Migration laws must respect the rights of migrants and refugees

On 16-18 May 2012 Caritas from the South and North of the Mediterranean met at the annual MigraMed conference in Cagliari to discuss current issues dramatically affecting migrants lives.

All the represented Caritas organisations expressed their **deep concerns with the EU policies focusing mainly on return, externalisation, border control and migrants criminalisation,** rather than on human rights and the well-being of those in need. These restrictive EU policies force people into dangerous journeys, **create irregular migration and fail to safeguard the human rights** of migrants and refugees.

Caritas call on the EU to **refrain from structural creation of irregular migrants, to safeguard human rights and dignity of all people, as well as to enable legal channels for migration and realistic migration policies**.

Migration is an opportunity and a challenge, a complex phenomenon which has impact on the countries of origin, transit and destination, but first of all on the migrating people themselves. The Social Doctrine of the Church advocates the **right to seek a better life** in peace away from one´s place of origin, as well as, the right to enjoy **decent living conditions** in one´s country of origin. Moreover, International and European law recognises the **right to leave any country**, including one´s own, and to return to one´s country, the right to seek asylum and right to asylum as well as the principle of *non-refoulement*.

It is disgraceful that in our world of plenty we are still witnessing people risking and losing their life when crossing the Mediterranean to reach Europe. During their journey, migrants are confronted with abuse, exploitation and human trafficking. The massive **border control operations of the EU** force people to **find different routes through** the services of smugglers and traffickers. The EU's **externalisation policies** also place more responsibility on the countries at the EU's external borders. Former countries of transit (notably the North African countries) **unwillingly become countries of destination** of migrants and have to deal with huge pressures. At the same time, migrants' rights are violated in these countries.

Caritas also condemns the **criminalisation** of migration by EU Member States. Migrants are **detained** on a regular basis and without any proper examination of the proportionality of detention in each case. Caritas firmly believe that detention should be used only as last resort in exceptional cases and alternatives to detention have to be given preference.

The EU's **return** focused policy is nor a humane nor a sustainable solution. Strong of the working experience of thousands of Caritas staff and volunteers, Caritas firmly concludes that return is not a migration management tool. Return should be only organised with a real effort to help the returnee to reintegrate in its own country of origin.

Therefore, the Caritas organisations in the Mediterranean and Caritas Europa call on the EU to

1. Refrain from **structural creation of irregular migrants and safeguard human rights** and dignity of all people by enabling legal channels for migration and realistic migration policies.

2. Refrain from **detention** of migrants and asylum seekers. Detention should be used only as last resort in exceptional cases and alternatives to detention have to be given preference.

3. Within the Multiannual financial framework 2014-2020, make sure that funds do not only focus on **return and border management.**

4. Encourage Member States to engage in **resettlement** of refugees with the support of the Joint EU Resettlement programme.