

## Statement

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Since the Amsterdam Treaty the European institutions have been given competence in the field of immigration and asylum. In the beginning, it was the existence of the Schengen Agreements since 1995 leading to the creation of an open border area between some of the Member States of the European Union that led the Member States to realize that they also would have to develop a common external populations policy, if I may use this expression. This was also the reason why the European institutions themselves got interested in asylum and immigration as a consequence of the coming into being of the border-less area between the Schengen Member States, i.e. those Member States which signed the agreement by way of which there is no need for border controls among them.

The Amsterdam Treaty gave the European institutions legal competence to act on asylum and immigration. The Summit of October 1999 of the Heads of State and Government of the European Union in Tampere in Finland took bold decisions and gave the necessary political impetus following the Amsterdam Treaty to go ahead with European policy on asylum and immigration. Asylum and immigration are conceptually and legally very different phenomena, but there is a very strong political link between one and the other. Therefore it is difficult to speak in terms of policy and separate the two realities. This has its origin in the fact that since the mid 70s in most of the European Member States the only legal open doors for third-country residents to live in the European Union has been family reunification and asylum. This has led to the right or the wrong perception of asylum seekers as disguised economic migrants, which has agitated public opinion in most of our Member States and led politicians to react and therefore makes it impossible to speak about asylum without speaking about migration or immigration in the most general sense at the same time.

So basically the policies of the European Member States have been that only asylum and family reunification should allow third-country residents to reside in the European Union. There has been huge rhetorical emphasis for many years – not so much any more – on zero-immigration policies. Whether we like them or not, the result is that they never have worked or never have

worked very well. In the end it is estimated that there are about 500,000 people per year who cross the borders of the European Union and illegally immigrate into the European Union. And neither are the largely regressive rhetorics associated to zero-immigration followed in practice by very significant numbers in terms of illegal arrivals returned to their countries of origin.

This is the situation which we basically met when Antonio Vitorino became Commissioner in charge of Justice and Home Affairs and therefore asylum and migration issues as well. But what have we tried to do since then? We think that basically there has to be acknowledged that the asylum systems and procedures to a large extent have been misused by people who indeed have no right to claim asylum or who do not come within the straight jacket of the Geneva Convention or other humanitarian instruments. The reality behind many of these cases is purely the will to ameliorate the economic well-being and the living conditions. Therefore there is a need to combat the abuse of the asylum institutions in order to guarantee the safety and the integrity of the asylum system and a need for a more rational attitude vis-à-vis the possibility of opening-up the economic migration door as well.

On asylum, the policy that has been asked of the European institutions (and therefore of the Commission) by the Tampere Summit is that of a full and inclusive respect – I think that is the wording itself – for the Geneva Convention. We have already put forward a proposal to harmonize the definition of refugees at the European level, and we believe we have been bold in the sense that we like most of the Member States of the European Union have accepted the view that one can claim persecution and rights under the Convention even if the relevant acts of persecution have been committed by non-state agents. And we have also accepted what can be called the more modern interpretations of the Geneva Convention as far as gender persecution is concerned. But we go beyond the simple harmonization of the interpretations of Geneva and try to harmonize also the ancillary grey area of subsidiary protection, i.e. of other grounds for humanitarian protection besides Geneva, which would be deserving protection.

On asylum, Tampere has asked the European institutions to act according to a two- step approach as it is the usual pattern of big European projects. We have first been asked to produce legislation on minimum standards on asylum, i.e. light harmonization or harmonization only of the essentials, and to reserve the fully common asylum system for a later second stage, but which already has been recognised as a political goal. Regarding family reunification I here just would like to open a parenthesis saying that it is not possible either to separate completely economic migration from family reunification and asylum because one has to recognise that those who are entitled to asylum or family reunification often also have the right to work in different

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measures, and sooner or later they also join the labour markets of the Member States of the European Union.

On family reunification there is a tension among the Member States as to whether it is an instrument that should be encouraged and to what extent and especially as to how far it constitutes a pro- or an anti-integration tool. On the one hand there are those who consider that family reunification if taken too far is bad for integration because it allows foreign residents to keep too much within their original culture and on the other hand those who on the contrary think that only this way can bring about the necessary adhesion to the culture and the economy, because citizens never would be happy unless they have their family with them to integrate into the host society. There is however agreement among the Member States on the nucleus family, on granting the right of family reunification to spouses and children. Commissioner Vitorino considers and is still of the idea that a carefully drafted instrument of family reunification is a powerful and important integration tool. On asylum and family reunification we are going to put forward legislation that tries to harmonize to a minimum extent but still to harmonize in legally binding terms the essential aspects of the legislation of the 15 different Member States.

On economic migration our ambitions are lighter in the sense that already the Tampere conclusions were less stringent than they certainly were on asylum. We have put forward a legislation that, if approved, would lead Member States to share among themselves their goals as far as economic migration policy is concerned, i.e. there is no attempt on the part of Brussels to decide how many immigrants should come into Europe and what they should be allowed to do, but a simple recognition that because we, or at least most of us, live in a border-less area the migration policies of the individual Member States should be shared with their partners and with the European Commission.

The policy of economic migration we have suggested is based on our needs in terms of labour market necessities, but Member States may limit immigration by their evaluation of the integration capacities of their societies. It takes into account and comes within the global pattern of the European Union's employment policy. We think that immigration is not the decisive key to the solution of European labour market problems, but it can play an important role. Although there is much speculation about the links between the demographic evolution and immigration we recognised that some trends of the demographic evolution could allow for there being a more open mind to some immigration into the European Union. We have always said that a bold immigration policy be it at the national level or at the European level requires strong political leadership and a policy putting larger emphasis on integration.

Integration policies are as important but they tend to be neglected at the expense of admission policies, because one always tends to look simply at the short-term aspect of the policies. Although recognising that integration policies are crucial for the well-being and integration of the migrant societies as well as for the well-being also of the host societies we also recognize that there is not much that can be done at the European level because we are simply too far from reality to act in a decisive manner. We think that integration policy is better dealt with at the local, municipal level: It is more a matter of how to organize schooling, how to organize the police, how to organize local, micro-administrative services, more certainly than at the European level. But we also are putting forward instruments of what could be called integration policies: Besides the instrument of family reunification referred to above another example is a piece of legislation on a catalogue of rights of third-country residents of long-term duration according to which people who have lived for more than five years legally in a Member State will acquire a certain catalogue of rights in all the 15 Member States of the European Union. These rights will include the right of free movement between the European Member States in conditions and circumstances analogous to those of European Union citizens.

Concerning our political ideas on integration, Commissioner Vitorino often declares that there should be an agreement on values between the migrant populations and the host societies. We should encourage the host societies of the European Union Member States to be ready to accept greater cultural diversity than they have done in the past or simply to accept greater diversity. But on the other hand we should not fear requesting from migrant populations their adaptation and respect for constitutional core values of our democratic societies of the European Union Member States. We are not ready to trade on basic values and concepts such as non-discrimination on sexual grounds or the respect for freedom of speech. Those are values that we are not ready to sacrifice at the altar of diversity.

Finally, just to give you an idea of what we have done in terms of concrete proposals as far as asylum is concerned, we have put forward a proposal for a directive harmonizing asylum procedures. This is just for you to know that in Brussels people are doing things and that we are not just making speeches about general ideas of asylum and immigration. And we have put forward a proposal for a directive harmonizing the asylum procedures, a proposal for a directive harmonizing the conditions of reception of asylum seekers, a proposal for a directive on the definition of the concepts of refugee and of beneficiary of subsidiary protection as well as a proposal for a directive defining which is the Member State responsible to assess the asylum claim – this in order to avoid secondary movements of asylum seekers between the Member

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States. On immigration we have put forward a proposal for a directive on family reunification, a proposal for a directive on rights of third-country residents of long-term duration as referred to above and a proposal for a directive enhancing transparency on economic migration.

The Commission has done its part of the job as far as the Tampere programme is concerned. All the main proposals on asylum and immigration are on the Council of Ministers' table. Progress is being slow in the approval of the proposals, but the subject is extremely sensitive. Given the interest that it brings about on most of our public opinions it is difficult to find Member States ready to reach meaningful compromises. So there is some danger of getting to a result of drafts that would be too watered down. But the subject is too difficult to be tackled at the national level alone. So we are confident especially with the impetus which now has been given by the Laeken Council of December last year that some progress will be made in the years to come also at the European level. The European machinery for the approval of legislation is slow, but in the end it tends to produce results. So I am confident that by the end of 2004, i.e. five years following the entry into force of the Amsterdam Treaty, Europe will have in place a few pieces of legislation that could constitute the backbone of the first policy on asylum and immigration at the European level.