

Statement ahead of the Justice and Home Affairs Council of 7-8 October 2019

Caritas Europa welcomes first step towards more solidarity among states for asylum seekers rescued at sea

Caritas Europa welcomes the agreement on the disembarkation and relocation of asylum seekers rescued in the Central Mediterranean Sea reached in Malta on 23 September by France, Germany, Italy and Malta. This agreement will be presented to the EU ministers of interior and migration at the Justice and Home Affairs Council of 7-8 October in Luxembourg. Caritas Europa calls on the other EU Member States to sign up to this agreement.

Whilst some important gaps still remain, the agreement represents a first step towards more solidarity and responsibility-sharing among Member States in trying to quickly disembark and relocate asylum seekers rescued at sea to a place of safety. We hope that this new relocation mechanism will put an end to the shameful display of political bargaining among states each time a vessel with desperate people on board looks for a port to disembark.

“ Vulnerable migrants, including children and pregnant women, who often endured inhumane conditions in Libya before embarking on the dangerous travel to Europe, should never again be stranded on board of a rescue ship for weeks because of lack of solidarity among EU Member States. We hope that many states will join this new relocation mechanism, showing that providing shelter and protection to people in immediate need prevails over political games.

Maria Nyman

Secretary General of Caritas Europa

Upon disembarkation, migrants should have access to dignified reception conditions and to a fair and efficient asylum procedure. They should not be detained arbitrarily. Return procedures must also comply with international standards regarding safeguards and procedural guarantees.

Caritas Europa reminds that saving lives at sea is a moral and legal obligation. NGOs and individuals contributing to saving lives should never be criminalised under ambiguous smuggling legislation. Instead, solidarity towards migrants should be lauded and supported. And most of all, states should rise up to their responsibilities and establish appropriate and efficient rescue operations at sea.

This new agreement is a welcomed step. But further efforts are necessary to achieve permanent and durable solidarity and responsibility-sharing on asylum across Europe. The most essential way forward now is to overhaul the deficient Dublin system.

more information

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about caritas

Caritas Europa is a network of 49 member organisations in 46 European countries and one of the 7 regions of Caritas Internationalis. Our members assist and provide services to millions of people in need.

Caritas Europa aims at lifting people out of poverty by empowering them and by influencing unjust structures and unfair policies that keep people trapped in positions of disempowerment.

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Notes to editor

- More information about Caritas Europa's stance on disembarkation can be found in our [position paper](#).
- During a meeting in Malta on 23 September, a "Joint declaration of intent on a controlled emergency procedure – voluntary commitments by Member States for a predictable temporary solidarity mechanism" was agreed upon by Germany, France, Italy and Malta, in the presence of the Finnish Presidency of the Council of the EU and the European Commission. This agreement will set up a temporary (minimum six months) mechanism to relocate asylum seekers rescued in the Central Mediterranean Sea within four weeks to different Member States, after having being disembarked in a safe place. The mechanism will be coordinated by the European Commission, and financial, technical and operational assistance for participating states is foreseen.
- During the JHA Council of 7-8 October, the agreement will be presented to all EU and Schengen Member States, hoping that as many of them as possible will sign up to the relocation scheme and agree to receive a specific pre-determined percentage of rescued asylum seekers.
- The Dublin Regulation III establishes that an asylum application must be processed in the first country of entry of an asylum seeker, which puts disproportionate burden on EU border countries like Greece or Italy. The European Commission proposed a reform of this system in 2016 (Dublin IV), but the negotiations are currently on hold because Member States cannot agree on a new system of solidarity and responsibility-sharing.
- According to [IOM figures](#), almost 1,000 people have died in the Mediterranean Sea so far in 2019 (almost 700 in the Central Mediterranean Sea only).
- UNHCR clearly **stated** that Libya is not a safe place of return and that rescued migrants should not be returned to Libya. Regardless, more than **6,000 migrants** intercepted at sea by the Libyan coast guard have been returned to Libya so far in 2019. On 19 September, a **Sudanese migrant died** from a bullet wound, only hours after being returned to the Libyan shore by the Libyan coast guard. In addition, in a **joint statement** from 11 July 2019, UNHCR and IOM said that 'any assistance and responsibilities assigned to relevant Libyan entities should be made conditional on no one being arbitrarily detained after they have been rescued and guarantees of human rights standards being upheld. Without such guarantees, support should be halted'.
- More information about Caritas Europa's stance on the criminalisation of solidarity towards migrants can be found in our [position paper](#).
- In the presence of Carola Rackete, Captain of Sea Watch who is under investigation for rescuing migrants at sea, an **action** to call on the EU to stop the criminalisation of solidarity will take place in front of the European Parliament in Brussels on 3 October at 1pm. For more information, please contact Hind Sharif from the Migration Policy Group: hsharif@migpolgroup.com.