

Open letter to the President of the French Republic on the reception of refugees and migrants in France and in Europe

Paris, 10 September 2015

Dear Mr President,

Last Monday, you gave a press conference in which you made a number of statements in relation to migration and asylum, setting out the position to be adopted by France at the forthcoming meeting of EU ministers of the Interior on 14 September in Brussels.

We note that both the tone and the substance of your speech contrast sharply with the position advocated by France last summer. The tragic events which have occurred since seem to have finally led to a long overdue awakening so that those wishing to enter Europe seeking protection or better living conditions be considered for who they are: human beings who deserve, first and foremost, our sympathy and solidarity, as opposed to suspicion and rejection by means of walls, barbed-wire fences and police repression.

Nevertheless, while your statement is more generous than the position adopted before the summer, we consider it to fall well short of that required to meet the challenge faced by our country and by the European Union as a whole to properly address migrants' and refugees' expectations, whether they already be in the EU or still in third countries.

France must adopt courageous decisions without delay, that is to say it must do so at the meeting of the EU interior ministers on 14 September. These decisions include, but are not necessarily limited to the following three:

1- Refugees and migrants already on French territory

Given France's history of welcoming exiles, which you have reaffirmed, how can one justify the inadequate welcome offered? The 'encampment logic', as exemplified in Calais, has to stop. France has the capacity, both logistically and economically, to provide permanent shelters, in Calais and in cities all along the migration routes, particularly in Paris. Such shelters must allow people's basic needs such as eating, drinking, bathing, access to medical care and, for most of them, access to psychological support and follow-up, to be met. Decent reception conditions are indispensable in order that refugees and migrants be properly informed and therefore able to exercise their rights without undue impediment, notably the right to seek asylum.

We, like you, welcome the mobilisation of many towns and cities in France – some of which did not wait for these tragic events to unfold before acting. We expect the State and local authorities to deploy sufficient human and financial resources to translate France's stated position into concrete actions of solidarity, providing a dignified welcome.

2- Reception of people currently in one of the first countries of arrival (Greece, Italy, Hungary etc.)

You announced that France would admit 24,000 people in the framework of a permanent and binding relocation mechanism. We welcome France's support for this mechanism which should allow for a better distribution among EU member states of the effort of receiving asylum seekers.

However, the European Commission's proposal – 24,000 people to be relocated over a period of two years – does not reflect reality. The UNHCR estimates that a minimum of 200,000 people need to be 'relocated' in Europe, keeping in mind that 350,000 have arrived already. A more ambitious and a greater show of European solidarity is needed, especially with regard to Greece and Italy.

Moreover, you have stressed the importance of the opening of 'identification and registration centres' (*hotspots*) in countries of first arrival to distinguish asylum seekers from people who should be 'taken back', 'with dignity'. We express our utmost concern at the means which will be used and at the material conditions under which this selection is to be carried out. Can you guarantee that these centres will not be detention sites or prisons at Europe's gates?

Furthermore, our organisations are shocked that the possibility of rejecting certain categories of people from the outset might be considered when most of these people have risked their lives to reach Europe and while the growing complexity of the reasons for their departure makes it increasingly difficult to differentiate between 'political' asylum and 'economic' exile. To reject those who are already in an extremely precarious situation, simply because they are 'poor' and not 'refugees' is not acceptable. The only dignified response to the arrival of people fleeing war, oppression or misery is one based on acceptance and the respect of human rights.

The current crisis has led Germany to unilaterally suspend the Dublin Regulation for Syrian citizens. For a long time, our organisations have been endeavouring to alert the EU to the appalling consequences of this unfair, unequal and inefficient mechanism. We therefore ask you to learn the lessons of this current crisis and to call on the EU to go back to the drawing board in revising the European asylum system, starting with the suspension of the Dublin regulation for all asylum seekers irrespective of their nationality as called for by the Commissioner for Human Rights of the Council of Europe, as well as by the UN Special Rapporteur on the Human Rights of Migrants.

Finally, we believe that France and the EU should urgently re-negotiate with the United Kingdom the rules of entry onto British territory. These rules are the underlying cause of the serious issues that the Calais region has been facing for almost 20 years. If, as you noted, this crisis indeed calls on us to make 'choices which will count' which 'history will judge', and to treat migrants with 'humanity and responsibility', this discussion must be urgently re-opened.

3- People who want to reach Europe

You also touched upon the international challenges associated with migration flows, particularly with a view to the Euro-African Summit to be held in Valetta (11 November 2015) and an international conference on refugees which France might host.

In our view, the urgency of the situation is such that it requires immediate action to avoid further tragedies, further deaths, which as you recalled yourself when addressing the press already number nearly 3,000. France and its European partners must urgently open legal and safe access channels for people in third countries (Lebanon, Jordan, Libya etc.) who want to come to Europe so that they do not have to risk their lives or rely on people smugglers. The situation calls for the issuance of visas and the lifting of air transit visa obligations, as well as measures to support family reunion and safe travel conditions.

To meet this urgent challenge, the EU could also implement the mechanism provided for by Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons, a Directive which was adopted precisely to grant immediate

protection 'in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin'.

Regarding negotiations with countries of origin and transit, we note that, for many years, cooperation and development policies have been used for the purpose of the externalisation of migration control. This has sometimes had serious consequences with regard to the human rights of migrants. We are very alarmed by the ongoing talks and cooperation envisaged in the context of the Khartoum process where some elements of the EU's migration policy are being outsourced, including to dictatorial regimes. Our organisations solemnly call on you to refuse to engage in any migration-related cooperation with third countries, be they countries of origin or of transit, which do not respect fundamental rights and freedoms.

Mr. President, the depth of emotion expressed by the public in response to recent images is something we have felt for years. European leaders have to show a strong political will if they are to rise to the challenge posed by the need to protect the people who are knocking at the doors of the European Union. If this will is clearly communicated, if you and your government show the necessary commitment and resolve, we are convinced that our citizens will increasingly be willing to welcome these people in search of peace and protection.

We would like to address these issues with you in person, in particular with a view to the upcoming European summit and future international conferences. We call on you once again to meet with all civil society stakeholders actively pursuing measures, some of whom for a long time now, to ensure that refugees and migrants be given a dignified and respectful welcome. Together, we will be able to meet this challenge.

Yours sincerely,

Signatories :

L'ACAT-France ; l'ACORT; Action tunisienne ; ADTF ; Anafé ; ARDHIS ; ATMF ; CCFD Terre-Solidaire ; Centre Primo Levi ; La Cimade; Coordination 93 de lutte pour les sans-papiers ; Coordination SUD ; CRID ; DIEL (Droits Ici et Là-bas) ; Elena-France ; Emmaüs France ; Emmaüs International ; Enda Europe ; EuroMed Rights – EMHRN ; FASTI (Fédération des Associations de Solidarité avec Tou-te-s les Immigré-e-s) ; Fédération de l'Entraide Protestante ; FIDH ; FNARS ; Fondation France Libertés - Danielle Mitterrand ; FORIM ; Français Langue d'Accueil; France Amérique Latine ; FSU ; FTICR ; Gisti ; Grdr Migration-Citoyenneté-Développement ; IDD; Ligue des Droits de l'Homme ; Médecins du Monde ; Migreurop ; Mouvement de la Paix ; Mouvement pour la dignité et les droits des Maliens ; MRAP ; l'Observatoire Citoyen du CRA de Palaiseau ; l'Organisation pour une Citoyenneté Universelle ; Réseau Foi et Justice Afrique Europe ; Secours Catholique-Caritas France ; Secours Islamique France ; Syndicat de la Magistrature; Syndicat des Avocats de France (SAF) ; Terre des Hommes France ; Union syndicale Solidaires.

Cc : M. Manuel Valls, M. Laurent Fabius, M. Bernard Cazeneuve, Mme Marisol Touraine, Mme Annick Girardin, M. Harlem Désir