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Dear Secretary General,

I would like to thank you for having coordinated the Joint Statement from 70 non-governmental organisations on the New Pact on Migration and Asylum. As discussed during the roundtable organised by the European Policy Centre on 10 November, I would like to reiterate the importance I attach to engaging in a continuous consultation of the civil society and stakeholders on the New Pact on Migration and Asylum.

In response to the concerns expressed in the Joint Statement, let me assure you that all measures proposed under the Pact respect fundamental rights and include the necessary guarantees for vulnerable applicants, including children.

Efficient screening at the border will ensure that those who are especially vulnerable and in need of protection are identified faster to get quickly the assistance they need. The border procedure would only apply in limited circumstances and when a number of safeguards can be complied with such as when the particular needs of the vulnerable can be taken into account. As a result, unaccompanied minors as well as families with small children (below 12) will be excluded from the border procedure, unless they represent a security threat. Every person will have an individual assessment and essential guarantees will be respected. The implementation of the border procedure will be monitored notably by the EU Asylum Agency. Member States will need to set up an independent monitoring mechanism in relation to the screening, and the Fundamental Rights Agency will need to provide guidance to the Member States in this respect. The Member States will use the measures available under the national law to prevent unauthorised leaving during the pre-entry stage (which could include detention, subject to monitoring mechanism during the screening, in the respect of the general rules under the national law, as well as the Reception Conditions Directive or the Return Directive).

Ms Catherine Woollard
Secretary General
European Council on Refugees and Exiles (ECRE)
By e-mail only: cwoollard@ecre.org

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Fundamental rights must be fully respected at all times, including in times of crisis. The crisis proposal respects fundamental rights and observes the principles recognised, in particular, by the Charter of Fundamental Rights of the European Union, as well as the obligations stemming from international law, in particular the principle of *non-refoulement*. The right to liberty and freedom of movement will remain protected. If detention is used in the context of the derogatory rules to the asylum and return border procedure, those rules can only be applied in a strictly regulated framework and for a limited time. The rights of the child are fully protected by excluding minors from the crisis procedure, except if there is a security threat.

Search and rescue at sea is a legal obligation and a humanitarian imperative. Private vessels must operate responsibly but should not be criminalised for their activities. To avoid tragic incidents at sea, maintain safety of navigation and ensure effective migration management, cooperation and information exchange should be enhanced between different actors in search and rescue operations. The New Pact addresses all these matters. We also propose a predictable system where Member States of first entry have a guarantee to receive solidarity from others.

The New Pact recognises that no Member State should shoulder a disproportionate responsibility and that all Member States should constantly contribute to solidarity. The Commission proposes a system of mandatory contributions from the Member States, which can range from relocation of asylum seekers to taking over responsibility for returning individuals with no right to stay, or, under specific circumstances, various forms of capacity building in the field of asylum, reception or return, operational support, and capacity building for the external dimension. We need an efficient system that responds to the needs on the ground with sufficient flexibility to ensure that all Member States contribute to solidarity. This is essential to support Member States under migratory pressure or under risk of pressure and ensure that the Union fulfils its humanitarian obligations, both in normal times, and in times of crisis.

At the same time, migration is a global challenge, requiring global action. The EU is therefore consolidating strong and tailor-made partnerships with third countries. We will aim to ensure that these partnerships provide support to refugees closer to their home country, reinforcing border management capacities, fighting against migrant smuggling, strengthening and incentivising cooperation on readmission and enhancing legal pathways. Violations of human rights and violence against civilians, including refugees and migrants, are unacceptable and must be denounced in the strongest terms.

Migration is a phenomenon that is here to stay. It is a defining feature of humanity. The New Pact will ensure that humanitarian and legal migration channels are in place for persons in need of international protection so that they can reach the EU safely. Resettlement is the key legal pathway to protection, which remains a top priority and should be further expanded. We could also do more as regards labour migration, and I hope that an agreement between the European Parliament and the Council on the Blue Card could be found swiftly. The EU will also support Member States wishing to establish community or private sponsorship schemes.

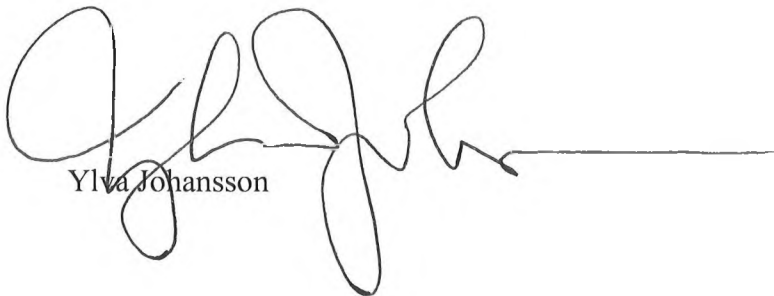
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Everyone who has a right to be in Europe should be welcomed and integrated in Europe. That is why we have presented a new Action Plan on integration and inclusion on 24 November. The Action Plan provides strategic guidance and sets out concrete actions, – including financial support on the EU level – to foster the inclusion of migrants, bringing together relevant stakeholders and recognising that regional and local actors have a key part to play.

I would like to conclude by commending the contributions brought in the area of migration and asylum by the civil society and non-governmental organisations, including by protecting fundamental rights and helping migrants to start a new life and integrate in cohesive societies.

I am ready to pursue the fruitful discussion with the European Council on Refugees and Exiles.

Yours sincerely,



Ylva Johansson