

Donald Tusk, President European Council
Jean Claude Juncker, President European Commission
EU Heads of State or Government

Brussels, 11 March 2016

Dear President Tusk, Dear President Juncker,

On 17 and 18 March 2016 the European Council will meet once again to discuss the implementation of measures taken to address the current refugee and migration flows and the follow-up of the meeting on 7 March 2016 between EU Heads of State or Government and Turkey.

ECRE, a pan European Alliance of 90 non-governmental organisations assisting refugees and asylum seekers in 37 countries, is extremely alarmed about the proliferation of restrictive measures at national and EU level based on a strategy of containment of asylum seekers and refugees in Greece and ultimately in countries neighbouring the EU. The EU's asylum and migration policy is at a turning point and ECRE is concerned that the current "crisis" situation is being used as a pretext to push through a range of measures that fundamentally undermine the right to asylum as laid down in Article 18 of the EU Charter of Fundamental Rights and the principle of *non refoulement*, which is the cornerstone of international refugee and human rights law.

According to the latest UNHCR statistics, 88% of those crossing the Mediterranean Sea come from the top 10 refugee producing countries, the main nationalities being Syria (45%), Afghanistan (25%) and Iraq (16%). They are, therefore very likely to be in need of international protection. Furthermore the increase of asylum applications in the EU must be put into perspective. According to UNHCR, the Syria conflict has triggered the largest refugee displacement since World War II, and the vast majority of the world's refugees continue to be hosted in regions and countries outside Europe.

ECRE urges the European Council to show political and moral leadership and agree on a collective, ethical response to the refugee issues facing Europe. Not only is the EU capable of offering protection to those in need, it is also in its interests to do so.

Therefore, ECRE calls on the European Council to:

- Revisit the principles for collaboration with Turkey outlined in the 7 March meeting by rejecting the "one-for one" principle as well as the designation of Turkey as a safe country. Resettlement is one of the three durable solutions to protracted refugee situations and a concrete tool of international solidarity. It should not be made conditional on an exchange which involves persons risking their lives and should be distinct from readmission and return. ECRE strongly opposes any solution that is based on the flawed assumption that Turkey is a safe third country. Turkey does not fulfil the legal criteria laid down in the recast Asylum Procedures Directive, while plans for readmission agreements between Turkey and 14 countries of origin, as envisaged under the Joint EU-Turkey Action Plan, increase the risk of *chain refoulement*.
- Establish large scale resettlement programmes for refugees fleeing Syria now in Turkey and other neighbouring countries, which must be a central part of the EU's and international response to the conflict. The EU should commit to half of the global target set by UNHCR to resettle 10% of those displaced by the Syria conflict.

- Commit to use or develop other legal pathways for refugees such as humanitarian admission programmes, private sponsorships, humanitarian visas and flexible and refugee friendly family reunification procedures. The High Level Meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees on 30 March is an opportunity to expand criteria for admission in order to receive a higher number of refugees from Syria.
- Urgently assist Greece respond to the humanitarian emergency unfolding in the country with concrete solidarity. Efforts must be stepped up to increase adequate long term reception capacity and expedite the roll out of better coordinated contingency planning. In order to have meaningful impact, existing emergency relocation commitments must be revised both as regards to the number of places and the eligibility threshold which should be lowered to include other nationalities, such as Afghans. Priority must be given to the most vulnerable, including unaccompanied children and survivors of torture. EU Member States must also refrain from resuming Dublin transfers as this would be premature, result in human rights violations and undermine ongoing solidarity efforts targeted at alleviating the pressure on Greece.
- Confirm their commitment to prioritise saving lives at sea by maintaining adequate search and rescue capacity in the Mediterranean in light of continuing deaths and make funds available for that purpose unconditionally and as required. NATO's deployment in the Aegean raises serious questions as regards compliance with search and rescue obligations and the guarantees in place to ensure that those intercepted and rescued are not returned to Turkey in violation of the principle of *non refoulement*.
- Acknowledge the structural flaws of the Dublin system for allocating responsibility for examining asylum applications and support a complete overhaul of the Dublin system, including its underlying principles and reject an approach which would merely aim for cosmetic changes. In ECRE's view, a responsibility allocation system must be preference based, rooted in respect for fundamental rights and based on incentives rather than coercion. This must be coupled with a Marshall Plan for the Common European Asylum System which aims at boosting the capacity of EASO and the Commission to monitor and enforce compliance with the EU asylum *acquis*. It should also increase financial investment in national asylum systems to improve standards across the EU. The mid-term review of the Asylum Migration and Integration Fund (AMIF) offers an opportunity to give a financial boost to the CEAS by significantly increasing resources dedicated to structural development and maintenance of asylum systems within the national AMIF programmes in all EU Member States. The creation in the long term of an independent EU Asylum Agency with a clear protection mandate in charge of decision-making on individual asylum applications lodged in the EU must be carefully considered.

These recommendations are further elaborated in the attached Memorandum, which we hope you will find useful for your discussions. We remain at your disposal for any further information.

Yours sincerely,



Catherine Woollard

Secretary General