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Update on UNHCR's operations in Europe - 2011

This update summarizes key challenges, progress and developments in the region since the last strategic overview presented at the fiftieth meeting of the Standing Committee in March 2011.

A. Major challenges and new developments

Provisional figures indicate that roughly 150,000 asylum applications were lodged from January to June 2011 in the 38 European countries for which UNHCR compiles statistics. While overall there is no significant increase in applications in these countries, new trends have emerged, including growing numbers of arrivals in Italy and Malta from North Africa (more than 55,000 persons). In 2011, an estimated 2,000 people have lost their lives attempting to cross the Mediterranean. To respond to increased needs in Italy and Malta UNHCR reinforced its capacity to support the authorities and civil society. In Turkey, some 15,000 persons seeking refuge arrived from the Syrian Arab Republic, including Iraqi refugees who had been staying in the country. Most of the Syrians, who were hosted in camps by the Turkish authorities, have since returned.

Solidarity and responsibility-sharing remain high priorities for UNHCR in Europe. Besides much-needed financial support, resettlement is an important form of responsibility-sharing, notably for persons of concern from North Africa. Within the European Union (EU), UNHCR supports efforts to assist countries facing particular pressures, such as relocation of refugees from Malta to other EU Member States.

In the northern Caucasus, after 16 years of presence in the region, UNHCR closed its office in Vladikavkaz on 1 July, at the request of, and in consultation with, the authorities of the Russian Federation. UNHCR Moscow will continue to implement mandate-related activities through partners and to monitor the situation through regular missions to the area.

The High Commissioner visited Armenia and Azerbaijan in May to follow up on the efforts by all actors concerned, primarily Governments, to provide durable solutions to the displaced in these countries.

The protection environment in Europe remains of concern. Tougher rhetoric against immigrants in many countries and manifestations of racism are affecting the lives of asylum-seekers, refugees and other protection beneficiaries. Through new partnerships and approaches, UNHCR is seeking to address racism and xenophobia and to strengthen strategies to advance integration.

UNHCR continues to support the EU as it progresses towards the Common European Asylum System, including through work on amended legislation and practical cooperation. Since creation of the European Asylum Support Office (EASO), UNHCR has participated in its management board and continues to provide support to the new EU agency. UNHCR also maintains its collaboration with the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the EU Fundamental Rights Agency.

Commemorations

In the area of statelessness, the Bureau for Europe has received strong indications from several States of their willingness to access the 1954 Convention, the 1961 Convention and the 1997 European Convention on Nationality. In Croatia, the Parliament has adopted the 1961 Convention, and in Serbia, the Government has adopted a Draft Law on Accession to the 1961 Convention which is awaiting adoption by Parliament. In Georgia, a Conference on *Prevention and Reduction of Statelessness in Georgia - Benefiting from international experience exchange and cooperation* explored the possibility of accession.

At EU level, during its EU Presidency, Poland has hosted a successful Conference on *Challenges to the development of the Common European Asylum System*. UNHCR also welcomed work towards the adoption of an EU Declaration to mark the 60th anniversary of the 1951 Convention. It is hoped that the European Union will reaffirm its ongoing commitment to the international protection system, noting the significant progress achieved towards a Common European Asylum System.

B. Progress on strategic priorities

Results-based management of operations in Europe has been strengthened. UNHCR has invested in research and gathering comparative information, including on asylum procedures, children, use of complementary forms of protection, and alternatives to detention. Obtaining data disaggregated by age and gender remains a challenge in most European countries. UNHCR continues to promote outreach to refugees in development policies and practices, for example, using UNHCR's Age, Gender and Diversity Mainstreaming methods. Support from ExCom Member States is sought to achieve this.

Access to territory and asylum procedures; and protection against *refoulement*

Access to territory and national asylum procedures continues to be a challenge. Increased use of readmission agreements and transfers under the Dublin Regulation, despite dramatic divergences in treatment and adjudication, mean that many people may not receive the protection to which they are entitled. UNHCR has worked with Frontex and States to promote training of border guards and has monitored Frontex-coordinated joint operation for the first time.

Reception conditions in some EU Member States are in need of improvement. UNHCR works closely with Governments and NGOs to address such needs, especially for vulnerable asylum-seekers and refugees. UNHCR has called for States' support for proposed amendments to the Reception Conditions Directive which would strengthen these standards.

Detention is a concern in some EU Member States, such as Hungary, Malta, Greece and Spain, where it appears to be used for most persons arriving in an irregular manner. Unaccompanied children are often among those detained for long periods in inappropriate conditions. UNHCR encourages all States to explore alternatives to detention.

UNHCR has worked to assist States in responding to unaccompanied children in the asylum process. Guidance is in preparation for determining the Best Interest of the Child in industrialized countries, focussing in particular on the European context and needs.

Building and maintaining effective asylum systems

While steady progress has been made in recent years with regard to the Common European Asylum System, significant challenges remain. Continuing divergences in recognition rates for similar groups of asylum-seekers highlight the need for more consistent approaches to law and practice, if more harmonized asylum systems are to be achieved.

At the practical level, UNHCR has worked intensively with Member States and EU institutions to support strengthening of asylum procedures. Throughout the establishment of EASO, UNHCR has contributed actively to its work. This includes providing support for Greek asylum reforms, using UNHCR resources, notably by participating in the first and second instances of the asylum procedure. UNHCR has also contributed to the European Asylum Curriculum (EAC) as an active member of the Reference Group, and

has assisted the European Commission's (EC) work in leading exchanges on asylum decision making through the 'Eurasil' forum.

UNHCR concluded two major projects in 2011 which aimed to provide specific tools to assist States. The 'Further Developing Quality' project, co-financed by the European Commission's European Refugee Fund, involved 12 Member States working closely with UNHCR on assessing and addressing needs in relation to the quality of asylum processes, and in establishing and further developing internal quality assurance mechanisms in domestic asylum systems. Bulgaria, Hungary, Poland, Romania and Slovakia took part in this project, as well as four countries in Southern Europe – Cyprus, Greece, Italy and Portugal - where the focus was on quality assessment and enhancement. This project, to which Austria, Germany, and the United Kingdom also provided extensive support, has produced a quality assurance manual and comprehensive project report.

UNHCR has published analytical research on practice concerning people fleeing situations of indiscriminate violence in armed conflict in EU Member States. The resulting report, *Safe at Last? Law and Practice in Selected EU Member States with respect to Asylum-Seekers fleeing Indiscriminate Violence* (July 2011), highlights significantly divergent approaches to the interpretation of EU protection criteria for such people.

South-eastern Europe received support for the further development and implementation of national asylum systems, laws and institutions. While several countries in the Western Balkans have seen a 100 per cent surge in the number of asylum applications in the first half of 2011, more than 90 per cent of all asylum applicants in the region abandon the asylum procedure to move onwards to the EU only weeks after their arrival. Most affected are Serbia, Montenegro and Croatia. UNHCR is working on a regional response strategy based on the 10-Point Plan of Action on Refugee Protection and Mixed Migration, in close cooperation with the EU and other stakeholders.

Refugee law training and capacity-building have been pursued with state authorities involved in refugee status determination, reception centre staff, border police and other law enforcement agents, as well as the judiciary. Raising awareness on sexual and gender-based violence remains a priority.

In Ukraine, a new law on refugees and persons in need of complementary or temporary protection was adopted. In Turkey, UNHCR provided extensive comments on drafts of two laws related to asylum. While maintaining the geographical limitation, these laws, once adopted, would introduce legislation in compliance with basic international standards.

Facilitating durable solutions for refugees

European Governments are faced with the challenge of managing culturally diverse societies, and changed migration patterns and increased mobility have placed a strain on existing social structures. This also affects refugees. UNHCR encourages all States to decisively address manifestations of racism, including hate crime and speech. In addition to communication strategies highlighting the situation of refugees, UNHCR has commented on draft legislation, participated in discussions on integration and engaged in efforts to identify gaps and support policy-making, and will continue its work in this vital area.

To date, 11 European countries have resettled refugees in 2011. UNHCR made special appeals for resettlement places for refugees fleeing Libya to other countries in North Africa. In total, around 800 places were offered in Europe, some of which were in addition to established yearly quotas, while others were within annual quotas. A second EU-funded joint UNHCR/IOM/ICMC project on resettlement, with a specific focus on reception and integration of refugees at the local level, began in September 2011.

Ending the protracted refugee situation that followed the break-up of the former Yugoslavia remains a humanitarian and political imperative. At the beginning of 2011, the High Commissioner appointed a Personal Envoy to assist the concerned Governments in addressing the needs of refugees in and from the region, and to prepare for a donors conference where support will be sought to consolidate durable solutions.

Addressing the needs of IDPs

Major obstacles to the attainment of durable solutions for IDPs in Eastern and South-eastern Europe include: lack of adequate housing for those in collective centres and substandard private accommodation; absence of livelihood opportunities in poor general economic conditions; difficulties in accessing legal, socio-economic rights and public services. The lack of civil registration and documentation remains a major problem across South-eastern Europe.

In early 2011, Serbia adopted a *National Strategy for Resolving the Problems of Refugees and IDPs* to tackle the problems of IDPs in housing, health, education, employment and documentation. UNHCR will continue to support the authorities in Serbia and Kosovo (SCR1244) to pursue voluntary return and local integration.

In Georgia, activities were undertaken in close cooperation with the Government to foster sustainable solutions for IDPs, including housing and income generation for the most vulnerable.

The inclusion of refugees in the Pankisi valley in development projects by UNDP and other partners is an important achievement. UNHCR will further ensure implementation of the local integration strategy – including through naturalization – for refugees in the Pankisi valley and elsewhere via joint efforts with the United Nations Development Programme (UNDP).

Preventing and reducing statelessness

UNHCR has increased efforts, through studies in the Netherlands, Belgium and the United Kingdom, to highlight the legislative gaps for stateless persons in Western Europe and illustrate the impact of statelessness on a person's daily life and access to rights. In mid-2011, UNHCR brought together government representatives to discuss procedures to determine statelessness and the rights set out in the 1954 Convention.

Georgia has made progress as regards the naturalization of stateless persons residing on its territory. The anticipated accession of the country to the statelessness instruments and alignment of its national legislation and practice with the relevant Conventions, are expected to further reduce statelessness in the country.

C. Financial information

The Executive Committee-approved comprehensive budget for Europe in 2011 amounts to US\$ 196.8 million. As of the end of July, this budget was 19 per cent funded.
