

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 432 (2018)¹ Border regions facing the migration phenomenon

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 United Nations High Commissioner for Refugees (UNHCR)² suggest that the number of people arriving in certain areas on 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. The local and regional authorities in border regions, being the public actors closest to the local population and the migrants, are the first port of call in any emergency. They are facing considerable pressure because of the unequal distribution of responsibility for managing the current situation. At this juncture, the support given to border regions is crucial for handling this challenge.

4. Instead of considering 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 (EU) 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 Organization for 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 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 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 for this resolution, the Congress advocates for an integrated approach that envisages the maximum involvement of all stakeholders especially in border regions. This approach includes an external dimension that goes beyond multilevel governance and includes collaboration with governmental actors in 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. 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.

12. The Congress:

a. is convinced that local and regional authorities are the cornerstone of efforts to facilitate both the integration of refugees and migrants and the reception of asylum seekers in a comprehensive way guaranteeing human rights, social cohesion, inclusiveness and the rule of law;

b. is cognisant of the role that local and regional authorities can play against the rise of extremism, racism and xenophobia;

c. is aware of the positive dynamic provided by a horizontally and vertically co-ordinated approach with the participation of all stakeholders;

d. recognises that each State transfers competences to local and regional authorities to different degrees.

13. The Congress therefore calls on the local and regional authorities of the member States:

a. with regard to regional governments, to fully exploit the potential of inter-regional and cross-border networking between regional governments regarding integration. To support networking of cities in the field of integration has been a long-standing objective of the Congress and it also features among its priorities for 2017-2020. Such networking, when focused on the existing organisations representing border regions, will offer benefits in terms of diffusion of good practices, increase the political pressure on the European institutions and give greater access to financial resources;

b. with regard to local and regional governments, to:

i. promote the integrated approach to integration, including cross-border co-operation, possibly at EU level jointly with the EU Committee of Regions;

ii. enhance responsibility sharing between and within regions, since it is a fact that hinterland and border regions are affected differently with regard to migration;

iii. promote collaboration with local stakeholders, NGOs and civil society in order to facilitate the development of more inclusive societies embracing the “super-diversity” of the immigrant population who originate from a greater

variety of countries and socio-economic backgrounds than in earlier periods of history;

iv. make use of European local government networks such as the European Network of Cities for Local Integration Policies for Migrants (CLIP), Intercultural Cities or Integrating Cities to receive support and best practice experience in the field of integration;

v. take inspiration from the UN Global Compact on Refugees to endorse the integrated approach to integration, including cross-border co-operation, and develop mechanisms of responsibility sharing;

c. concerning more specifically the integration of migrants, to:

i. co-operate with local stakeholders in the countries of origin, for stimulating migrants’ integration and inclusion in projects in destination countries;

ii. introduce policies which may provide, not only directly but also indirectly, better opportunities for migrants within the labour market.

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 by providing assistance to integration projects.

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

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