

32nd SESSION**From reception to integration: the role of local and regional authorities facing migration**Recommendation 394 (2017)¹

1. The increasing number of migrants coming to Europe constitutes a critical challenge for all levels of government, calling for adapted and effective measures in Council of Europe member States.
2. Local and regional authorities who, as public authorities closest to the population, are the first port of call in any emergency situation, have the responsibility to provide newly arrived migrants with access to key public services (housing, healthcare, education) without any discrimination.
3. 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.
4. 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.
5. 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.
6. 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 place of residence, regardless of the person’s legal status; whether the movement is voluntary or involuntary, what the causes for the movement are or what the length of stay is.
7. The absence of a clear and coherent European response to the migratory situation has led to a crisis of policy at international and national level, leaving local and regional governments with limited means and guidance to respond to refugees’ and other migrants’ needs. The burden of managing the current situation has been put on a limited number of States whereas greater solidarity among European States should be the order of the day.
8. Migration management goes hand in hand with integration policies put in place as early as possible. Barriers to access the job market or public life for newcomers can in turn undermine their integration into their host community in the long run. Ensuring the respect of human rights for every migrant should be a priority. This is especially relevant for women and children who are particularly at risk of becoming victims of violence and abuses such as sexual violence, human trafficking or disappearance.

¹ Debated and adopted by the Congress on 28 March 2017, 1st sitting (see Document [CG32\(2017\)07](#), explanatory memorandum), rapporteurs: György ILLES, Hungary (L, ILDG), and Yoomi RENSTRÖM, Sweden (R, SOC).

9. To tackle these issues, the Committee of Ministers of the Council of Europe has adopted various resolutions to improve the validation of migrants' skills, their access to employment as well as their interaction with the receiving societies. The Parliamentary Assembly of the Council of Europe (PACE) has assessed the issues relating to the current migration situation as being the detention of children, the criminalisation of irregular migrants, the need to promote greater solidarity in the resettlement of refugees as well as the need to establish a real European asylum system. The Council of Europe Commissioner for Human Rights has regularly published opinions advising member States to improve the protection of human rights of migrants and to ensure that undocumented migrants and their children have access to basic rights, in particular the right to health care and education. The European Commission against Racism and Intolerance has adopted General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination. The Secretary General's Special Representative on Migration and Refugees was appointed to gather information on the situation of migrants and refugee rights through field missions, to develop effective partnerships with international organisations and ensure that member States respect their international commitments in this regard.

10. In light of the above, the Congress of Local and Regional authorities calls on the member States of the Council of Europe:

a. at the international level, to strive for more solidarity and effective co-ordination among member States and to speed up the registration and examination of application procedures for asylum seekers (to facilitate insertion in the host community) as well as resettlement and relocation (to overcome concentration of refugees under difficult conditions in one country) and removal proceedings in the case asylum is not granted;

b. at the national level, to clarify the responsibility areas and the distribution of competences between the national, regional and local levels aiming for complementarity between these levels when developing policies and to develop a common strategy and a mechanism for distributing migrants between the local and regional authorities of their countries, either on a voluntary basis or according to objective criteria to be determined;

c. to develop specific legal frameworks in order to facilitate local and regional authorities' missions and actions;

d. to ensure financial support through sufficient allocation of national or international resources;

e. to consult with local and regional levels of government when developing the above-mentioned legal and administrative framework and involve them with the measures taken with respect to their territories;

f. to ensure that refugee reception centres are not used for detention purposes, particularly as regards children and minors, as this is all the more essential if they are to be integrated into the host society;

g. to allow asylum seekers to work during the time their application is being processed in order for them to be able to start their integration process as early as possible;

h. to foster foreigners' participation in the affairs of local authorities once their resident status has been clarified, by signing and ratifying the Additional Protocol to the European Charter of Local Self-Government (CETS No. 207).

11. 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 refugees, ensuring respect for their human rights and dignity.