



THE CATHOLIC CHURCH
IN THE EUROPEAN UNION

Statement by the
COMECE Working Group on Migration and Asylum¹
on the EU PACT ON MIGRATION AND ASYLUM
proposed by the European Commission

“In all things I have shown you that by working hard in this way we must help the weak and remember the words of the Lord Jesus, how he himself said, ‘It is more blessed to give than to receive’” (Acts 20, 35)

The recently published Commission’s proposal for an EU Pact on Migration and Asylum aims to develop a workable common framework on Migration and Asylum. The COMECE Working Group on Migration and Asylum recognizes the efforts of the European Commission to take the interests of all Member States into account and unlock the deadlock. The current circumstances of the lives of migrants, asylum seekers and victims of human trafficking are in need of urgent attention as the Covid-19 pandemic has exacerbated their poverty, social exclusion and stigmatization. Thus, the Pact must create a sustainable and humane system of solidarity and responsibility sharing that recognizes the mutual advantages of migration and protects refugees.

We hope that the negotiation process of the EU Pact will maintain those points that put the human being, human dignity and the Common Good at the centre of the migration and asylum policies, but will also address certain dysfunctionalities -e.g., undignified reception conditions-. We are concerned about the effectiveness of the Pact to alleviate the difficult situation, aggravated by COVID-19, in which migrants and refugees find themselves. The Pact should promote a welcoming context as well as a fair and just approach to those in need, as *“we are faced with the choice between a model of life that discards people and things, and an inclusive model that values creation and creatures”*.²

As Pope Francis writes in His Encyclical Letter *“Fratelli Tutti”*, it is actually *“our innate sense of fraternity”*, that gives us the opportunity *“to be Good Samaritans who bear the pain of other people’s troubles rather than fomenting greater hatred and resentment”*.³ The Catholic Church in Europe expresses its prophetic voice for the Common Good and the protection and promotion of the human rights rooted in human dignity of all individuals and families. Reading the signs of the times, she rises and advocates for a shared way towards a *universal fraternity and social friendship* – which are inseparable and vital for a society to construct peace, enhance trust and social cohesion and promote fraternal encounter.

¹ The COMECE Working Group on Migration and Asylum is a body of the Commission of Catholic Episcopal Conferences of the EU, composed by experts appointed by the Bishops’ Conferences and representatives of Catholic organisations based in Brussels and working in the fields of migration and asylum.

² Pope Francis, *Letter on Europe*, 22nd October 2020.

³ Encyclical letter *“Fratelli Tutti”* nr 77 (hereinafter, FrT).

SOLIDARITY

The principle of solidarity at the national, regional and local level

It is our belief that all human beings have been created in the image of God with transcendent dignity. That humankind forms a family that links every one of us to all human beings with bonds of fraternity and solidarity, as brothers and sisters. Under this perspective, we consider of utmost importance to build among Member States a fair and efficient mechanism of solidarity and responsibility sharing which puts the human dignity and the Common Good at the centre. As recently stated by Pope Francis, *“the uniqueness of Europe rests above all on its conception of the human being and of reality, on its capacity for initiative and on its spirit of practical solidarity (...) Only a Europe that is a supportive community can meet the present challenge in a productive way, since piecemeal solutions have proved to be inadequate.”*⁴

In this regard, the new flexible solidarity mechanism proposed in the Pact raises several concerns, as it leaves up to Member States to decide whether or not to receive asylum seekers – this will continue to unfairly overburden Member States with an external border, in particular the Southern European external border. The EU should respond as much as possible with a spirit of solidarity and generosity to the needs of migrants and asylum seekers, and not just focus on reducing migration pressures by increasing returns.

In addition, fostering a more welcoming environment in our society is paramount. Individual, family and community solidarity are essential to create fraternity bonds between migrants and locals in hosting countries. Every layer of society is needed to accomplish a true and humane solidarity. The most vulnerable: unaccompanied children, people with disabilities, chronic diseases or mental health problems, pregnant women, victims of human trafficking, minors and their families, etc. must urgently be provided with more targeted supportive services and accompaniment. *“Solidarity finds concrete expression in service, which can take a variety of forms in an effort to care for others. And service in great part means “caring for vulnerability” [...]. In offering such service, individuals learn to “set aside their own wishes and desires, their pursuit of power, before the concrete gaze of those who are most vulnerable...”*⁵

The change in narrative is crucial to prevent violence and intolerance against the newcomers, social exclusion and gaps in integration as well as to create a welcoming environment of hospitality. It is the task and the duty of the EU and its Member States to create favourable contexts for social bonding, social friendship, recognizing the other party as our neighbour, with one’s innate human dignity, instead of fuelling mistrust, confrontation and polarization. This vision needs to start from the ground, *“and then expand farthest reaches of our countries and our world”*.⁶ The goal is to *“build cities and countries that, while preserving their respective cultural and religious identity, are open to differences in a spirit of human fraternity.”*⁷ In this regard, we consider a positive element of the proposal that the Commission has highlighted the importance of regional and local actors who have a key role to play in fostering ‘social cohesion and economic dynamism’. We hope that, together with the EU, they will be effectively involved in the implementation of the Pact, avoiding leaving it solely to Member States.

⁴ Pope Francis, [Letter on Europe](#), 22nd October 2020.

⁵ FrT, nr 115.

⁶ FrT, nr 78.

⁷ FrT, nr 129.

We welcome efforts to encourage EU Member States to expand protection pathways such as resettlement and complementary pathways, which include private sponsorship and humanitarian corridors. However, resettlement and relocation should be reinforced, giving additional impulse to the increase of pledges and the support of Member States wishing to develop, and establish community or private sponsorships models as well as humanitarian corridors. Community sponsorship can only be effective if an atmosphere of fraternity and mutual trust is promoted, leading to a “*solidarity chain*” that comprises families and local communities. Responsibility falls on all of us and begins with our own interactions with our neighbours. This change of attitude would help abolish the criminalization of rescue, assistance and hospitality to newcomers, allowing the development of authentic interpersonal relationships and solidarity. Nobody who welcomes and embraces social friendship with others should be punished.

Policy recommendations

- To promote a culture of fraternal encounter and solidarity among Member States, in societies and towards migrants and asylum-seekers.
- To ensure the creation of a fair, stable and predictable solidarity and responsibility sharing mechanism among EU Member States that ensures relocation of, at least, those persons with high protection risks.
- To encourage clear regional and national commitments of resettlement pledges and to open more humanitarian corridors and evacuations for asylum seekers in critical vulnerable situations.
- To increase complementary pathways such as communities and private sponsorships, promoting and supporting programs of community sponsorship, accessible also to Churches and Faith-Based Organizations (FBOs).
- To ensure the effective protection of minors and their families, people with disabilities, chronic diseases or mental health problems, pregnant women, victims of human trafficking, unaccompanied children, etc. during the entire process of implementation of the solidarity mechanism.
- To provide programs of professional assistance, especially in cases of severe mental health disorders or addictions.
- To prepare local communities for the process of integration by providing information and training; as well as common spaces for exchange, support and accompaniment. Promote awareness campaigns to ensure their preparedness.
- To allow and support the presence and assistance of Church and FBOs organisations, recognizing their work and providing funding when necessary to those who cooperate in the reception and integration of migrants.
- To prevent and effectively legally abolish all criminalization of humanitarian assistance to irregular migrants, establishing a solid base and clarifying the non-penalization of humanitarian activities.
- To provide suitable and dignified housing to all individuals and families seeking asylum during procedures, guaranteeing personal security, access to basic services and equitable

access to the justice system. Facilitate the possibility of opening bank accounts and the guarantee of the minimum needed to have a dignified life.

EXTERNAL RELATIONS

Reciprocal gifts and international partnerships

A key objective of the EU-Pact is to strengthen cooperation with third countries in various fields of migration policy. This cooperation must be conducted on a level playing field, as dialogue with the other means the recognition of our own identity and culture. As Pope Francis states: *“I cannot truly encounter another unless I stand on firm foundations, for it is on the basis of these that I can accept the gift the other brings and in turn offer an authentic gift of my own”*.⁸ In this line, relations with other countries must express the *culture of encounter* at all levels in order to build justice worldwide. Solidarity and social friendship do not, and should not, entail the spume of the local richness of third countries, as dialogue with the other means the recognition of one’s own identity and culture.

The *“tailor-made, relationship-of-equals, win-win”* partnership agreements evoked in the Pact need to become a reality. Ignoring the culture, identity and needs of countries of origin and transit does not recognize the *reciprocal gifts* and potential *mutual advantages* that a fair and transparent partnership with non-European partners can offer. In this context, readmission agreements and reintegration of returnees should fully respect fundamental rights rooted in human dignity and help the exercise of individual and family fulfilment and have voluntary returns as the preferable option. Consequently, it is also important for the EU to consider creating accountability mechanisms that effectively enable scrutiny of actions undertaken in collaboration with third countries and invest in the capacity building of relevant actors in countries of origin involved in the reintegration of returnees is also important.

Promoting Integral Human Development through cooperation is an obligation of the EU and should be based on a common understanding of the advantages the other can offer. The development of our partners means the promotion of the Common Good and the integral human development of individuals, families and communities, and should be addressed in a holistic and sustainable long-term way. It should respect of the principle of subsidiarity, promoting their well-being and upholding the primary right not to emigrate forcibly, but as a free choice, and the right to have a dignified and secure life in one’s own homeland. In a nutshell, enhancing legal pathways successfully in the formulation of international partnerships would be instrumental to prevent smuggling and trafficking of human beings. In all evidence, it can be harmful if development cooperation is only considered a bargaining tool for partnership agreements. EU partnerships, in particular with African countries, *“should not, therefore, be limited to solving migratory flows, but could be a unique chance for Europe to contribute to a genuinely organic development of the African continent.”*⁹

The Commission has proposed a 10% target for migration-related actions in the Neighbourhood, Development and International Cooperation Instrument, which does not seem to reflect the real

⁸ FrT, nr 143.

⁹ [Address by His Eminence Cardinal Pietro Parolin, Secretary of State, to the COMECE Plenary Assembly](#), 28th October 2020.

needs. Countries that have long benefitted from globalization can positively share with those who profit less or those socially and economically harmed, beyond the context of the Covid-19 pandemic. Foreign debt at times severely restricts the fundamental right of peoples to subsistence and progress. And, while the principle that all legitimately acquired debt must be repaid, the *“way in which many poor countries fulfil this obligation should not end up compromising their very existence and growth”*.¹⁰

Last, we welcome the Commission’s proposal to create an informal expert group to hear the views of migrants and citizens with a migrant background. We highlight the need to hear migrants’ communities present in the country of origin as well as in the host country. The consideration of diasporas is a crucial and enriching element both in regulatory and non-binding policymaking. It is the way forward for establishing reciprocal and healthy relations with the newcomers.

Policy recommendations

- To promote international cooperation for interregional migration governance with full respect of the principle of subsidiarity.
- To establish tailor-made partnerships that are truly mutually beneficial, consider partners countries’ Common Good and fully respect human rights rooted in human dignity.
- To promote legal pathways without unfairly harming third countries’ professionals to keep on providing their services, especially in the health and sanitary sector, to their homeland citizens.
- To ensure readmission agreements, voluntary return and reintegration programs respecting human rights and accompanying individuals and families in their search for a secure and dignified life.
- To protect the unity of families and to support effective reunification of families, the natural cell of societies.
- To improve efforts to prevent human trafficking, in coordination with authorities of countries of origin and transit.
- To ensure adequate consular assistance and the right to withhold personal public identity documents.
- To promote international cooperation aid aimed at the long-term sustainable development of countries of origin, addressing structural problems, such as poverty and insecurity more broadly. so as to uphold the right not to migrate forcibly.
- To expand debt relief when accomplishing this obligation compromises countries’ resilience.

¹⁰ FrT, nr 126.

BORDERS

A gratuitousness open to others and the integrated border management

As Pope Francis reminds us, “*ideally, unnecessary migration ought to be avoided*”¹¹. The external dimension aforementioned needs to promote a secure and dignified life for all in one’s own country, and not to increase forceful migration which breaks down families and leads young people, who are the future of the country, to leave impoverishing the society they leave behind. “*Yet until substantial progress is made in achieving this goal, we are obliged to respect the right of all individuals to find a place that meets their basic needs and those of their families, and where they can find personal fulfilment.*”¹² In this way, we are concerned that the use of strict asylum and return border procedures, might undermine in practice the spirit of welcoming as well as the right to asylum, provide fewer procedural rights, implement widespread detention and inadequate reception conditions and increase the pressure on border of EU Member States. Alternatives to detention should be of primary implementation, and detention should only be a measure of last resource based on an individual decision, strictly necessary and proportional, timebound and regularly reviewed, and must not be applied to children nor pregnant women.¹³

While borders controls are a legitimate right of sovereign States, they should not be automatically translated into interpersonal walls. Humane border reception conditions should be assured so as to *welcome, protect, promote and integrate* migrants and asylum seekers.¹⁴ Openness does not, and must not, mean the elimination of *respective cultural and religious identity*, but rather the respect and recognition of diversity.

The border procedures must ensure the effective and safe possibility to have full access to international protection, without discrimination in terms of nationality, ethnicity, religion, country of origin, or any other legal ground. Human rights’ concerns regarding biometric data should be addressed. The pre-screening procedure together with the data collection in Eurodac, should never create a system in which migrants and asylum seekers are considered as numbers instead of human beings with dignity. On the contrary, and more importantly, it should serve to support Member States in taking further measures to improve the detection of victims of trafficking during border controls by reinforcing the training of border control staff and raising awareness within transport companies. Migrants too often suffer from trafficking and supporting the victims must be at the core of the solidarity mechanism. However, short timelines of the border procedure will make identification of victims more difficult and thus it is crucial to eliminate the mandatory fast-track border procedures. Moreover, access of asylum seekers to the labour market could increase their protection against further recruitment by traffickers and criminal organizations.

The pre-screening procedure should not undermine the principle of *non-refoulement*, which must be observed during the asylum and return-procedure. A return should only be possible if returnees’ life or freedom are not threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. Particular attention should be paid to the humanitarian situation in EU’s maritime external borders; concretely, in the English

¹¹ FrT, nr 129.

¹² FrT, nr 129.

¹³ The UNHCR has also reiterated this view on detention.

¹⁴ FrT, nr 129.

Channel, the Canary Islands and the Mediterranean Sea, where a high number of people are making perilous and often deadly journeys to reach Europe and within Europe towards the UK. Any effort should be made to avoid that EU shores become vast cemeteries, increasing search and rescue operations with specific guiding criteria.

The presence of civil society organisations, Churches and FBOs at EU borders have provided a proper and humane reception of migrants and asylum seekers, meaning an additional support to public authorities. In this way, structures are made available to provide asylum seekers and migrants with counselling, psychological, physical, spiritual, religious and social support and other possible resources. Their work should be recognized and the support to them reinforced, including, for instance, independent monitoring and access to reception and detention centres, in particular where conditions for migrants and asylum seekers are even more miserable and they feel isolated. In this regard, we welcome the creation of a fundamental rights monitoring mechanism in the new screening procedure and call to expand its scope and to ensure true independence, accountability and sanction when wrongdoing is detected. This is particularly needed with the current “pushbacks” happening at the borders”

Policy recommendations

- To ensure safety at the borders, especially in perilous routes such as the English Channel, the Mediterranean coasts and the Canary Islands, to fully respect the principle of *non-refoulement*, to increase search and rescue operations with a human-centred perspective and specific guiding criteria, respect the unity of families and their especial needs. NGO search and rescue operations following international standards should not be criminalized.
- To create a proper system of detection of victims of trafficking during border controls, increasing resources and reinforcing the training of border control staff as well as increasing timelines of border procedures and raising awareness within transport companies.
- To ensure the creation of a fundamental rights monitoring mechanism in the new screening procedure, to expand its scope and to ensure its true independence, accountability and sanction mechanism.
- To avoid widespread detention or its use as default option. Ensure that procedural safeguards are met and the special needs of minors and vulnerable people are catered for, and to clearly define the particular situations when the restriction of liberty can turn into detention in accordance with already existing European regulations and to end migration-related detention of children.
- To developed sound border procedures in order to effectively foresee the individual merits of each asylum claim, regardless of the country of origin.
- To ensure that basic needs of migrant families, pregnant women, children, disabled persons and migrants with chronic diseases or mental health problems, and victims of human trafficking are effectively fulfilled at borders.
- To guarantee the full enjoyment of religious freedom and freedom of conscience at borders and along the process of request for asylum, and to establish an appropriate

examination of asylum applications based on religious grounds, in particular in case of conversion, in cooperation with the Church or religious community to which the applicant is affiliated.

- To allow access to Churches and FBOs to reception centres, as well as those providing religious and pastoral care, guaranteeing the full enjoyment of religious freedom and ensuring the practice of one's religion without suffering harassment, in particular in detention centres, prisons or camps with restricted free movement.
- To increase and simplify the granting of visas or temporarily lifting the visa requirements for certain groups in need of protection, and to include provisions on 'humanitarian visas' in the EU Visa Code.
- To ensure access to the labour market and integration when asylum is not granted, and return cannot be executed, after a certain reasonable period of time.