



THE CATHOLIC CHURCH  
IN THE EUROPEAN UNION

# MIGRATION & ASYLUM

## EU'S COMPETENCES CHURCH'S VISION COMECE'S CONTRIBUTION

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## EU's competence

### Legal base and areas of EU activities

The EU has competences to regulate some dimensions of migration and asylum<sup>1</sup>. It has adopted a number of measures on **legal migration** for certain categories of labour migrants such as: highly qualified workers ([“Blue Card Directive”](#)), [seasonal workers](#) and [intra-corporate transferees](#). A [“Single-Permit Directive”](#) adopted in 2011 created a set of rights for non-EU workers. There are also common rules for [students and researchers](#), [family reunification](#) and [long-term residents](#). Although [integration](#) strategies are a national competence, the EU can provide a framework for monitoring, benchmarking and exchange of good practices, and finance initiatives.

The EU is tackling **irregular migration** through specific measures [sanctioning employers](#) who hire undocumented migrant workers, by seeking to set up [return](#) and readmission policies, and targeting [human trafficking](#) networks and [smugglers](#) who take advantage of undocumented persons.

A EU **Common European Asylum System** (CEAS) has been developed including common rules on the country responsible for asylum applications ([“Dublin Regulation”](#)), [qualification](#) for international protection, [reception](#) conditions, asylum [procedures](#), [temporary protection](#) and fingerprinting of asylum seekers ([“EURODAC Regulation”](#)).

**Border management** is also of great importance. The [Schengen area](#) has no internal borders and people can freely circulate. A common [visa policy](#) facilitates the entry of visitors into the EU. EU States cooperate on border management through the exchange of information via [Visa Information System](#) (VIS) and the [Schengen Information System](#) (SIS), both systems managed by a EU Agency ([“eu-LISA”](#)).

### Legislative decision-making process

As a general rule, legislative proposals are adopted under the ordinary legislative procedure (Article 293 TFEU): it means that the Council acts by a qualified majority, and the European Parliament is co-legislator.

### The new powers of the European Court of Justice and the Commission

The Court of Justice may give preliminary rulings on immigration and asylum (as part of the area of freedom, security and justice). The Commission may bring infringement procedures against Member States, which do not comply with EU Immigration and Asylum rules.

Article 70 TFEU states that the Council, may, on a proposal from the Commission, adopt measures laying down arrangements whereby Member States, in collaboration with the Commission, conduct objective and impartial evaluation of the implementation of policies in the area of freedom, security and justice.

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<sup>1</sup> **Migration Policy**: Article 3(2) of the Treaty of the European Union (TEU) (General); Articles 67(2)

## Particular status of some Member States

The participation of the UK, Ireland and Denmark in EU legislation in the area of Justice and Home Affairs, and Schengen is governed by Protocols 19, 21 and 22 to the TEU and the TFEU. Usually, EU legal rules explicitly mention the fact that they are applicable or not to those Member States. For example, the three Member States did not participate in the adoption of the so-called “Long-Term Residence Directive” and are not bound by or subject to its application.

## Specialised agencies

Three main EU Agencies deal with migration and asylum issues: [FRONTEX](#) (external border control), [EASO](#) (European Asylum Support Office) and [FRA](#) (Fundamental Rights Agency). Others are related to these fields, such as the European Agency for the operational management of large-scale IT systems ([eu-LISA](#)) in the area of freedom, security and justice. A new Agency, [EUROSUR](#) (European external border surveillance system) is being developed.



## Church's vision

The Catholic Church promotes an authentic culture of welcome capable of accepting the truly human values of the immigrants over and above any difficulties caused by living together with persons who are different. In this regard, assistance to immigrants and asylum seekers –particularly, those most vulnerable- provided by the Church, Catholic inspired organisations and NGOs is remarkable. The defence of their dignity as human beings, and - when needed- reminding societies, States and migrants the requirement to fulfil their mutual obligations in a common spirit of solidarity, is an important part of the task carried out by Church institutions.

As pointed out by Pope Saint John Paul II, the Catholic Church offers a unique contribution to the building up of a Europe opened to the world, providing a model of essential unity in a diversity of cultural expressions, a consciousness of membership in a universal community which is rooted in but not confined to local communities, and a sense of what unites beyond all that divides.



## COMECE's contribution

In Over the last years, the Secretariat of COMECE has contributed to some **public consultations** launched by the European Commission in migration and asylum issues and related ones: a) the Global Approach to Migration (June 2011); b) [family reunification](#) (March 2012); c) European Tourism Label (July 2012); d) entry and residence of non-EU national researchers, students, school pupils, unremunerated trainees and volunteers in the EU (August 2012); and on the [future of EU Home Affairs Policies](#) (January 2014).

Twice a year, several experts of different Member States -which belong to the COMECE **Working Group on Migration and Asylum**-, meet in Brussels to analyse the developments in these fields, and invite members of the European Commission, the European Parliament and other EU Institutions and Member States Representations, to present and discuss new challenges and proposals.

As member of the **Christian Group on Migration and Asylum**, the Secretariat of COMECE has also issued joint statements on different dimensions of the EU policies, the most recent ones related to: a) [Safe and Legal Paths to Protection in the European Union](#) (November 2014); and b) [Dublin III Regulation Regarding Unaccompanied Minors](#) (January 2015).

Following the Communication of the European Commission ([An EU Framework for National Roma Integration Strategies up to 2020](#), 5 April 2011), and under Article 17 (3) TFEU, COMECE -along with CCEE, CEC and BEPA (European Commission)- organised the **Roma Dialogue Seminar** entitled “*Roma Inclusion: A Need, a Challenge, and a Duty*”, which took place 27 June 2011 at the European Commission. CCEE and COMECE’s Secretariat have published some **guidelines and proposals** for Roma inclusion in a document entitled “*A Reflection on the EU Roma Framework*”-

COMECE is very concerned about the **fight against trafficking in human beings** (THB), which is one of the current lines of work and research at the Secretariat. In this respect, a Dialogue Seminar with CEC and the European Commission and a COMECE conference were organised in November 2014.

Finally, the Secretariat of COMECE publishes regularly **articles** which analyse Migration and Asylum policy in its monthly review *Europe Infos*.



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