



Safe and Legal Pathways to Protection

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Context

- 4715 people have died in the Mediterranean Sea in 2016
- 351,357 arrivals by Sea in Greece and Italy this year
- Between Jan-Oct 2016 24,902 children arrived to Italy by sea with 91% of them being unaccompanied children

Safe and Legal Pathways

Benefits to both member states and refugees:

- Efficient and orderly process
- Ensures refugees do not risk their lives to seek safety
- Reduces trafficking and smuggling
- Acts as a measure of international solidarity

Right to Asylum

Principle of *non-refoulement* and includes *inter alia*,

- (i) **access of asylum-seekers to fair and effective processes for determining status and protection needs**, consistent with the 1951 Convention and its 1967 Protocol;
- (ii) **the need to admit refugees to the territories of States;**
- (iii) the need for rapid, unimpeded and safe UNHCR access to persons of concern;
- (iv) the need to apply scrupulously the exclusion clauses stipulated in Article 1F of the 1951 Convention;
- (v) **the obligation to treat asylum-seekers and refugees in accordance with applicable human rights and refugee law standards;**
- (vi) the **responsibility of host States to safeguard the civilian and peaceful nature of asylum;** and
- (vii) the duty of refugees and asylum-seekers to respect and abide by the laws of host States

UNHCR Statement in CJEU *Halaf* C-528/11 case

Safe and Legal Pathways

- Resettlement and Relocation
- Family reunification
- Humanitarian admission and private Sponsorship
- Humanitarian visas
- Other legal channels of migration: education, labour
- Protection sensitive border procedure



"We didn't actually realise they were women or that they were pregnant until we hauled them onto the deck. You have three minutes you can save somebody. We started working on those two women."

Photo © Irish Defence Forces 2016

Refugee and Migrant Coalition

Protection, Resettlement and Integration

Ireland's Response
to the Refugee and
Migration 'Crisis'

December 2015



act:onaid

CWC
Community Workers
Co-operative

christian
aid



CORI
COUNCIL OF
COMMUNITY ORGANISATIONS
OF IRELAND



Dóchas
The Irish Association of Non-Governmental
Organisations

Doras
Luimni



Immigrant Council
of Ireland



Irish
Refugee
Council



MERCY
INTERNATIONAL
ASSOCIATION

MLA
Migrant Support
Action

misean cara
Irish Migrant Centre

nasc
National Association
of Social Workers

OXFAM
Ireland

Trócaire
Working for a just world.

World Vision
Ireland

Resettlement and relocation

- Encouraging recent actions
- Numbers: currently 0.08%...0.5%.....1%
- Resources
- NGO participation in this process

Family Reunification

- Legal Framework in International Protection Act 2015
 - Time restrictions for application & arrival
 - No provision for dependent family members
- Situation of vulnerable persons
- Legal assistance
- Integration

Humanitarian Admission and Private Sponsorship

Benefits:

- Aids integration
- Enhances cooperation between governments, NGOs, public & private actors
- NASC's *Safe Passage* Campaign



Safe Passage: A New Approach to the Refugee Crisis – Humanitarian Admission for Families Fleeing Conflict

Labour and study pathways

- Programmes that specifically identify skilled refugees
- Waiving of visa requirements for refugees seeking access to the EU
- Scholarships that directly target young people in the protection process, in Ireland and abroad

Leave to Land

Refusals of leave to land are alarming, says Irish Refugee Council

Posted On: January 21, 2016

Supt Roche said there was an increased garda presence at Rosslare Europort, and numerous people had been found hiding in the back of lorries and trailers and under trailers.

“We search the majority of trucks coming into Rosslare Europort and we have found a lot of people who are sent back to France.”

- 1 January 2015 to 30 September 2016, a total of 5,946 non-nationals refused leave to land
- In the same period 285 non-nationals from Iraq, Yemen, Syria, Libya, Iran and Eritrea were refused leave to land
- Transparency required

Border Procedures

Procedural Safeguards:

- Information
- Linguistic & legal assistance
- Access to effective remedies
- Human rights training
- Independent Inspectorate

Reform of the Common European Asylum System



DECEMBER 10, 2016 12:00AM EST

EU: Returns to Greece Put Refugees at Risk

Would Exacerbate Dire Conditions for Asylum Seekers

- Dublin III returns to Greece from March 2017
- Dublin IV: safe third country element

Externalisation of EU asylum policy

WORLD NEWS | Mon Dec 5, 2016 | 9:56am EST

U.N. refugee chief warns EU against carrot-and-stick approach to migration

European leaders taking cues from Australia on asylum seeker policies

November 7, 2016 3.29am GMT

Why do EU leaders still think they can engage with Eritrea's regime?

Martin Plaut

European officials under pressure to cut migration should have learned by now that ignoring human rights violations is unlikely to succeed

Externalisation of EU asylum policy

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The EU is working towards a more sustainable approach to managing migration, both for people who need international protection and for those who move for other reasons. The approach aims to end irregular and dangerous movements and the business model of smugglers, and to replace these with safe and legal ways to the EU for those who need protection. Protection in the region and resettlement from there to the EU should become the model for the future, and best serves the interests and safety of refugees.

Conclusion

- Safe and legal pathways to protection are in the interest of member states
- Resources to domestic agencies are essential
- How does Ireland act internationally and what do we call for?
- Relocation and resettlement will draw out existing weaknesses in our domestic procedures and policies