

# Executive Summary - Policy Proposal EU Asylum Policy

## Introduction

The number of asylum seekers and migrants attempting to reach Europe through the Mediterranean has increased drastically throughout the last years. This development has established entry over the sea as the most frequently used route by which migrants attempt to gain access to European territory. Due to a lack of legal routes for migration, more than ninety percent of asylum seekers must enter the EU irregularly. In 2014 the approximate number of asylum seekers and migrants that lost their lives at sea rested at 3500. Since the beginning of April already hundreds of asylum seekers and migrants have drowned on their dangerous journey to Europe. These circumstances create a problematic situation resulting in the disregard of the principles of solidarity and non-refoulement.

## Proposal 1: Humanitarian Visas

### Background

The Stockholm Program (2010-2014) called for establishing more legal access to the EU for asylum seekers and migrants. Moreover, the program set out the aim to develop an integrated border management and visa policy, respecting the principle of solidarity. Currently, the Visa Code (Regulation (EC) No 810/2009) governs the visa application process. It provides the legal but very limited possibility to apply for a humanitarian visa.

### Objective

The proposal follows the objective to create and promote a legal channel to enter the EU. This approach should decrease the scope of irregular migration.

### Elaboration

-amendment of the Visa Code to extend the application of humanitarian visas

- Create coherence between Art.19 (4) and Art. 25 (1) to eliminate inefficiencies in issuing humanitarian visas: inclusion of the aspect of international obligations in both Articles
- Amendment of Art. 19 (4) to extend the application of humanitarian visas: replacement of "may be" with "shall be" for the admissibility of humanitarian grounds
- Addition of a definition of humanitarian grounds based on a non-exhaustive list as well as a definition of international obligations based on international agreements
- Provision of access to effective legal remedy in case of rejection

-training of professionals involved in issuing humanitarian visas by the European Asylum Support Office (EASO)

-collection of data concerning applications, acceptance and rejection of humanitarian visas over a three year time period to evaluate capacities and applicability

## Proposal 2: Rescue at Sea Program

### **Background**

The Italian operation Mare Nostrum was started in 2013 to tackle the increased immigration to Europe and to protect migrants and asylum seekers taking the sea route. In only one year, the operation saved over 140,000 people at sea. At the end of 2014, Mare Nostrum was replaced by the Frontex mission Triton which shifts the focus from saving human lives to border protection. In addition, UNHCR created the Central Mediterranean Sea Initiative in 2014 to further help prevent deaths at sea.

### **Objective**

The proposal follows the objective to address the high death rate of migrants and asylum seekers entering by sea and to provide for better burden sharing among EU Member States.

### **Elaboration**

-the pilot project is divided into three consecutive stages

-Stage 1: Search and Rescue Mission

- Short term measure: European Rescue Mission carried out by the Member States at the external borders of the EU and funded by the Asylum, Migration and Integration Fund (AMIF)
- Long term measure: European Rescue Agency specifically responsible for the coordination of rescue missions, common funding and equipment for rescue operations by all Member States

-Stage 2: Reception Centers

- Temporary admission of migrants and asylum seekers to reception centers located at the external borders of the EU for a maximum period of two weeks

-Stage 3: Distribution Key

- Allocation of migrants and asylum seekers to all Member States according to a distribution key
- Application of a Member State specific quota based on the factors of GDP, population, area and unemployment

### **Conclusion**

We call on the Commission to take into account our policy proposal. The two outlined approaches are crucial to address the current human rights challenges that asylum seekers and migrants are facing. The aim is to decrease deaths at sea, to provide for legal routes and to establish a proportional burden sharing among all Member States. The concept of humanitarian visas provides for legal routes to enter the EU by pragmatically revising existing structures. In addition, the rescue at sea mission tackles the problem of irregular and dangerous Mediterranean routes.