



Brussels, 16 June 2008

ETUC calls on the European Parliament to respect migrants' fundamental rights

Dear Member of the European Parliament,

On 18 June, you will vote on the draft Directive on the return of illegally staying third country nationals. If adopted, this text will regulate the procedures and conditions under which migrants staying irregularly in Europe may be returned.

The ETUC urges the European Parliament to ensure that this Directive, which is of a repressive nature, establishes acceptable norms in terms of minimum protection of human rights.

The ETUC has strong concerns that several provisions of the Council Common Position run counter to basic fundamental rights. In particular, provisions relating to the length of the detention, the re-entry ban on the territory and forced returns to other countries than the country of origin, as envisaged in **Amendment 74, are unacceptable.**

- **Detention** (Art 14 to 15b of the Common Position)

Conditions for detention of irregular migrants, especially as minors may be affected, need to be strictly circumscribed by adequate procedural safeguards. The ETUC has also strong concerns about the maximum detention length and would welcome a shortening of the 18 months period.

- **Entry ban** (Art 9)

Obliging Member States to issue an automatic re-entry ban for non voluntary returns may give rise in the future to unacceptable conflicts with fundamental rights such as the right to international protection in cases in which the security of the migrant in the origin country has deteriorated, and such as the right to family reunification. The ETUC calls on the MEPs to, at the very least, allow Member States a certain degree of flexibility in determining if entry bans should be issued at all.

- **Voluntary return** (Art 3 and 6a)

Priority should be given to voluntary departures. The ETUC would therefore welcome an extension of the period for voluntary returns, which in the Common Position lapses after four weeks only.

The ETUC also strongly opposes that forced returns to countries through which migrants have transited before entering the EU territory, and this even if they have no established ties there, can be implemented without migrants approval.

The ETUC therefore asks you to vote in favour of the amendments aiming at restoring full respect of fundamental rights and core values as set in European and International standards. In particular, **Amendments 77, and 95 to 104 clearly go in the right direction.**

Overall, the ETUC regrets that this draft Directive is another signal that Member States want Europe to prioritise pursuing a repressive migration policy while proposals to open channels for regular migration are only slowly – if at all – proceeding. The ETUC reiterates

that the fight against irregular migration cannot be effective without having opened channels for regular migration, clear policies against labour exploitation of irregular migrants and providing them with bridges out of irregularity.

Furthermore, repressive measures can never be effective without a proper EU migration policy for regular migration that, still today, suffers from the incapacity of Member States to express solidarity and mutual commitment at European level. Our most recent positions on European migration policies can be found on our website: <http://www.etuc.org/r/49>

Please feel free to contact the ETUC advisers to discuss this further: Séverine Picard at spicard@etuc.org (02 224 0409) or Marco Cilento at mcilento@etuc.org (02 224 0521).

Yours sincerely,

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