

# EESC position on migration and asylum

January 2023



## Introduction

Judging by recent events, migration can be unpredictable and unprecedented, with EU policy being anticipatory and yet reactive. This paper highlights recent EU policy and developments, and the EESC's position in response to them.

## EU Policy

The biggest policy development has been the [New Pact on Migration and Asylum](#) (the New Pact), published in 2020, and the measures and initiatives which flow from this. The New Pact attempts to improve EU migration and asylum policy for a more global and integrated approach. The key measures of the pact are:

- Improving [asylum procedures and border management](#);
- Increasing [preparedness and management of crises](#);
- The [fight against migrant smuggling](#);
- Working with international partners to manage migration and [improve safe and legal routes](#) to the EU;
- [Attracting skills and talent to the EU](#);
- Improving [integration and inclusion](#).

There are also new initiatives that have arisen in response to developments: for instance, Russia's invasion of Ukraine in February 2022, which triggered the [temporary protection directive](#) (TPD). In response to the substantive increase of irregular migrants (compared to 2021) arriving in the EU via the [Central Mediterranean](#) and [Western Balkans](#), the EU has launched action plans for these regions.

## The EESC's response to EU policy

First and foremost, the EESC reaffirms that migrants – for whatever reason they arrive – are human beings with hopes, fears and dreams, as well as fundamental rights that must be protected<sup>1</sup>.

The EESC highly appreciates the TPD being triggered in response to the Ukraine crisis, and encourages future activation of the TPD for third country nationals encountering crisis situations in the future ([SOC/710](#)). Furthermore, the specific actions for Ukrainians under the TPD ought to be available for all people needing international protection. This is a turning point and should become a standard ([SOC/733](#)).

Regarding **asylum and border management**, the position of the EESC is as follows:

- It fully acknowledges the fundamental rights of people arriving the EU's borders and that they have the right to apply for asylum ([SOC/710](#)). It supports improvements to the asylum system (CEAS) and believes in solidarity and burden-sharing among Member States when it comes to managing asylum applications ([SOC/699](#)).
- Screening procedures of third country nationals at the external borders should be in line with fundamental rights ([SOC/670](#)).
- Persons apprehended at the internal borders should be treated with dignity and informed about their rights instead of legalising forms of internal pushbacks ([SOC/710](#)).
- Unaccompanied minors (UAMs), being the most vulnerable group, must be protected first and foremost as children, and those who have been subject to exploitation must be granted the status of victims of human trafficking and issued with a residence permit. UAMs should not be detained. ([SOC/634](#))

<sup>1</sup> <https://www.eesc.europa.eu/en/news-media/presentations/eesc-express-es-its-concern-about-situation-border-belarus>

- Humanitarian actors who perform much-needed search and rescue operations (SARs) at sea should not be criminalised. The EU should continue SARs in the Mediterranean, whilst encouraging Member States to meet their international obligations on rescuing people from ships in distress and refrain from keeping their ports closed. ([SOC/649](#))

#### Regarding migrant smuggling:

- It is essential to combat migrant smuggling by means of a "whole-of-route" approach, which includes improving judicial and police cooperation, strengthening actions to prevent exploitation, and ensuring the protection of smuggled persons. ([SOC/707](#))
- Humanitarian actors at sea and those that provide medical care or aid to smuggled persons should not be criminalised. ([SOC/707](#))
- The implementation of the Employer Sanctions Directive needs improvement in order to combat irregular employment and labour exploitation in a more coordinated and forceful manner. ([SOC/707](#))
- The EESC strongly condemns the instrumentalisation of migrants and asylum seekers as elements of EU destabilisation, as has been seen at the borders of Morocco and, in particular, Belarus. ([SOC/707](#))

#### Regarding legal migration and integration:

- The EESC believes that if there are more opportunities to come to Europe in safe and legal ways, irregular migration to Europe will decrease significantly ([SOC/649](#)). Therefore the EU should adopt policies and measures that endorse safe, orderly and regular migration and also strengthen inclusion and social cohesion.<sup>2</sup>
- Migrants, refugees and international protection seekers should be treated equally, irrespective of their skills and qualification level, and recognition of skills and qualifications, as well as opportunities to improve skills and access to training and apprenticeships, are much needed. ([SOC/733](#))
- Employment is essential to integration. Capacity-building for matching labour supply and demand, fostering entrepreneurship and vocational training are necessary elements of improving the employability of migrants.<sup>3</sup>
- Immigration has a positive influence on population and labour force growth. Europe is ageing, and immigration can play a role in reinforcing the working population. ([SOC/628](#) and [SOC/574](#))

2 [https://www.eesc.europa.eu/sites/default/files/resources/docs/pp\\_migration\\_en\\_withlinks.pdf](https://www.eesc.europa.eu/sites/default/files/resources/docs/pp_migration_en_withlinks.pdf)

3 [https://www.eesc.europa.eu/sites/default/files/resources/docs/pp\\_migration\\_en\\_withlinks.pdf](https://www.eesc.europa.eu/sites/default/files/resources/docs/pp_migration_en_withlinks.pdf)

- All migrants, regardless of their legal status, should have access to healthcare in all EU Member States. ([SOC/668](#))
- Gender-specific support programmes that aim to help migrant women get work are encouraged. Migrant women face particular challenges to enter the workforce, and the COVID-19 pandemic exacerbated the integration process. ([SOC/641](#))

## The European Migration Forum and the permanent group on Immigration and Integration

The [European Migration Forum](#) (EMF), held jointly with the European Commission's DG for Migration and Home Affairs, deals with the most pressing issues concerning people of migrant and refugee background of the day. This event attracts more than 200 representatives from civil society organisations: including migrant-led organisations; local authorities; and European and international institutions. In [2021](#), it focussed on migrants' contribution to post-pandemic recovery as well as covering topics such as access to education and digital inclusion.

The [2022 EMF](#) focussed on youth inclusion as key to successful integration. Some of the key outcomes of the EMF were: putting migrants and in particular migrant youth at the centre of policy-making and representative democracy; recognising skills and qualifications, and also community activism and inclusion in easing integration for young migrants. Other important issues raised were the difference in attitude towards the treatment of Ukrainian refugees compared to other refugees, the need for balanced reporting and narratives on migrants, and highlighting their positive contributions.<sup>4</sup>

The EESC's permanent Immigration and Integration (IMI) group comprises EESC members and has the aim of supporting the EESC's work on migration and asylum, including contributing to the European Migration Forum (EMF) and giving substance to the EESC's role as a facilitator between organised civil society and the EU institutions in this area. As part of its core activities, the IMI group has held consultations on the EMF, roundtables with the EU Presidency, Member States and the European Commission on migration management. The [final event](#) of 2022 was a one-day public event [highlighting the progress](#) made regarding the protection and integration of Ukrainian refugees.

For this event, the EESC took stock of the roll-out of humanitarian aid and integration measures across the EU as a result of triggering the TPD. It is commendable how fast Member States reacted to the large influx of refugees, how better prepared they were in dealing with the crisis, and how much cooperation and solidarity there was between and within Member States, both at regional and local levels.

4 <https://www.eesc.europa.eu/en/our-work/publications-other-work/publications/eesc-position-migration-position-paper-december-2016>

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