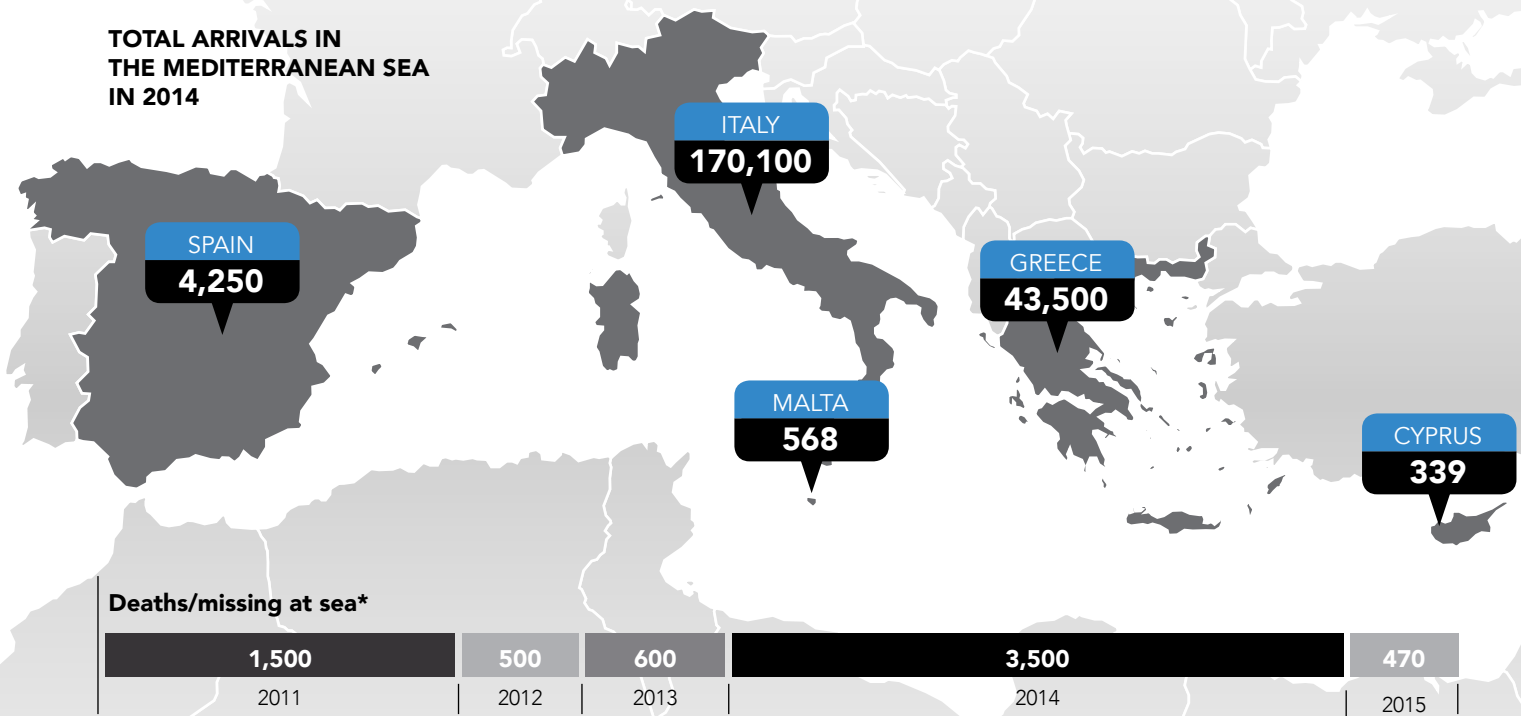


# CENTRAL MEDITERRANEAN SEA INITIATIVE (CMSI)

## ACTION PLAN

### TOTAL ARRIVALS IN THE MEDITERRANEAN SEA IN 2014



\* Data on deaths and people missing at sea are estimates.

## EU SOLIDARITY FOR RESCUE AT SEA AND PROTECTION OF REFUGEES AND MIGRANTS

The movement of refugees and migrants by dangerous means across the Mediterranean Sea towards Europe continues to exact a devastating toll on human life. Women, children and the elderly are especially at risk as they embark on these dangerous journeys. Many of those attempting this dangerous crossing are in need of international protection.

In 2014 over 218,000 refugees and migrants have crossed the Mediterranean Sea, many fleeing violence, conflict and persecution in Syria, Eritrea, Iraq, and elsewhere. Over 3,500 women, men and children have died or have gone missing in their attempt to reach Europe. These tragedies illustrate that existing mechanisms and arrangements are not sufficient to prevent deaths at sea. A comprehensive approach is needed to address more effectively this dramatic and complex situation. Urgent and concerted action is needed, involving a broad variety of actors.

UNHCR has proposed **12 concrete steps** aimed at saving lives focusing on **three main areas of action**:

I. Steps within the European Union (EU)

II. Steps in collaboration with countries of transit and first asylum

III. Steps in collaboration with countries of origin

## I. STEPS WITHIN THE EU

- 1. STRENGTHEN SEARCH AND RESCUE (SAR) OPERATIONS.** It is important to highlight the humanitarian nature of rescue at sea and that the principle of *non-refoulement* must be respected. International law of the sea establishes clear obligations to rescue those in distress at sea. UNHCR calls for robust and predictable SAR operations along Mediterranean routes. UNHCR welcomed Mare Nostrum – the Italian Navy led rescue operation – and expressed concerns over its ending without a similar operation to replace it. SAR activities need to be initiated wherever there are indications that a vessel or the conditions of the people on board, do not allow for safe travel, creating a risk that people may perish at sea. On 1 November 2014, Frontex launched a new Operation, Joint Operation Triton, which is being carried out in the Central Mediterranean. While Triton has contributed to SAR operations, this border surveillance operation does not have the resources, scope, and mandate to carry out the SAR required. UNHCR calls for further concerted action by the EU and Member States on SAR operations based on solidarity and joint support with the objective of avoiding further loss of lives at sea.
- 2. ENCOURAGE COMMERCIAL SHIPMASTERS TO UNDERTAKE RESCUE WHERE REQUIRED.** UNHCR commends the shipmasters and the crews of the many commercial vessels, which have carried out rescue operations, saving many lives, and is well aware of the fact that these operations often put them under great strain. Steps must be taken to minimize financial and other costs for those engaged in such rescue operations. States should consider setting up a scheme to compensate shipping companies for losses incurred while rescuing people in distress at sea.
- 3. ESTABLISH MORE EFFECTIVE AND PREDICTABLE MECHANISMS FOR IDENTIFYING PLACES OF SAFETY FOR THE DISEMBARKATION OF RESCUED REFUGEES AND MIGRANTS.** It is important to develop effective and predictable mechanisms for identifying without delay places of safety for the rapid disembarkation in Europe of refugees and migrants, especially those rescued in international waters. Possible measures to develop a stronger joint EU response, by capitalizing on the mandate of the European Asylum Support Office (EASO) and through shared responsibility amongst Member States, could include: identification of a place of safety for rapid disembarkation; establishment of a screening mechanism to identify those individuals who may be in need of international protection and/or have specific needs (women at risk, unaccompanied children, victims of torture, violence or trafficking); de-linking the disembarkation from the follow-up; and transfer of those requesting asylum to a reception facility with capacity to receive them, which would not necessarily be in the country of disembarkation.
- 4. ENHANCE RECEPTION FACILITIES AND ESTABLISH ADDITIONAL FACILITIES WITH ACCESS TO URGENT CARE AND ASSISTANCE.** For people seeking international protection, cooperative arrangements might be explored among Member States to ensure sufficient capacity and treatment in accordance with the Reception Conditions Directive with due regard to the needs of families, women and children. With the increase in arrivals, reception capacity in some Member States is overstretched, negatively impacting reception conditions. Member States receiving greater number of arrivals will need support to help improve reception conditions. Additional first reception facilities could potentially be established with EU support in Member States receiving sea arrivals, where needed. Such arrangements must ensure the early identification of individuals with specific needs, and their timely referral to appropriate services and adequate reception arrangements. Information and counselling services, including legal advice about the right to apply for international protection or other relevant options, rights and obligations in general and, in particular, on the Dublin Regulation, as well as information on possible assistance for voluntary return, needs to be made available. Wider responsibility-sharing arrangements to provide additional reception capacity in other Member States could also be explored.
- 5. ESTABLISH PROFILING AND REFERRAL MECHANISMS, INCLUDING ACCESS TO FAIR AND EFFICIENT ASYLUM PROCEDURES FOR THOSE IN NEED OF INTERNATIONAL PROTECTION.** Those who wish to apply for international protection shall be given swift access to effective asylum procedures. UNHCR has developed a proposal for an “EU response package for protection at sea” aimed at supporting Member States to address operational challenges and find better responsibility sharing mechanisms. It builds on and complements actions suggested in the communication from the European Commission to the European Parliament and the Council on the work of the Task Force Mediterranean, including several measures led by EASO. As part of this, UNHCR is suggesting that the Dublin Regulation be fully implemented including a proactive and efficient use of all criteria, such as family reunification, unaccompanied children, and discretionary clauses. These are tools which have been designed by EU Member States and should be used effectively.<sup>1</sup>
- 6. FACILITATE ACCESS TO DURABLE SOLUTIONS FOR PERSONS FOUND IN NEED OF INTERNATIONAL PROTECTION AND THE ESTABLISHMENT OF A PILOT RELOCATION PROGRAMME.** To facilitate an equitable distribution within the EU, mechanisms, such as intra-EU relocation, or resettlement to non-EU countries, especially for those with family links in these countries, could be established. A pilot project could be set up, in consultation with Member States and EASO, initially for Syrian refugees rescued at sea and recognized in Italy and Greece. This pilot project would seek a better distribution among all Member States in the EU and also contribute to reduce the risk of trafficking and exploitation linked to the current onward movements within the EU.

<sup>1</sup> Also referred to in the letter UNHCR sent on March 2015 to the European Commission: <http://www.refworld.org/docid/55016ba14.html>

Additional efforts are also needed to ensure that solid national integration support programmes are developed, and that refugees receive the support they need to contribute to our societies.

- 7. PROVIDE SUPPORT FOR THE TIMELY RETURN IN SAFETY AND DIGNITY OF THOSE FOUND NOT TO BE IN NEED OF INTERNATIONAL PROTECTION OR WITHOUT COMPELLING HUMANITARIAN NEEDS.** Collective practical cooperation efforts and European funding could facilitate the return of persons determined not to be in need of international protection to their countries of origin.

## II. STEPS IN COLLABORATION WITH COUNTRIES OF TRANSIT AND OF FIRST ASYLUM

- 8. REINFORCE THE GATHERING, ANALYSIS AND SHARING OF DATA ON MOVEMENTS BY SEA IN THE MEDITERRANEAN REGION.** These will be aimed at increasing knowledge of routes, motives and profiles of arrivals as a basis for building shared assessments and responses.
- 9. FURTHER DEVELOP CAPACITY AND INSTITUTION-BUILDING IN COUNTRIES OF TRANSIT AND OF FIRST ASYLUM.** Countries of transit and of first asylum should be encouraged and supported to fulfill their obligations under international law. This could include reinforcement of protection strategies in such countries and coordination of efforts to identify and prosecute persons involved in smuggling and trafficking, including through the EU Horn of Africa Migration Route Initiative. Also critical is the need to increase support to local integration through formal education, vocational training and livelihood support. It is also important to support joint initiatives with North African authorities, in relation to asylum procedures, protection sensitive border management, improvement of equipment, and exchange of civil servants working on these issues.

UNHCR values the support that the EU has been providing to a range of initiatives, such as the recently launched Regional Development and Protection Programmes to increase protection space and develop viable and functioning asylum systems, while supporting refugee host communities.

UNHCR is working in many countries of transit and of first asylum to improve and strengthen the protection environment, ensure protective sensitive border management, and increase protection of populations with specific needs, such as women at risk, unaccompanied children, and victims of torture, violence or trafficking. In Yemen, Egypt, Sudan and Ethiopia for example, UNHCR is implementing a special multi-year child protection regional initiative, *Live, Learn and Play Safe*, which started in March 2014 and combines a regional approach with country-specific interventions. One of the main objectives of this project is to reduce the number of children engaged in secondary

movements and/or becoming victims of trafficking and smuggling. Proposals include strengthening national child protection systems, enhancing alternative care arrangements, introducing particular educational programmes, creating livelihood opportunities and facilitating family reunification.

- 10. IMPLEMENT MASS INFORMATION PROGRAMMES ALONG TRANSIT ROUTES AIMED AT INFORMING PEOPLE OF THE RISKS OF ONWARD MOVEMENTS AND ENGAGE IN A DIALOGUE WITH COMMUNITY-BASED DIASPORA ORGANIZATIONS.** Measures aimed at preventing harmful onward movements are needed, including through targeted information campaigns. These could be undertaken through local/international media in countries along migratory routes in key locations. Structured and informal dialogue with community-based diaspora organizations, as well as, other NGOs in Europe linked to the refugees arriving by sea, could help in gathering and disseminating accurate and trustworthy information on the risks of irregular onward movements and the need to combat smuggling, trafficking and exploitation. In order to be effective, these messages have to be complemented by the dissemination of information on legal avenues to reach Europe. UNHCR will soon implement two mass information projects aimed at establishing an electronic platform as a resource-base for local and international information campaigns. These projects are mainly directed at Eritrean, Somali and Syrian refugees, and will involve the respective diasporas in Europe, as well as the respective communities in countries of first asylum.
- 11. CREATE LEGAL ALTERNATIVES TO DANGEROUS IRREGULAR MOVEMENTS, INCLUDING RESETTLEMENT, FACILITATED ACCESS TO FAMILY REUNIFICATION AND OTHER PROTECTION ENTRY MECHANISMS.** Increasing legal alternatives to such dangerous voyages could reduce the incentives for people to embark on risky irregular travel. The use of humanitarian visas, private sponsorship programmes, protected entry procedures and enhanced family reunification need to be further explored. In specific cases, some Member States in the past have provided visas at embassies to enable people in need of protection to travel to European destinations. The potential to further develop such arrangements could also be considered. UNHCR is also ready to explore conditions under which UNHCR, EU and Member States could support the processing of more refugees for resettlement and other forms of admission from a designated pilot place in North or East Africa. Any such arrangements would require consultation and agreement with States, being in accordance with international law and prior commitment by Member States to offer solutions to persons in need of international protection. Solutions should also be explored for people found not to be in need of international protection, including safe and orderly returns.

Efforts to resettle refugees from countries of first asylum as well as those in transit countries need to be enhanced. Member States can play a crucial role by increasing quotas for annual arrivals, which is supported by EU



Photo: © Massimo Sestini for the Italian Navy

funds. Simplification of resettlement processes may also be required, such as accepting cases through dossier submissions and using innovative approaches to interviewing such as Skype or videoconferencing. A potential additional track for resettlement to the EU is the establishment by Member States of private sponsorship programmes, which could enable refugees to be resettled with the support of private citizens and other interested groups. Private sponsorship can take place alongside or in hybrid arrangements with government-assisted resettlement programmes, and can contribute to the unity of refugee families, in particular when they enable refugees to reunite with extended family members who may not otherwise qualify for admission under family reunification criteria. UNHCR is currently exploring such possibilities in consultation with partners in Europe.

As mentioned in step 9, a pilot project to promote and facilitate family reunification of refugees in Egypt, Ethiopia and Sudan with family members in Europe is being developed as part of the child protection regional initiative *Live, Learn and Play Safe*. This project seeks to facilitate procedures for family reunification in European countries by identifying refugees who have the right to family reunification, with a view to enable them to actually avail themselves of this right. It will also streamline the procedures through an enhanced cooperation among the European embassies in the region.

### III. STEPS IN COLLABORATION WITH COUNTRIES OF ORIGIN

UNHCR is concerned that making legal departure from countries of origin more difficult will feed into the smuggling and trafficking networks, as they will become the only option for departure. To be able to make any real headway on the issue of sea crossings, credible alternatives must be offered to the people before attempting any part of the dangerous journey while bringing real relief to host countries.

#### 12. CONTINUE TO SUPPORT RELIEF AND DEVELOPMENT PROGRAMMES IN COUNTRIES OF ORIGIN TO ADDRESS HUMANITARIAN, HUMAN RIGHTS AND DEVELOPMENT NEEDS.

Continued investment is needed in humanitarian, cooperation and development aid programmes in the countries and regions from which people move irregularly, including Sub-Saharan Africa and North Africa. The EU, its Member States and other European countries have invested significantly in programmes aimed at improving humanitarian, socio-economic conditions, stability and development in countries of origin in Africa and elsewhere over recent years, which need to be strengthened. A human rights dialogue on selected specific aspects such as child protection mechanisms could also be explored with some countries of origin.