BETTER PROTECTING REFUGEES IN THE EU AND GLOBALLY

UNHCR's proposals to rebuild trust through better management, partnership and solidarity

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UNHCR
The UN Refugee Agency

UNHCR's Proposals – why?

2015 WAS AN EXCEPTIONAL YEAR

- Over 1 million refugees and migrants arrived by sea to Europe.
- The vast majority originated from the world's top 10 refugee-producing countries, primarily Syria, Afghanistan and Iraq.

- Solidarity faltered, the European Union's (EU) ability to respond to exceptional but manageable arrival numbers was challenged, and gaps in reception and asylum systems appeared.

Refugee crisis or a crisis of solidarity?

1 million arrivals represents 0.2% of the population of the European Union.

UNHCR’s proposed directions

Practical solutions to:

- ✓ Tackle forced displacement globally
- ✓ Prepare for and manage arrivals
- ✓ Protect and integrate refugees

UNHCR's proposed directions

1. **Engagement beyond EU borders to protect, assist, and find solutions**

2. **Preparedness to respond to large numbers of new arrivals**

3. **Protection through a well-managed, common asylum system**

4. **Emphasis on integration of refugees in communities**

UNHCR PROPOSES

1 AN EU THAT IS ENGAGED

beyond its borders to protect, assist and find solutions by:

- ✔ Developing sustainable asylum systems
- ✔ Providing needs-based support for humanitarian operations
- ✔ Adopting a development-oriented approach to assistance
- ✔ Expanding opportunities for safe pathways
- ✔ Piloting a common, regulated approach to migration

1. Engagement

1.1 Developing sustainable asylum systems

- **Countries that host the majority of refugees**
  - Access to protection addresses onward movement

- **Countries through which refugees transit**
  - EU investment, e.g. in Libya and Egypt

1. Engagement

1.2 Providing needs-based support for humanitarian operations

- **Predictable, flexible and multi-year funding**
  - Close consultation with host countries
  - Ease earmarking

1. Engagement

1.3 Adopting a development-oriented approach to assistance

- **Address socio-economic impact of displacement**
  - Expand livelihood and education opportunities
  - Reduce potential for dangerous, irregular onward movement

- **Humanitarian and development assistance with a refugee focus from the onset of a crisis**

1. Engagement

1.4 Expanding opportunities for safe pathways

- **Effective family reunification mechanisms**
  - Reduces exploitation by smugglers and traffickers
  - Direct link between family reunification, mental health and successful integration
  - Key driver of onward movement
  - 9 measures are set out, e.g. expand scope of FRU, common application forms, access to embassies

1. Engagement

1.4 Expanding opportunities for safe pathways

- **Resettlement programmes**
  - States to significantly increase annual resettlement quotas
  - States can always do more

1. Engagement

1.4 Expanding opportunities for safe pathways

- **Complementary pathways to access protection**
  - Sustainable programmes
  - Commission: develop private sponsorship programmes with civil society
  - Increase higher education opportunities
  - Facilitate labour mobility opportunities

UNHCR PROPOSES

2 AN EU THAT IS PREPARED

to respond to possible future arrivals in significant numbers through:

- ✔ Assessment and planning
- ✔ Standby capacity at the national and EU levels
- ✔ Coordination mechanisms

2. Preparedness to respond to large numbers of new arrivals

- Coordinated contingency planning by the EU and MS is essential for future arrivals

- Ongoing conflicts and substantial gaps in support for refugees mean displacement will continue

2. Preparedness

2.1 Assessment and planning

- **EU systems to identify and analyse early warning signs**
- **Assess capacity to respond**
  - Through registration, screening, reception
  - FRONTEX and EUAA (planned successor to EASO)

2. Preparedness

2.2 Standby capacity at the national and EU levels

- **Stand-by service assistance package**
  - Technical and human resources committed in advance
- **Stand-by roster of experts**
  - Immediate deployment of equipment, interpreters, processing teams

UNHCR PROPOSES

3 AN EU THAT PROTECTS

through a well-managed common asylum system
that ensures access to territory, and includes:

- ✔ A common registration system
- ✔ Prioritization of family reunion
- ✔ Accelerated and simplified procedures for asylum determination
- ✔ A distribution mechanism for EU Member States under pressure
- ✔ A common approach to unaccompanied and separated children
- ✔ Incentives for compliance with the new system
- ✔ An efficient system for return

3. Protection through a well managed, common asylum system

UNHCR proposes a simplified system that:

- Builds on the CEAS and some of the Commission reforms
- Potentially saves costs
- Guarantees the right to asylum
- Enhances security screening
- Facilitates management of population movements

3. Protection

3.1 A common registration system

- **MS would register all irregular arrivals in a common EU registration system**
  - Data management, security at entry, reduced duplication of systems
  - Connected to case processing system in each MS
  - Swift access to procedures

3. Protection

How?

Registration and Processing Centres (RPCs)

- In main countries of entry
- Building on lessons from ‘hotspot’ approach
- Operated by the MS concerned
- Registration and 1st instance asylum bodies working together in the RPC
- Consider gradual transfer of responsibility to EU Agencies

3. Protection

3.2 Prioritized family reunion

- Potential transfer immediately after registration phase

3.3 Accelerated procedures for asylum determination

- Manifestly well-founded or unfounded claims
- Swift access to protection or return

FLOWCHART 1: Proposed procedures

STEP 1: Registration

Identification and registration

- Identification;
- full registration;
- security checks;
- assessment of vulnerabilities;
- provision of information and legal aid;
- referral to reception.

Prioritized identification and registration of children/age-disputed persons*

* Unaccompanied and separated children and age-disputed persons are channelled to a separate procedure (see Flowchart 3).

STEP 2: Family reunion and transfers

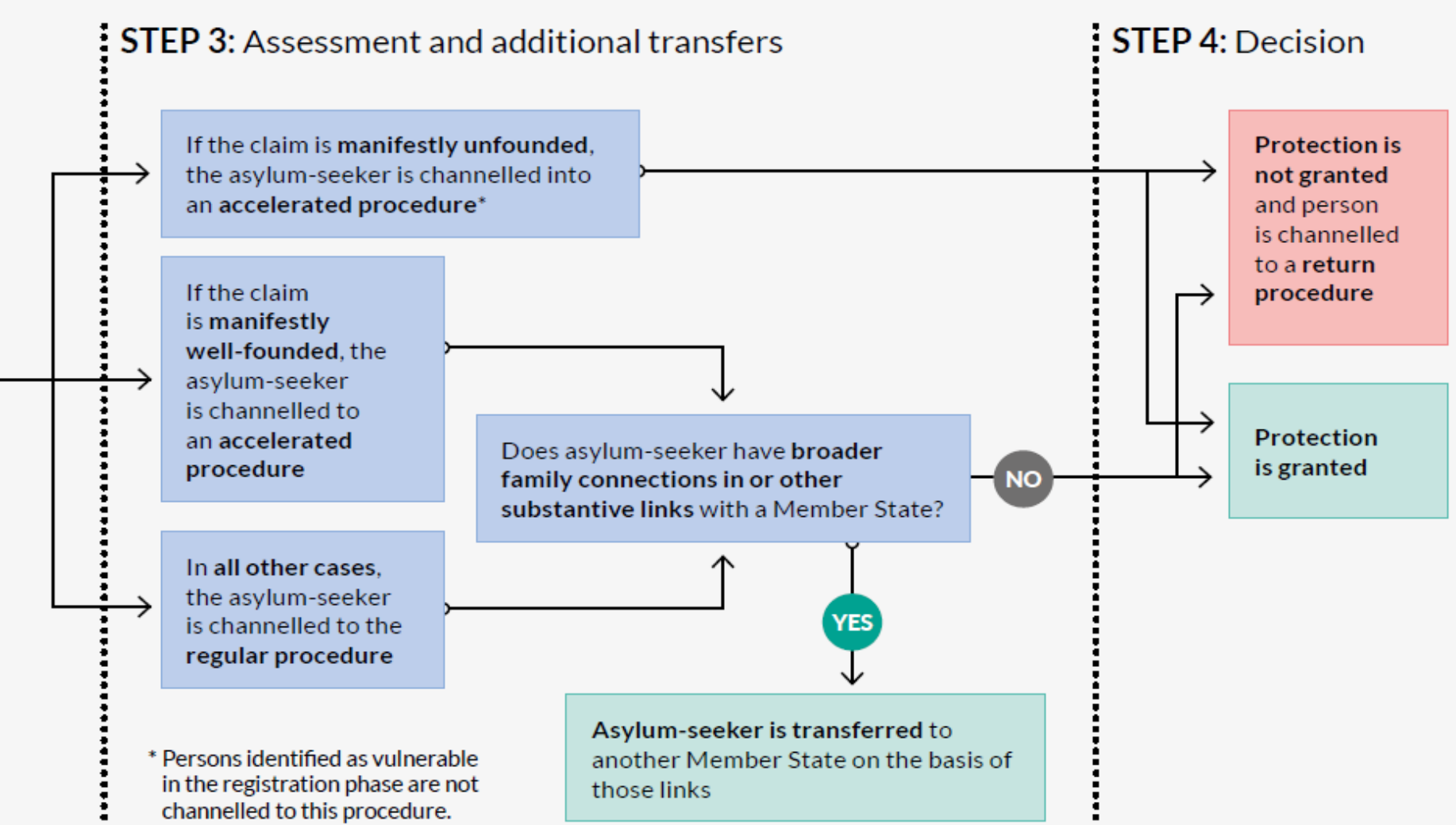
Does asylum-seeker have **family members** in a Member State?

NO*

YES

Asylum-seeker is transferred to Member State where family members are present

* Admissibility checks could be conducted in the Registration and Processing Centre at this stage of the procedure provided the necessary safeguards and conditions are in place. Applicants identified as vulnerable would not undergo admissibility procedures.


STEP 3: Assessment and additional transfers
STEP 4: Decision
If the claim is manifestly unfounded, the asylum-seeker is channelled into an accelerated procedure*
If the claim is manifestly well-founded, the asylum-seeker is channelled to an accelerated procedure
In all other cases, the asylum-seeker is channelled to the regular procedure
Does asylum-seeker have broader family connections in or other substantive links with a Member State?
NO
YES
Asylum-seeker is transferred to another Member State on the basis of those links
Protection is not granted and person is channelled to a return procedure
Protection is granted
* Persons identified as vulnerable in the registration phase are not channelled to this procedure.

3. Protection

3.4 Distribution mechanism for MS under pressure

- **To manage disproportionate arrivals**
- **MS to agree on % or “reference share” that is fair**

- Manifestly unfounded – Not distributed
- Manifestly well-founded – Not distributed until granted
- All others - distributed

FLOWCHART 2: Procedures when EU Member States are under pressure

STEP 1: Registration

Identification and registration

- Identification;
- full registration;
- security checks;
- assessment of vulnerabilities;
- provision of information and legal aid;
- referral to reception.

Prioritized identification and registration of children/age-disputed persons*

* Unaccompanied and separated children and age-disputed persons are channelled to a separate procedure (see Flowchart 3).

STEP 2: Family reunion and transfers

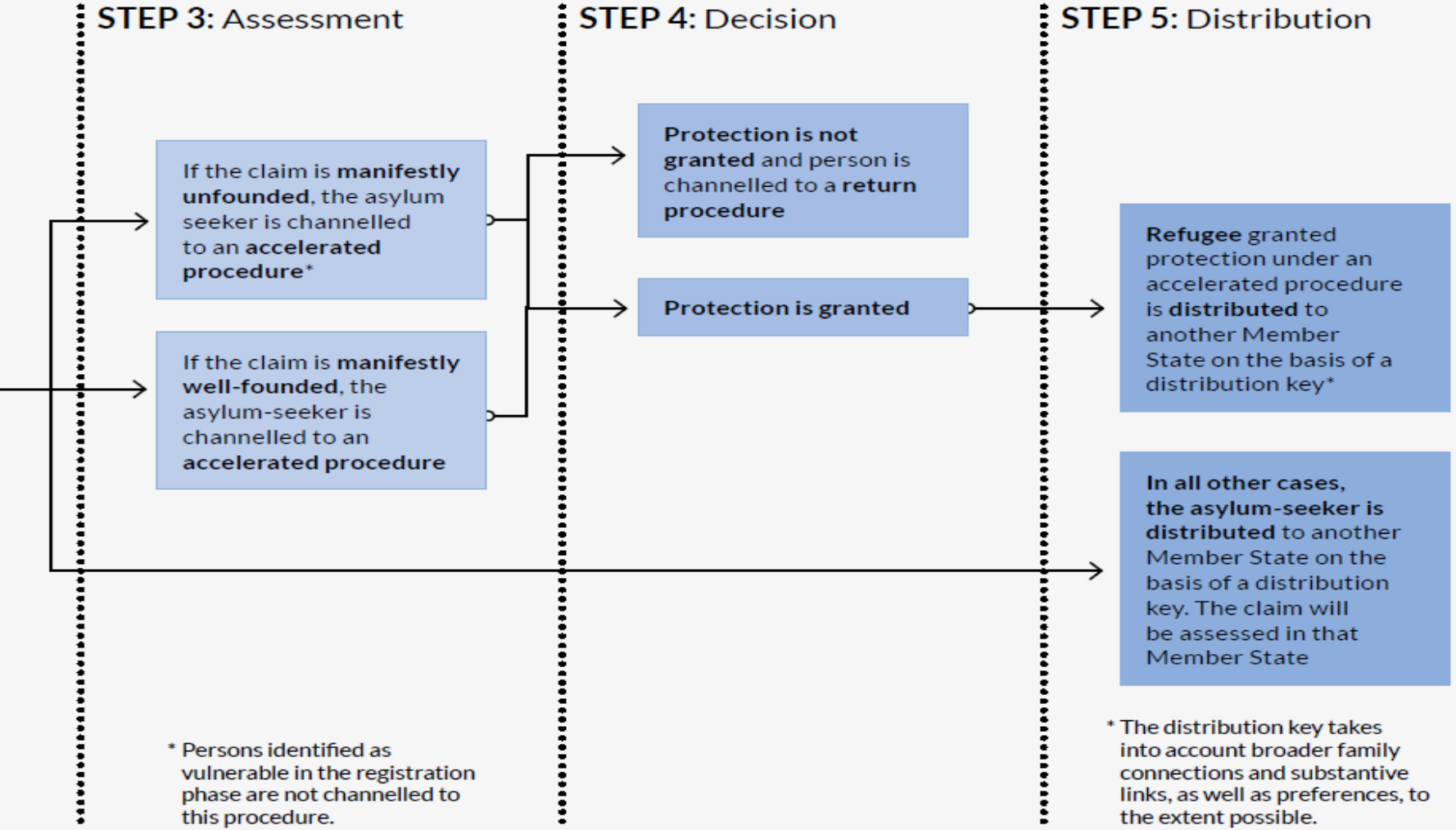
Does asylum-seeker have **family members** in a Member State?

NO*

YES

Asylum-seeker is transferred to Member State where family members are present

* Admissibility checks could be conducted in the Registration and Processing Centre at this stage of the procedure provided the necessary safeguards and conditions are in place. Applicants identified as vulnerable would not undergo admissibility procedures.

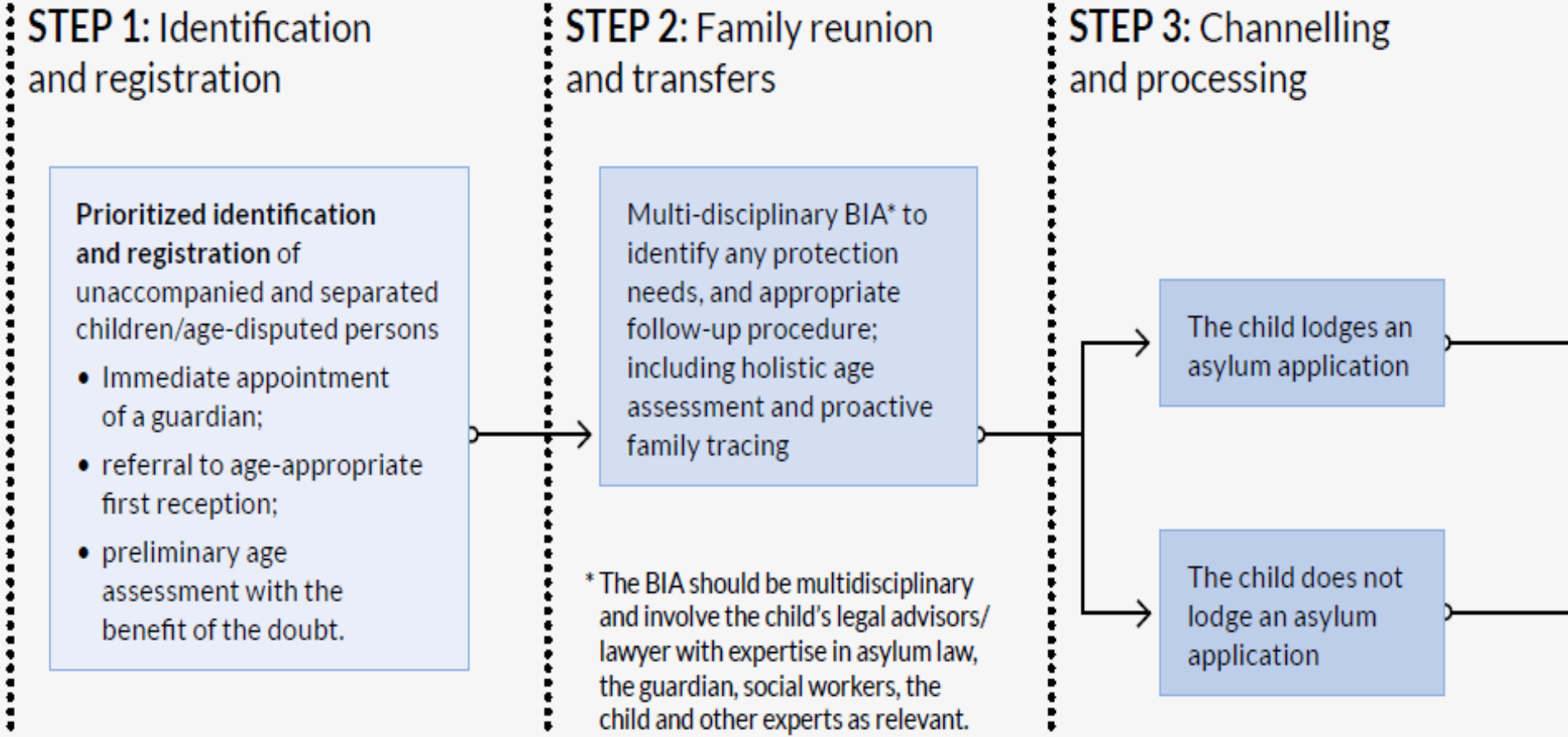

STEP 3: Assessment
STEP 4: Decision
STEP 5: Distribution
If the claim is manifestly unfounded, the asylum seeker is channelled to an accelerated procedure*
If the claim is manifestly well-founded, the asylum-seeker is channelled to an accelerated procedure
Protection is not granted and person is channelled to a return procedure
Protection is granted
Refugee granted protection under an accelerated procedure is distributed to another Member State on the basis of a distribution key*
In all other cases, the asylum-seeker is distributed to another Member State on the basis of a distribution key. The claim will be assessed in that Member State
* Persons identified as vulnerable in the registration phase are not channelled to this procedure.
* The distribution key takes into account broader family connections and substantive links, as well as preferences, to the extent possible.

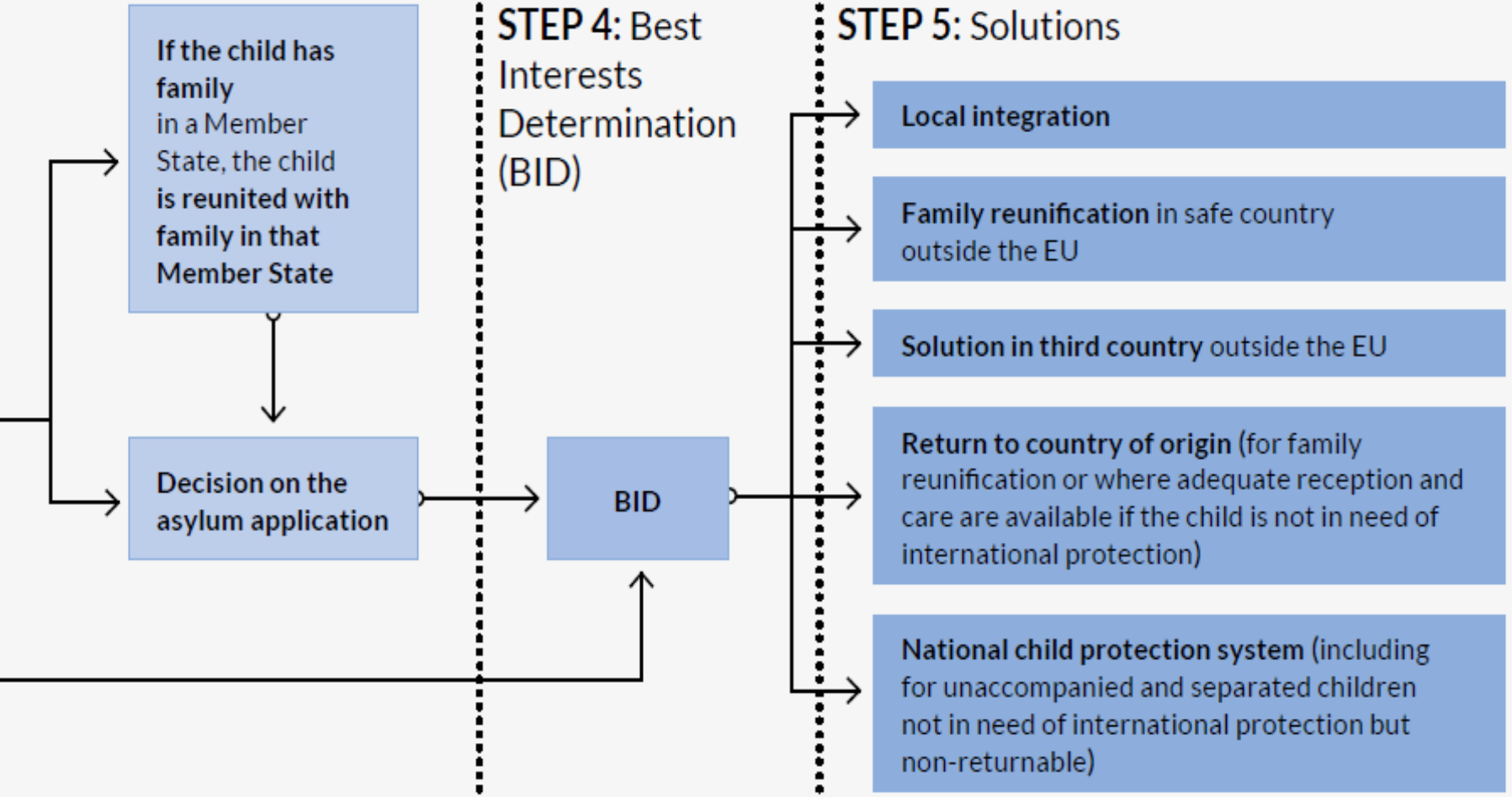
3. Protection

3.5 A common approach to unaccompanied and separated children

- Early identification and biometric registration
- Immediate safe and age appropriate care arrangements
- Best interests assessment
- Appointment of guardian without delay
- Common method for age assessment
- Family tracing
- Legal advice/representation

FLOWCHART 3: Procedure for unaccompanied and separated children




If the child has family in a Member State, the child is reunited with family in that Member State
Decision on the asylum application
STEP 4: Best Interests Determination (BID)
BID
STEP 5: Solutions
Local integration
Family reunification in safe country outside the EU
Solution in third country outside the EU
Return to country of origin (for family reunification or where adequate reception and care are available if the child is not in need of international protection)
National child protection system (including for unaccompanied and separated children not in need of international protection but non-returnable)

3. Protection

3.6 Incentives for compliance with the new system

- **For MS and for asylum-seekers**
- Transferring asylum-seekers to MS where they have family or broader connections
- Reducing the ‘reference share’ for high quality, fast processing – for MS

3. Protection

3.7 An efficient system for return

- **Assisted voluntary return programmes (AVR)**
- **Enhanced outreach by IOM and others**
- **Forced return only under certain conditions**
  - Rejected in fair procedure
  - Consideration of AVR
  - No compelling humanitarian reasons / stateless

UNHCR PROPOSES

4 AN EU THAT INTEGRATES

refugees in their communities through:

- ✔ Increased funding for integration programmes
- ✔ Predictable, harmonized integration services
- ✔ Fostering welcoming communities

4. Emphasis on integration of refugees in communities

- **Build social cohesion, security, stability**
- **Refugees can realise full potential**
- **Integration is a “two-way” process**
- **Reduce onward movement**

4. Integration

4.1 Increased funding for integration programmes

- Mandatory spending on integration – 30% of AMIF funding
- Develop a tool to assess integration
- Increase funding for local integration actors e.g. NGOs
- Funding sought from non-traditional actors e.g. private sector, universities

4. Integration

4.2 Predictable, harmonized integration services

- **Targeted investments (employment, housing)**
- **Comprehensive cultural orientation for all refugees**
  - Rights, obligations, expectations
- **Skills and qualifications**

4. Integration

4.3 Fostering welcoming communities

- **Combatting xenophobia**
  - Awareness campaigns, prosecuting hate crimes

- **Enhanced engagement of civil society**
  - Sustained engagement between refugees and host communities

Summary

1. **Engagement beyond EU borders to protect, assist, and find solutions –** development, needs-based support, safe pathways.

2. **Preparedness to respond to large numbers of new arrivals** – planning, stand-by capacity, coordination.

3. **Protection through a well-managed, common asylum system** – registration, FRU, accelerated procedures, distribution, UASCs, return.

4. **Emphasis on integration of refugees in communities** – funding, engagement, welcome, two-way process.

Thank you for your attention