

## 35th SESSION

# Border regions facing the migration phenomenon

Recommendation 422 (2018)<sup>1</sup>

1. The migration phenomenon continues to be a critical challenge for all levels of government, calling for adapted and effective measures in Council of Europe member States.

2. Recent figures provided by the UNHCR<sup>2</sup> suggest that the number of people arriving in certain areas of the periphery of Europe is again on the rise. The number of persons coming to Greece by sea rose by 33 % in the first three months of 2018 in comparison to the same period in 2017, while entries over the Greek-Turkish land border increased by 50% in 2017 compared to 2016. The arrivals by sea in Spain doubled between 2016 and 2017.

3. Regional and local authorities are facing considerable pressure because of the unequal distribution of the responsibility of managing the current situation. At this juncture, the support given to border regions is crucial for handling this challenge.

4. Instead of approaching migration as a crisis situation, it needs to be approached as a phenomenon acknowledged as a systemic issue with long-term consequences, requiring a comprehensive vision that includes both immigration and integration policies. The complexity of migration today is connected not only to the fact that it is not easily fixable in the short-term, but also to the issue of diversity within the immigrant population.

5. Clear definitions are important when talking about migration issues as different responses and investments may be needed to address the current situation although ensuring the respect of human rights for all migrants regardless of their status constitutes the baseline as far as public authorities are concerned.

6. According to the 1951 UN Geneva Convention relating to the Status of Refugees, a refugee is a person who has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.” Refugees have a legal status whereas asylum seekers do not.

7. Asylum seekers are persons who have applied for protection as refugees in a particular State and who are waiting for the determination of their status. States have put in place specific procedures for recognising refugee status. In this context, national asylum systems are in place to determine who qualifies for refugee or subsidiary protection status. Nonetheless, there is a uniform European Union system for the process of seeking asylum to ensure minimal standards such as freedom, security and justice. The Dublin Regulation, which is also the core principle of the Common European Asylum System, establishes the member State’s responsibility for examining an asylum application.

8. Finally, according to the International Organisation of Migration (IOM), a migrant is any person who is moving or has moved across an international border or within a State away from his/her habitual

<sup>1</sup> Discussed and approved by the Chamber of Regions on 6 November 2018, and adopted by the Congress on 7 November 2018, 2<sup>nd</sup> sitting (see Document [CPR35\(2018\)02](#), explanatory memorandum), rapporteur: Eirini DOUROU, Greece (R, SOC).

<sup>2</sup> <https://data2.unhcr.org/en/documents/download/63039>

place of residence, regardless of the person's legal status; whether the movement is voluntary or involuntary, and irrespective of the causes for the movement or the length of stay.

9. To address the migration phenomenon and evolving challenges the institutions of the Council of Europe have adopted various texts. The Congress of Local and Regional Authorities of the Council of Europe (hereafter "the Congress") has underlined that special attention should be given to the interests and fundamental rights of refugees and migrants in its Resolution 411 (2017) and Recommendation 394 (2017) entitled "From reception to integration: the role of local and regional authorities facing migration" adopted on 28 March 2017. A resolution and recommendation focusing on the situation of unaccompanied refugee children were adopted on 28 March 2018.

10. In the explanatory memorandum of this recommendation, the Congress advocates an integrated approach that envisages maximum involvement of all stakeholders especially in border regions. This approach includes an external dimension that goes beyond multi-level governance i.e. collaboration with governmental actors in other countries, including countries of transit and origin. A similar perspective on cross-border co-operation has been adopted by the EU with the rationale of securitisation and regulation of migration flows.

11. Local and regional authorities play a crucial role in the context of an integrated approach. Firstly, they provide and regulate public services that benefit migrants, including those services that are available exclusively for migrants. Secondly, those authorities are often responsible for public services (education, housing, social welfare) that are crucial for socio-economic integration. Thirdly, local and regional authorities act as lobbying and pressure groups targeting the national governments and can therefore influence national integration policies.

12. The legal framework provided by the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid Outline Convention) and its protocols has changed the way borders are perceived: rather than being seen as "barriers" between countries, cultures, people, they can be perceived as "spaces of contact" – an understanding which underlines the importance of responsibility sharing not only among countries, but between and within regions which are the de facto points of contact.

13. In light of the above and aware that the integrated approach to integration is an ongoing procedure that needs to be followed up by a series of initiatives at European, national, local and regional levels, the Congress calls on the member States of the Council of Europe to:

a. establish an efficient and reliable legal framework for interaction between government levels, notably the distribution of competences between local or regional and the national level. This not only applies to vertical efficient interaction but also to horizontal co-operation between border and hinterland regions;

b. campaign at the European level for solidarity regarding the reception of migrants and speed up the establishment of alternatives to the Dublin Regulation as a mechanism of sharing responsibility throughout Europe;

c. provide adequate financial coverage of local and regional integration policies through access to European funds such as the Asylum, Migration and Integration Fund (AMIF), the Council of Europe Development Bank (CEB) or through the creation of national funds;

d. ensure that the supplementary responsibility migration puts on resources is equally shared between border and hinterland regions. This requires a fair distribution of newcomers not only at the European level but also within member States. While border regions are typically responsible for early immigration crisis management, regions in the hinterland should demonstrate solidarity and step in when it then comes to policy integration;

e. encourage municipalities and regions to collaborate with non-governmental organisations (NGOs).

14. The Congress is convinced that the Council of Europe Development Bank (CEB) which supports integration projects can contribute to the efforts of local and regional authorities to provide assistance to integration projects.