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Mrs Member of European Parliament, Mr Member of European Parliament

As citizens, we would like to formulate our acute worry about the directive concerning the "common norms and proceedings enforceable in the EEC states concerning the homecoming of third country citizens in illegal residence" known as "homecoming directive" on which the European parliament has to pronounce soon. It's the first time the Parliament has as much power as the Council to take a decision about the right of refuge and immigration. You will have a central role to play in the drawing-up of this problematic law.

We would like to remind you that the "homecoming directive" , which mix securitarian concerns and immigration the is drawn up while there is no common immigration policy determinate on the scale of Europe. This fact simply begs the question of the opportunity of such a law. This argument could be used on its one to entirely reject this directive.

Anyway, we are mostly worried about the spirit of this directive. We clearly do not agree with the administrative retention of foreigners and the last laws concerning the expels, particularly in France. Of course we entirely reject this text of which effects would be frightening on such a scale. Nevertheless we would like to call your attention to the articles that turn out to be contrary to the democratic values on which the European Union has been constructed. These democratic values are dangerously denied and forgotten in this text. So we shall specially pay attention to the Parliament debates on this question. We would like to know our view on the following items:

First of all the length of the maximal duration of retention prescribed by the directive (18; 6 or 3 month) offends us. In France, the duration of retention already went up from 5 days, few years ago, to 32 days nowadays. In our democratic countries, imprisonment mustn't be a mode to administrate migrations. What happens in the countries in which the duration of retention is long? Couples who can't prove that they are married are separated; women give birth in a hospital and come back to the retention centre with their own baby; children are imprisoned with their parents. Generally, people don't have the material possibility to do the administrative moves in order to set up a positive file. Moreover, everybody can notice that such brutal and humiliating treatments deeply affect the health and psychic balance of these people. This hard ordeal is added to the sufferings which were the cause of their exile.

In addition, the imprisonment of minors (art.5) is entirely contrary to the Convention on the Rights of the Child. In any circumstances, the child's interest must prevail over. Consequently, the imprisonment of entire families appears to constitute a major violation of the Rights of the Child. In France, last year, many hundreds of minors were put in retention centres with their parents.

How could we -European citizens- teach the value of freedom to the children and young people we instruct and educate.

The 9th article of this directive is no more admissible. This disposal that tends to relate the homecoming to a banning for five years is an unacceptable double term. It's contrary to everybody's right to leave his country (art.13 of the Universal Declaration of Human Rights). It's can neither insure the right to ask for protection nor the rule of no-blocking out.

At last, the readmission in transit-countries gives no insurance concerning the safety and the security of expelled people. Consequently, this directive is contrary to the third article of the Convention against torture which states that nobody can be expelled into a country where he could be subjected to degrading and inhuman treatments.

Through this directive, all the values that all EEC countries take pride on are challenged. We want an Europe that respects the fundamental right of every human beings, without exception. Europe will never be able to have an universal appeal and influence all over the world, without the respect of its founding values unless it takes the decision to disavow them.

Consequently, we ask you to take position in relation to this directive, that we call "directive of the shame".

We ask you to join us on the problems we have note down in order to oppose them :

The retention centres, of which the principle is unacceptable, must not become incarceration centres (to 18 months), lawless area assigned to migrants of which only real function would consist in breaking these people deprived of their freedom and fundamental rights. Indeed, 18 months is a too long term, largely more than necessary for the administration to set up a homecoming.

The retention of the families is intolerable on behalf of the superior interest of the child.

The article that relates **a banning for 5 years** in any EEC country, to an expel and the article concerning **the readmission in a transit-country** are contrary to all the fundamental rights and Conventions we have called up.

We wish to know your position, concerned with the opinion you have on these different questions.

Respectfully Yours.

Le Réseau Education Sans Frontières d'Arras/Lens (France)