

To : EU Heads of State and Government meeting Lahti 20 October 2006

17 October 2006
Our ref: B588

Dear Madam, Dear Sir,

Subject: addressing irregular migration with full respect of human rights

Amnesty International welcomes the fact that the EU immigration policy will be part of the agenda of the informal meeting of EU Heads of State and Government in Lahti. The state of the EU's immigration policy requires clear political leadership and vision for the future. The crisis in the Mediterranean is a dramatic illustration of a deficient strategy.

Exactly one year ago, Heads of State and Government of the EU Member States discussed the challenges of migration at their meeting in Hampton Court and called for renewed action to manage migration flows and for the development of a series of immediate, practical actions to be taken forward in partnership with source and transit countries. One year after Hampton Court, Amnesty International notes little progress in the development of a comprehensive approach to migration.

Indeed, the EU's response to the migration challenge has been marked by a proliferation of operational initiatives that were mainly control-oriented. The latest example of this one-sided approach has been the recent JHA conclusions on reinforcing the Southern external maritime borders. These focus exclusively on operational measures that should increase FRONTEX's capacity to respond immediately to crisis situations, while the Commission is invited to examine ways and means for improved identification and return of undocumented migrants through the development and more effective use of European databases. The thrust of cooperation with transit countries and countries of origin is to shift responsibilities towards these countries through further conclusion of readmission arrangements, establishment of stable mechanisms of identification and cooperation with Europol and FRONTEX.

At the Lahti meeting, Heads of State and Government should give new impetus to a comprehensive approach, taking into account the different aspects of the phenomenon of (forced) migration and respecting the rights of migrants and refugees.

In Amnesty International's view, such an approach should include the following elements:

- Firstly, human rights conditionality should be an essential element in the EU's strategy when engaging in cooperation with third countries to control irregular immigration both in the short and the long term. While the crisis in the Mediterranean indeed requires action in order to save lives, Amnesty International is concerned that the dramatic events could serve as a pretext to slide into a gradual erosion of international human rights obligations. Cooperation with countries with a poor human rights record, such as Libya - a country that has not even signed the 1951 Geneva Refugee Convention - is increasingly being justified by referring to the need to prevent undocumented migrants from embarking on a risky journey towards Europe. Amnesty International calls upon the European leaders to uphold Europe's longstanding tradition of respect for and promotion of human rights in relations with third countries. The choice between saving lives and respecting

human rights is an artificial one, and the EU's immigration policy should be capable of addressing both issues at the same time.

- Secondly, EU measures should be protection-proof and be able to identify persons in need of international protection within the current mixed migratory flows. Heads of State and Government in the 1999 Tampere conclusions pledged to guarantee the absolute respect for the right to seek asylum and now is the time to prove that this was not just mere rhetoric. Measures should be introduced to guarantee access to a fair and efficient asylum procedure as well as the full respect of the principle of non-refoulement.
- Thirdly, the root causes of migration should be tackled more effectively by the EU and its Member States. "People should migrate out of choice rather than out of necessity" the Council stated in its EU Position with regard to the UN High Level Dialogue on International Migration and Development. The EU's external policies need to be increasingly coordinated and should be aimed at creating solid perspectives in the countries of origin. If Europe's policies continue to do so little to help avoid the creation of yet another lost generation in countries of origin, no real progress can be achieved. The initiative to set up a Task Force on migration of six Commissioners dealing with diverse aspects of migration appears to be a step in the right direction, but concrete actions have yet to be announced.
- Finally, a renewed and in-depth discussion on the creation of legal channels of migration to the EU is urgently needed. As long as the EU has not developed credible, rights-respecting and accessible frameworks for legal migration, many migrants will continue to feel that they have no choice but to use irregular channels to enter and work in the EU.

We hope that these concerns will be taken into account during your discussions.

Yours sincerely,



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