

**Open letter to the Swedish Presidency of the Council of the European Union**  
**RE: European Council Conclusions on Migration**

CC: EU Member States Interior Ministers  
CC: European Council President Charles Michel  
CC: European Commission President Ursula Von der Leyen  
CC: European Commissioner for Home Affairs Ylva Johansson  
CC: European Parliament President Roberta Metsola

27 February 2023

Dear Minister Malmer Stenergard,

On behalf of the [European Coalition of Migrants and Refugees \(EU-COMAR\)](#), I write to you to express serious concern at the EU Council Conclusions of 9-10 February 2023, on migration. The Conclusions manifest an increasingly hard-line tenor of dialogue on migration issues, couched in the terms of “effective border control”. Yet, far from being effective, border fencing, stronger policy on repatriations and agreements with “safe” third countries are counterproductive in addressing migration. As a network of refugees and migrants who have successfully integrated into Europe, we appeal to you for a humane asylum policy based on solidarity and responsibility-sharing between Member States, as well as safe and legal pathways to the EU.

The EU is premised on the protection of human rights and the mobility of money, goods, and individuals. These privileges are denied to those seeking international protection by EU migration policy’s aggressive focus on security, at the expense of migrants’ safety. Some of the measures proposed before the Council risk violating EU Member States’ obligations under the 1951 Refugee Convention and relevant human rights guarantees under international law and EU standards, including *non-refoulement*, non-discrimination and due process.

The conclusions of 10 February are also manifestly against the spirit of the **Global Compact on Refugees**, which contains specific recommendations to advance a holistic, humane approach to migration and resettlement. These include complementary pathways to refugee admission and improving responsibility-sharing through a multi-stakeholder approach that provides more support to host countries, changes to national policies to enable refugee self-reliance in new communities, and utilises private sector investments. **Instead of directing effort and funding to align EU policies with those recommendations, the conclusions of 10 February threaten to return a nativist approach that has consistently failed in many countries, such as the United States and the United Kingdom, as a response to migration crises.**

EU-COMAR brought together over 100 refugees from 35 European countries to its 2<sup>nd</sup> European Summit of Refugees and Migrants in Berlin on 17-19 January to discuss processes, barriers to inclusion and policy responses. **Based on those discussions, we call on EU Member States to:**

I. **Refrain from adopting prejudiced externalisation and containment measures which have repeatedly been proven to aggravate, rather than solve, migration crises.**

- **Walls and the outsourcing of asylum screening are antiquated solutions to geopolitical instability.** Since the construction of the United States' \$15 billion border fence, [studies](#) show that successful migration attempts have more than doubled, with the fence being breached an average of 11 times per day in 2022 alone. Similarly, the United Kingdom is seeing a [record-high](#) number of asylum seekers crossing the English Channel since announcing its plan to outsource asylum screening to Rwanda. The reality is that border fences do not stop people, but only re-route them. In turn, walls only benefit organised criminals, as they create higher demand, and thus increased profits, for smugglers.
- **Using economic leverage to bully third countries into containing refugees is dangerous and counterproductive.** Doing so sows international hostility and violates the EU's own development principles and the heart of the non-refoulement principle.
- **Measures based on the concept of "safe third countries of origin/return" are incompatible with the 1951 Refugee Convention.** International protection under the Convention is triggered by the risk of *individualised* harm that an asylum seeker faces. This necessitates a case-by-case approach to asylum screening and relocation decisions. A country might be safe for a national belonging to a particular racial, social, religious or political group, but unsafe for a national belonging to other groups. Categorical denial of protection based on nationality and blanket relocation without individual assessment are both violations of the Convention, particularly the notions of **non-discrimination** and **non-refoulement**.

II. **Adopt clear complementary pathways for admission.** Aggressive border measures do not stop migration attempts – they only add to the death toll along migration routes. Experience has shown that safe, legal complementary admission pathways are a far better strategy to externalisation and containment. Both the Global Compact and the EU Pact recommend such alternatives as:

- **Private/community sponsorship programs** – Countries like Canada have long enjoyed success with community initiatives that allow their private citizens to sponsor refugee resettlement into their communities. The US has also recently adopted this model with its "Welcome Corps" program. Certain civil society organisations within the EU have already implemented similar programs in coordination with their national governments, notably in Italy, France and Belgium. We urge EU Member States to institutionalise this measure and expand it EU-wide.
- **Admission programs based on educational and labour opportunities** – Canada has run a successful [Student Refugee Program](#) which admits refugee students to

study at universities as permanent residents. Australia recently launched the [Skilled Refugee Labor Agreement Pilot](#) which has admitted refugees to take up a variety of roles in the country including mechanical and software engineers, butchers and lawyers. The EU should use this Special Council meeting to design a similar program.

In line with recommendations in the EU Pact, **Member States should also provide clearer information to refugee communities on available pathways and remove access barriers, such as language and costs.**

**III. Systematise lessons learned from Ukraine for the benefit of anyone facing displacement, regardless of origin, religion, or any other attribute irrelevant to their need of protection.** Capitalise on increased interoperability in national administrations to improve resilience to future housing and other social pressures, using the experience to bolster services and effective inclusion policies. We know that the EU can honour its protection obligations with humanity, compassion and solidarity: it has demonstrated the willingness to do so for those fleeing Ukraine.

**IV. Meaningfully include refugees, particularly women refugees, during the consultation and formulation process of EU refugee and migration policies.** Refugee and migrant communities and networks can offer the best insights on how EU migration policies are and are not working. Trusted refugees and refugee-led organisations on the ground are best placed to communicate their needs.

At a time when EU refugee and migration policies are at a crucial turning point, we urge you to work towards progress, and not regression. We stand ready to support you in these efforts.

We would be grateful if you could please circulate this letter to all EU Member States.

Please accept the assurances of our highest consideration.

Yours sincerely,

Anila Noor

Founding Member, European Coalition of Migrants and Refugees

A handwritten signature in black ink, appearing to read 'Anila Noor', with a long horizontal flourish extending to the right.