**Position paper Malta – MEUC 2016 – A new mandate for the European union agency for asylum**

*„As one element of a robust and effective system for sustainable migration management for the future that is fair for host societies and EU citizens as well as for third country nationals and countries of origin and transit, the European Commission proposes to amend EASO’s mandate so it can play a new policy-implementing role as well as a strengthened operational role and providing sufficient financial resources and legal means for that purpose.“*

The aim is to facilitate the functioning of the Common European Asylum System and of the revised Dublin distribution mechanism, developing targeted actions in key areas, and ensuring a more harmonised assessment of the protection needs across Member States. Therefore the new mandate should allow the agency inter alia to:

Evaluate mechanism for monitoring the compliance of member states with the asylum standards; operate the distribution mechanism (distribution key);

ensure a more harmonised assessment of international protection applications across the EU; form common guidelines; also the agency would be given responsibility for the evidentiary assessment of whether third countries fulfil the criteria for designation as safe third country or safe third country of origin (harmonised approach); provide assistance and a pool of experts in emergency situations. To fulfil these objectives sufficient financial resources and legal means would have to be provided to the agency.

Malta as a country which is not only the smallest country in the EU either the most densely populated EU member state but which also lies in the middle of the Mediterranean, has over the past years faced a constant and prolonged challenge of migration as an increasing number of migrants seek to cross into Europe primarily from sub-Saharan Africa, through North Africa. We had to face this pressure with our own devices as a country on the frontline of what has now become an emergency. Along the years, Malta spared no effort to address this problem vigorously. Except for a few other countries in the neighbourhood, Malta's pleas for international attention to the harsh realities of irregular migration, which we were experiencing, remained over unheeded. For over a decade the world stood passive or adopted countless declarations and statements that did nothing tangible to save lives.

When it comes to the proportionate distribution of refugees, we are already seeing that a number of European Member States, for various reasons, are not willing to accept the concept of allotted quotas. Despite our limited resources, Malta was one of the first to support and accept the Commission’s concrete proposals for a fair distribution of refugees among EU member states. Malta always lived up to the principle of solidarity and willingly undertook to participate in the relocation and resettlement formulations, even though the resultant numbers of relocated migrants leave much to be desired.

Thus the issue of migration could not be more relevant at this moment in time. We are witnessing forced displacement on a global scale, which is unprecedented. More than 60 million people worldwide – and migrants are coming not only from Syria, but from a range of countries and regions, including Afghanistan, Iraq, Gaza and Haiti, not to mention of course migration in and from Africa – are either migrants or internally displaced persons. This is therefore a crisis of truly global proportions and it is certainly a crisis, which has affected the EU.

Just like everything in a Union, success in the EU can only go as far as its Member States allow it to. There could certainly be more encouraging reactions across the board. Migration is a perfect example of these shared concerns. This phenomenon requires a collective effort in Europe and beyond. The on-going refugee crisis, unprecedented in its magnitude, is not only unfolding through the Eastern Mediterranean and Western Balkans into the OSCE area, but it continues to affect the Central Mediterranean. Persons fleeing wars and conflict need to be given protection and Malta is doing its part in the current crisis. At the same time, irregular migration continues through the Mediterranean, regrettably with more loss of life. There is no other option but to address this challenge comprehensively in its complexity and to strengthen dialogue and cooperation with the countries of origin and transit.

A holistic perspective that guarantees protection to vulnerable persons in need of protection punishes unscrupulous smugglers and addresses those cases that do not qualify for protected status still needs to emerge.

Even though Malta is the smallest member state of the EU, this can also be an advantage. At times, our size could make us a more easily trusted mediator and a perfect location for talks when it comes to “ironing out” differences among other member states or between EU and non-EU countries.

In concrete terms, first, by rescuing and offering protection to refugees in distress and accommodating them among all member states, depending on the respective state’s population, geographic size and wealth. Together we have to address the causes, so that refugees are not forced to flee their home country. Cooperation with the governments of the countries of origin and transit states has to be strengthened. A system is urgently needed whereby genuine refugees do not have to risk their lives and pay exorbitant sums of money to heinous traffickers.

The one durable approach is a multifaceted one that spans from resolving root causes such as conflicts, eradicating sectarian violence and religious extremism, to the provision of basic services and access to humanitarian aid, up to relocation or assimilation in our societies. In the longer term, we will need to invest more heavily in the nexus between development and migration, as well as address socio-economic growth with a particular focus on youth.

Flexibility is central to this process as the aim should be that of addressing the individual needs of partner countries. We should by now have realised that there is no ‘one size fits all’ policy of reform. This is a message I have personally and repeatedly heard in Southern and Eastern capitals and Malta will be keeping it in very close focus in the run-up and during its Presidency term.

It goes without saying that all the above can only be implemented with the continuous support and cooperation of our traditional European Mediterranean partners, Spain, France, Italy, as well as the inevitable support of UK, Germany, and the traditional good relations with Russia, China and US. All this goes hand in hand with a stable North Africa and Middle East. Migration is a shared responsibility of the countries of origin, transit and destination

We as Member States should do everything in our power to ensure that no more human lives are lost in their search for safety, refuge and a better future. We, the Member States need to join forces, to holistically address the challenge of the on-going migration and refugee crisis in all its dimensions. In this term we need to focus again on the distressed people. We need to acknowledge that migration flows, especially migration from North Africa across the Mediterranean Sea, will not cease until we address its root causes in tandem with asylum and integration efforts. And we should not forget that one of the cardinal principles of the European Union commands freedom of movement and in the end the European Union must ultimately launch a well organised and fair system of legal migration, catering for both permanent and temporary stays, including "circular migration".

We all should understand: Migration is here to stay and it will take years for the situation to be stabilised and somehow controlled. Both, vast and ambitious. Nonetheless it is realistic and doable.

To promote a further cooperation and dialogue among the member states as well as among member states and third countries, to establish common approaches in what concerns the asylum procedures, as well as in finding out which third countries fulfil the criteria to be called a safe third country and last but also most important to finally find common ground about a fair distribution of migrants among the member states, it is in our opinion indispensable to expand EASO’s mandate.

But yet we still need to discuss very firmly about how to implement the last point. In our opinion it would be the best solution to reform the Dublin System as a whole.

Malta retains a strong and long standing commitment to help those who are in need of protection also in line with its millennial tradition of hospitality. Malta will respect its moral and legal duty to protect genuine refugees as well as those entitled to humanitarian assistance as provided by international humanitarian law. In the context of the European Union, Malta will continue to seek more rigorous application of Article 13 of the Cotonou Agreement and related articles. Malta will also continue to seek increased policing of borders. One of the main policy priorities during our six-month Presidency will be the issue of migration.

To tackle all of the issues and meet all of the priorities I have just outlined, Malta will require your cooperation and active support. I therefore appeal to you to stand with us in the weeks, months and even years to come, because while these issues are sure to be challenging, if we work together, they can also be truly rewarding.