TERRITORIES:

### ➤ **Prioritise balanced implementation of all CEAS legislation in line with fundamental rights**

- The EP should monitor the implementation of the CEAS, including requesting that the Commission prepare regular implementation reports on each directive or regulation, identifying deficiencies and best practices and, where relevant, providing guidance to support compliance with fundamental rights.
- The EP should use all relevant monitoring and review provisions in the new CEAS instruments to suggest improvements in fundamental rights compliance to the EUMS, includes implementation reports in its work programme, convene regular hearings on implementation, and, where relevant, require assessment by FRA.

### ➤ **Increase attention on compliance with the CEAS, particularly in relation to violations of human rights, including but not limited to those reported at EU borders**

- The EP should ensure that the Commission should, based on its own assessment and information received from reputable sources, including civil society, acts swiftly to address violations of standards, including where relevant, initiate enforcement by requesting EUAA to initiate a monitoring exercise or opening infringement proceedings.
- The EP should conduct regular missions through the LIBE committee to EU Member States to assess the situation in the EUMS and organise related hearings.

# 1 Fair and functioning asylum systems in Europe which reflect the highest human rights standards

## ➤ **Ensure that EU agencies support a fair and functioning asylum system while operating with full respect for primary EU legislation, including the EU Charter of Fundamental Rights**

- The EC should oversee the agencies' work to ensure that it is carried out in respect with human rights standards, including through its role in the respective Management Boards.
- The EC should improve the accountability and fundamental rights compliance of Frontex, including using mechanisms developed by the EP.
- The EP should continue its role of scrutinising Frontex activities via the EP's scrutiny working group on Frontex.
- The EP should monitor the EUAA's complaints mechanism to support its proper functioning and accessibility based on the provisions in the EU Regulation.
- The EP should oversee the EUAA's monitoring role and ensure it dedicates special attention to possible fundamental rights violations, inter alia, by taking into account experiences and assessments of non-governmental actors as a source of information.

## ➤ **Support the functioning of the solidarity mechanism**

- The EP should request timely information from the Commission on the functioning of the solidarity mechanism created by the Regulation on Asylum and Migration Management (RAMM), including a break-down of how Member States are fulfilling their solidarity contributions and the use of incentives to ensure relocations are prioritised.
- The EP should work with national parliaments to ensure that Member States are realising their obligations in relation to solidarity with a focus on relocation.

## ➤ **Refrain from proposing any legislative proposal or mechanism aimed at restricting the right to asylum in Europe or allowing MS to derogate from EU laws**

- The EP should support a strategy based on the implementation of the CEAS. The role of the Commission should switch to implementation, enforcement and compliance. Where the current reform process does not reach or reaches only a partial conclusion, the EC should refrain from proposing further reforms, and it should withdraw the current proposals, in particular, those that further restrict access to asylum, such as the Instrumentalisation Regulation.
- The EP should maintain its strong opposition to mechanisms that expand derogation from EU law related to asylum and return in specific situations.

# 1 Fair and functioning asylum systems in Europe which reflect the highest human rights standards

## ➤ **Monitoring the implementation of the Temporary Protection Directive (TPD)**

- The EC should continue to consult with Ukrainian civil society representatives on matters related to the implementation of the TPD as well as the development of post-TPD options and statuses, particularly to ensure that there is no legal limbo upon the TPD expiry or intermitted access to rights and services by current TP holders.
- The EP should ensure the scrutiny of the use of funds directed at the provision of assistance to those displaced from Ukraine as well as ensure their use for mid- and long-term inclusion of current TP holders

## **ON RECEPTION AND ACCOMMODATION FOR ASYLUM SEEKERS IN EUROPE:**

### ➤ **Help to address the shortages in reception across Europe**

- The EP should monitor the standards of the reception centres through LIBE missions to MS.
- The EP should monitor the implementation of the recast RCD to ensure that the Commission is using EU funds to invest in improving reception centres which reflect the highest standards of the recast Reception Conditions Directive (rRCD) proposed in 2016.

### ➤ **MS should transpose the Directive as soon as possible and invest in its implementation to secure high-quality services**

- The EP should ask for regular reports on the implementation of rRCD from the Commission.
- The EP should verify that the EC is ensuring the Directive is transposed in line with the recast RCD and implemented by MS.

## **ON RETURNS OF THIRD-COUNTRY NATIONALS:**

### ➤ **Ensure an open, public reporting procedure on fundamental rights observance by the Member States on return procedures**

- The EP should request regular updates on fundamental rights observance in return procedures, including regular implementation reports on the recast Return Directive.
- The EP should request from the Commission a report on fundamental rights observance by the Member States on return procedures which include expertise from the Fundamental Rights Agency (FRA), ombudspersons and civil society, which should be used alongside Member State and Frontex reports and Schengen evaluation information.

# 1 Fair and functioning asylum systems in Europe which reflect the highest human rights standards

## ON RESETTLEMENT AND SAFE PATHWAYS IN EUROPE:

- **The EU should restore its leadership in global resettlement and increase its pledges and commitments in line with UNHCR's recommendations for the Europe region**
- **The EP should monitor the role of the Commission, including the following steps**
  - The EC should continue organising meetings with MS aimed at encouraging them to pledge ambitiously and on a multiannual basis to ensure predictability.
  - The EC should ensure MS deliver upon their annual resettlement pledges and commitments and ensure resettlement pledges are in addition to their commitments to other safe pathways.
  - The EC should reiterate that MS's commitments to resettlements and other safe pathways are separate from MS's legal obligation to provide the right to asylum on their territories.
- **The Union Resettlement Framework (URF) regulation which aims at increasing resettlement and safe pathways to Europe should be adopted and operationalised swiftly**
  - The EP should monitor the implementation of the framework and ensure MS are meeting their obligations under the EU law.
  - The EP should ascertain that the Commission is providing technical assistance and financial support to MS to help them meet their resettlement targets.
  - The EC should ensure that the humanitarian nature of resettlement is maintained and MS pledges are more predictable and structured.
  - The EP should ask the Commission to report on the progress of the framework.
- **Expansion of other safe routes in Europe for those at risk**
  - The EC should prioritise and financially support projects and initiatives aimed at establishing and scaling up safe pathways in Europe for those at risk.
- **Report on pledges and accountability**
  - The EC should publish regular reports and data on the implementation of resettlement and humanitarian admission pledges and breakdown per MS, and those arrived on different schemes.
  - The EC should ensure the participation of CSOs in all the relevant meetings and high-level forums on resettlement and other safe routes.

# 2 Inclusion of refugees in European societies through access to rights

## CONTEXT:

Creating inclusive European societies is one of the prerequisites to ensuring that people seeking protection are welcome. Inclusion is a dynamic, two-way, and long-term process which begins from day one when an asylum seeker arrives in the EU. The inclusion of Ukrainians in Europe, accomplished by granting them access to their rights from the outset, serves as a positive example, and the lessons learned from this response should be applied to other asylum seekers and refugees throughout the EU.

### ➤ **Lead by example in championing the inclusion of refugees in EU policy development**

- The EC should ensure that asylum-seekers and beneficiaries of international protection have access to full rights from day 1 to support inclusion, e.g. right to work.
- All EU institutions should lead by example of diversity by including refugees and migrants as their staff and employees.
- The EC should continue consulting and meaningfully engaging with refugee-led and migrant-led organisations, including but not limited to the EC's Expert Group on the views of Migrants.
- The EC take the recommendations from the group and makes a concerted effort to implement them.
- The EC should ensure that resources are dedicated to the management of the group.
- The EC and EEAS should ensure that refugees and migrants are included in its delegation to all the relevant European and international forums and conferences, particularly those concerning asylum and migration.
- The EP should ensure the refugee and migrant voices are present and heard in relevant EP discussions and hearings.

## 2 Inclusion of refugees in European societies through access to rights

### ➤ **Address the challenges hindering the integration of refugees and asylum seekers, including but not limited to the application of the asylum system in the EU and the discrepancy in Member States' practices**

- The EC should conduct an evaluation and assessment of how the implementation of the CEAS affects inclusion to identify any negative consequences and recognise good practices supporting inclusion by facilitating access to rights.
- The EC should strengthen synergies between different EU funding programmes to effectively foster all stages and aspects of the inclusion of refugees and asylum seekers by promoting the joint use of various funding instruments, uniformed reporting requirements and unified auditing rules.
- The EC should ensure that MS national programmes utilising EU funding and other funding instruments adequately support programmes and measures related to accessing education, health services, and the labour market and include asylum seekers as target groups.

### ➤ **Regularly evaluate EU policies related to inclusion, such as the Action Plan on the Integration and Inclusion of Third Country Nationals (TCNs)**

- The EC should systematically assess the implementation of the Action Plan within Member States and encourage the Member States to use it more effectively to remove the barriers faced by asylum seekers and refugees when accessing their rights. Assessment should always cover fundamental rights compliance.

### ➤ **Identify and apply the lessons learned from the inclusion of Ukrainians in Europe to other people seeking protection**

- The EC should replicate good practices from the inclusion of Ukrainians into European societies to all other TCNs.
- The EC should encourage MS to fast-track the recognition of qualification documents of refugees.

# 3 Transparent and accountable EU funding which advances the rights of displaced people inside and outside Europe

## CONTEXT:

The EU, including its Member States, is the largest donor in the world. In some countries, it is the EU's role as a donor that enables it to influence the relevant context and promote the rights of displaced people. Migration features prominently within this Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe.

Inside the EU, the amount of funding the European Commission provides for asylum and migration has increased progressively over the last three legislative terms, most notably in the Asylum, Migration and Inclusion Fund (AMIF) and in the Border Management and Visa Instrument (BMVI). In many Member States, EU funds represent a significant part of the money that is available to support asylum, reception and inclusion. One of the most important powers of the European Parliament is its budgetary oversight and control function, which should be used more effectively to ensure rights-based and EU law-compliant spending of EU funds.

### ➤ **Increase transparency and publicly available information on EU funding in relation to asylum and migration**

- The EC should provide the European Parliament with the same level of detail regarding migration-related spending outside the EU as provided to the Council. e.g. all documents for discussion in the coordination group for NDICI migration spending should also be submitted to the EP.
- The EP should closely and proactively supervise the spending of EU resources, for instance, by constituting a formal or informal group of MEPs that oversee EU funding on asylum and migration in all relevant funding instruments; by holding regular hearings on the topic and requesting regular updates on spending from the EC.
- The EC and EP should improve the availability and transparency of funding-related data in relevant and upcoming legislative proposals.

### ➤ **Ensure EU funding is allocated to spending priorities on asylum and inclusion in Member States**

- The EC should increase minimum earmarks on the inclusion of third-country nationals in the future AMIF Regulation and secure spending for this purpose by separating the legal migration and integration objectives.
- The EC should ensure that funding under AMIF and BMVI spent outside the EU is aligned with the EU's overall objectives in any given third country and limited to a maximum cap.



# 3

## Transparent and accountable EU funding which advances the rights of displaced people inside and outside Europe

### ➤ **Make funding accessible to civil society organisations, especially refugee and migrant-led organisations**

- The EC should earmark a minimum of 30 % of spending to civil society in the AMIF and ESF+ Regulations under shared management, following the model of the [FAST CARE Regulation](#).
- The EC should foresee a meaningful consultation process with civil society to provide inputs and feedback on the work programme for spending under direct and indirect management and ensure full implementation of the partnership principle, following existing examples, e.g. the Dialogue with Common Provisions Regulation partners, group of experts.
- The EP should oversee the implementation of the Partnership Principle in EU-funded programmes by creating opportunities for discussion and follow-up with the Member States, the EC and civil society organisations, including refugee and migrant-led organisations.

### ➤ **Ensure the fundamental rights obligations related to EU funding are applied consistently and further strengthened**

- The EC should ensure the implementation of the horizontal enabling conditions related to the Charter of fundamental rights by closely monitoring programmes implementation and suspending payments where fundamental rights are violated; in addition to that, the new Common Provisions Regulation should strengthen the protection of complainants and strengthen reporting mechanisms at the national level.
- The EP should make full use of supervisory powers by requesting regular updates from the EC on the fulfilment of enabling conditions related to the Charter of Fundamental Rights in EU funding programmes and on reports of breaches of fundamental rights in connection with EU funds.

### ➤ **Focus EU funding in relation to asylum and migration outside the EU on evidence of effective development cooperation and not narrowly defined migration control objectives**

- The EC should remove mentions of positive conditionality related to migration management or minimum spending targets from proposals for the next MFF (2028-2034).
- The EP should oversee the implementation of the migration-related provisions of NDICI carefully, highlighting problematic practices and working in partnership with parliaments and civil society in third countries; in negotiations on the next MFF, resist attempts to include conditionality or incentives related to migration management.

# 4

## EU external policies promote the rights of displaced persons and not European migration control objectives

### CONTEXT:

The worldwide number of forcibly displaced people is on the rise due to increasing conflicts, persecution, the emergence of authoritarian regimes, and climate change's impact. In 2023, a new record number of people (117 million) will be forcibly displaced or become stateless globally, as UNHCR's estimations suggest. The majority of the world's refugees live in the developing world, close to the country they are fleeing. The world's displacement crisis requires a global and collective approach, which includes solidarity and responsibility sharing with large refugee-hosting countries.

Addressing this, Europe should play its fair share of responsibility, provide protection for those coming to Europe and engage in improving refugee protection in other regions without undermining the right to seek asylum on its territories. The EU can also work to address the root causes of displacement, such as conflict, poverty, and climate change, through foreign aid, diplomatic efforts, and development programs and putting human rights at the centre of the EU's external policies with third countries. It should also seek to ensure that EU and national foreign policies do not generate displacement in the first place.

### ➤ **Invest in strengthening refugee protection outside the EU through an approach based on rights, long-term support and cooperation with civil society**

- The EC should ensure that any cooperation frameworks with third countries include meaningful consultation for, e.g. Country Strategy Papers or specific migration cooperation or activities and where relevant support to civil society working on the rights of refugees and migrants.
- The EP's relevant committees (LIBE, AFET, DEVE and DROI) should regularly engage with civil society actors working on the rights of refugees and migrants to ensure their analysis of the impact of EU policies and recommendations are informing EU action.

# 4

## Transparent and accountable EU funding which advances the rights of displaced people inside and outside Europe

### ➤ **Mutually beneficial and equal partnerships with third countries based on respect for human rights**

- The EC's relevant services in charge of external action and the EEAS should be responsible for developing EU relations with third countries, grounded in the principles and vision set out in the EU's Global Strategy, the Lives in Dignity Communication and the Lisbon Treaty itself and focusing on root causes of forced displacement by investing in the prevention and resolution of conflict and supporting refugees in large refugee-hosting countries.
- DG HOME, DG INTPA, DG NEAR and the EEAS should define how external policy coherence will be assessed for both national programmes and the thematic facilities of Home Affairs funds and should publicly communicate the process. The European Parliament could encourage this process through questions to Commissioners.
- The EP should strongly resist and remove any attempts from the European Commission to add conditionality of aid, trade or other external policy tools in exchange for cooperation on migration control objectives or readmission agreements with third countries, as these measures undermine the objectives of the policies in question and are often counter-productive, generating more displacement.

### ➤ **Address human rights risks related to migration-related interventions in third countries**

- The EC should conduct a rigorous conflict analysis that integrates gender analysis as a precondition for all interventions related to migration; DG INTPA and DG NEAR should also consider developing a specific risk assessment and management framework for expenditure on displacement and migration as per Article 8(14) of the NDICI–Global Europe Regulation.
- The EP should demand the relevant Commissioners for more transparency and rigorous assessment of the human rights-related risks of migration-related interventions in third countries.