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WORKING DOCUMENT

on Developing safe and lawful routes for asylum seekers and refugees into the EU, including the Union resettlement policy and corresponding integration policies (INI report on the situation in the Mediterranean and the need for a holistic EU approach to migration)

Committee on Civil Liberties, Justice and Home Affairs

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Introduction

There are people fleeing persecution and war that are forced to leave their countries of origin, looking for safety in other parts of the world. The majority of them end up in neighbouring countries; 86% of the world's refugee population are hosted by non-industrialised countries¹. Some of them are trying to reach Europe and, as there is a lack of credible legal alternatives for them to do so, many are embarking on dangerous journeys in order to reach safety. Ruthless smugglers and criminal networks are exploiting the desperation of people trying to enter the EU. There has been an increase in irregular arrivals by sea and an alarming increase of deaths at sea, and we are still lacking an adequate European response.

With very limited legal and safe alternatives, desperate people who are fleeing for their lives will continue to take the risk of embarking on dangerous routes. Either by sea in small boats in order to cross the Mediterranean, or over land borders in containers, trucks or in the trunk of a car. One way to put an end to this is to create legal avenues, building on existing legislation and best practice by which they can enter the EU. If there are legal and safe routes for asylum seekers and refugees to access the EU, they will likely choose those options instead and we can reduce the number of boats and deaths in the Mediterranean. Through safe and lawful channels, the EU and its member states will also have a better overview of the protection needs and the inflow to the EU. When managed in a controlled and predictable manner, member states can be better prepared to meet the people coming here with adequate reception and asylum procedures as well as integration policies. Therefore, strengthening reception conditions and frontloading procedures is a key to the successful development of safe and legal routes for asylum seekers and people in need of protection.

Resettlement and corresponding integration policies

Resettlement through the auspices of UNHCR is a well-established humanitarian programme. Resettlement is the transfer of refugees from a state in which they have sought protection to a third state that has agreed to admit them, as refugees, with residence status. It entails the bilateral engagement of resettlement states with UNHCR, as well as other organisations such as IOM for the organization of pre-cultural orientation, medical checks and travel. The status provided ensures protection against *refoulement* and provides a resettled refugee and his/her family or dependants, if applicable, with access to rights similar to those enjoyed by nationals, under Chapter VII of the Qualifications Directive.

For some refugees, resettlement is the only durable solution that is available to them, as they do not have the possibility to voluntarily return to their country of origin, nor to stay on the territory of the hosting third country. The success of resettlement is not only about how many refugees are resettled, but how well they are received and integrated in our societies.

In 2014, there were 8,579 persons resettled to the EU under the Joint EU Resettlement Programme, accounting for approximately 12% of resettlement worldwide. Sixteen EU member states participated in this programme (15 with a regular resettlement programme) and, of those, eight member states took less than 100 persons².

- There is a need for a permanent EU wide resettlement program with mandatory participation by all Member States providing resettlement for a meaningful number of refugees having regard to the overall number of refugees seeking protection in the EU.

¹ UNHCR

² UNHCR

In this regard we welcome the proposal by the European Commission in the European Agenda for Migration, presented 13 May 2015 which is an important step forward.

Integration policies and measures

Integration strategies for refugees, including for resettled refugees¹ should be strengthened at national, regional and local levels, examining best practice, where integration has worked, as well as cases where integration has not been as successful in order to draw out lessons to support improved integration.

- There is a need for Member States to take action and share best practices to ensure the successful integration of all refugees.
- Hosting member states must offer refugees support and opportunities to integrate and build a life in their new society. and as provided for in the Qualifications Directive², also include effective access to the labour market, education and, access to the democratic structures in society

Humanitarian visas

One reason why a number of asylum seekers cannot come to the EU by plane or other routes is because they may not have valid travel documents, their documents may not be recognized by Member States' authorities, and/or visas and thus the airline companies will not allow them to fly, as airline companies are themselves responsible for the costs of returning persons without a valid travel document.³

Humanitarian visas provide persons in need of international protection with means of accessing a third country in order to apply for asylum. The issuing of humanitarian visas would allow people to travel safely through existing routes and, upon arrival in a third country, they are subject to the normal asylum procedures and rules.

- Member states should make use of existing possibilities to provide for humanitarian visas at EU embassies and consular offices in countries of origin transit countries or so-called "hot spots" in third countries, for example by using existing legislation such as Article 25 of the Visa Code. .

Humanitarian admission

Humanitarian admission resembles resettlement and can give access to residence in a third country on a permanent or temporary basis and is used for especially vulnerable categories of refugees with urgent needs, such as medical needs. It is a speedier process than resettlement and provides protection for the most vulnerable people. Residence permit can be given on either permanent or temporary basis, depending on the legislation of the State concerned. Humanitarian admission can be used as a complement to resettlement in order to give urgent protection to the most vulnerable.

¹ UNCHR *The Integration of Resettled Refugees: Essentials for Establishing a Resettlement Programme and Fundamentals for Sustainable Resettlement Programmes*, <http://www.unhcr.org/52a6d85b6.html>

² Directive 2011/95/EU

³ COUNCIL DIRECTIVE 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data

- Currently seven member states¹ are applying humanitarian admission programmes for Syrian refugees. Without prejudice to a preference for resettlement, EU member states should follow this example.

Medical evacuation

Medical evacuation can provide for the admission of persons with urgent medical needs that can be treated in a third country. Costs for medical treatment can be expensive and create problems for families also in need of food, housing and education. Medical evacuation can be used to resettle refugees with special medical needs and their families, who are important for their support, to third countries that can provide the medical service needed.

- The use of medical evacuation should be used by all member states in order to provide medical care to refugees with urgent medical needs.

Private & Community Sponsorship

Private sponsorship programmes enable refugees to be resettled with the support of private citizens with a legal entity, NGOs or others, such as local authorities. Such programmes can assist in integration, as it creates bonds between the refugees and the sponsor, community-based organisations and receiving communities. It can also help families to reunite, also with extended family members who normally wouldn't qualify under the rules of family reunification. As sponsors will take responsibility for some of the costs, this can increase the overall capacity of a community to receive refugees.

- Encourage private & community sponsorship schemes including building on best practices by member states and local authorities.

Admission of family and relatives

Existing family reunification rules should be applied correctly, and administrative requirements made more understandable under the Family reunification Directive, which foresees more favourable rules for refugees taking into account their specific vulnerability, and can be complemented with programmes to admit relatives of those already residing in an EU member state, for example the dependency provisions in Article 10(2) of the Directive. Today, all member states do not provide this possibility due to the very restrictive interpretation of the relevant provisions in the directive. Humanitarian visas can also be useful in order to allow for family reunification. Keeping families and relatives together may spur integration, as the focus can be directed towards the establishment of a new life instead of concerns towards family members that are still in insecure situations.

Further, some Member States have introduced language tests, in some cases to be applied in the country of origin, and to be passed as a pre-condition for family reunification. Some of these tests can be unnecessarily restrictive that prolong family reunification beyond reason, this must be avoided.

- Member states should overcome legal and practical obstacles to arrive at swifter decisions on family reunification. Member states should seek to keep families together, which will assist integration prospects in the longer-term.

¹ UNHCR Syria Fact Sheet <http://www.unhcr.org/52b2febafc5.pdf>

- In April 2014, the European Commission introduced guidelines on the application of the Family Reunification directive, which should be followed.

Academic scholarships

Academic scholarships can provide an opportunity to refugee students to continue their education. Such programmes could be administrated through educational institutions, civil society and local authorities in order to fund scholarships. They should ensure that the student is covered for and that they have proper documentation and visa for their studies and they will also have the opportunity to apply for asylum or prolong their residence permits.

- Member states should make greater use of the possibility to provide academic scholarships to refugee students and encourage skilled students to come to the EU.

Development of a Common European Asylum Service

The above mentioned initiatives are all part of an overall wish to strengthen and further harmonise the Common European Asylum System (CEAS), and develop safe and legal routes to the EU for asylum seekers and people in need of protection. In order to safeguard equal and full implementation of this, one option that could be considered is the further strengthening of the European Asylum Support Office (EASO) to make it the principal coordinator assisting the Member States in coordinating and supporting actions and guaranteeing common application of the CEAS all over the EU.

- EASO could be developed, in the long term, into a principal coordinator of the Common European Asylum System assisting the Member States in coordinating and supporting actions and thereby guaranteeing common application of the CEAS, with the necessary resources, including staff having received training in standardised and harmonised practices on the CEAS, allowing them to fulfil this role.

Temporary protection Directive

The Temporary Protection directive introduces the possibility to grant a large number of people temporary protection when a mass influx to the EU occurs. The directive has never been activated, presumably because the concept of mass influx is not defined and the provision on "mass influx" shall be considered only, when the whole of the EU is affected, and not as will most likely be the case, when one or a few member states are affected. When called for by the UNHCR, during the crisis in Libya in 2011, the Commission found that neither was it a mass influx, nor were all people fleeing in need of international protection. Despite the intentions that the directive build on, these provisions should be revised while maintaining the level of rights given to persons granted temporary protection, in order to be useful in a situation, like the Syrian refugee crisis the EU is currently faced with.

- Revision of the Temporary Protection Directive to introduce a tool for an immediate, safe and legal response to urgent refugee crisis like that happening from Syria.
- A clear definition of what constitutes a mass influx should be agreed.