



**UNHCR Observations on the European Commission Communication
“A Common Agenda for integration: Framework for the Integration of Third-Country
Nationals in the European Union”
(COM (2005) 389 final, 1.9.2005)**

Introduction

UNHCR welcomes the Communication “A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union”¹ issued by the European Commission on 1 September 2005 (hereinafter “the Common Agenda” or “the Communication”). This Common Agenda is an important contribution to the development of a Community integration policy which, in turn, is an essential element of a European migration management strategy. The Communication builds upon the 2003 Commission document entitled “Immigration, Integration and Employment”², which called for a holistic approach to integration, encompassing its economic, social, political and cultural dimensions.

Integration into their host societies is the predominant durable solution for refugees in the industrialized world. This has been recognized by UNHCR’s Executive Committee³, and follows the logic of the 1951 Convention, which enumerates social and economic rights designed to assist integration. Moreover, Article 34 of the 1951 Convention calls on States to facilitate the integration and naturalization of refugees. The legal aspects of integration of refugees and beneficiaries of subsidiary protection in European Union Member States are addressed in the Qualification Directive.⁴ However, as the Common Agenda recognizes, integration also has economic and socio-cultural aspects, and involves a “dynamic, two-way process” of mutual engagement by immigrants and other residents of Member States.⁵

¹ Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: “A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union” COM (2005) 389 final, Brussels, 1.9.2005.

² COM (2003) 336 final.

³ UNHCR Executive Committee, Conclusion on Local Integration, No. 104 (LVI) - 2005, para. (d): The Executive Committee “.. notes that the 1951 Convention and its 1967 Protocol set out rights and minimum standards for the treatment of refugees that are geared towards the process of integration..” and “(j) welcomes the practice in States with developed asylum systems of allowing refugees to integrate locally...”

See also UNHCR, Local Integration and Self-reliance, Doc. EC/55/SC/CRP/15, 2 June 2005.

⁴ Council Directive 2004/83/EC, 29.4.2004, on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who otherwise need International Protection and the Content of the Protection Granted (OJ L 304/12, 30.9.2004). See also UNHCR’s Annotated Comments on the Qualification Directive: <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?tbl=RSDLEGAL&id=4200d8354>

⁵ Communication, para. 1; see also UNHCR Executive Committee, Conclusion No. 104, para. (k).

While many of the issues set out in the Common Agenda apply to all newcomers in the European Union, UNHCR wishes to point out that refugees, as well as beneficiaries of complementary and temporary protection, face a number of specific challenges with regard to integration, when compared with other foreigners staying legally. The 2003 Communication left this issue to be addressed in Member States' national strategies.

Although the Common Agenda proposes concrete measures, at EU and at national levels, to put into practice each of the EU's eleven Common Basic Principles on Integration adopted by the Ministers of Justice and Home Affairs in November 2004⁶, refugees are not identified as a group needing particular attention. UNHCR urges the European Commission and Member States to devote particular consideration to the integration of refugees – including those resettled to the EU as well as those who arrive spontaneously.

UNHCR suggests that refugees and beneficiaries of subsidiary protection be taken into account in each of the processes and initiatives set out in the Common Agenda, namely:

- Refugee integration should be a regular theme in the meetings of the National Contact Points on Integration.
- Following the publication of the first “Handbook on Integration for Policy-Makers and Practitioners” in November 2004, a second edition is planned for 2006. Focusing on housing and urban issues, access to health and social services, and integration in the labour market, this revised text could usefully take the particular situation of refugees into account, and could benefit from the participation of refugees in its preparation. In this context, UNHCR's “Handbook to Guide Reception and Integration” may be a helpful resource.⁷ Although its focus is on the integration of resettled refugees, much of the content is equally applicable to all refugees.
- The Integration Website, to be developed at the request of the European Council as stated in the Hague Programme⁸, could have a section on the integration of refugees.
- The proposed European Integration Forum, involving all stakeholders, should include the theme of refugee integration in its terms of reference and should involve participation of refugees (men, women and young people).

⁶ Council Document 14615/04, 19.11.2004.

⁷ UNHCR, *Resettled Refugees: an International Handbook to Guide Reception and Integration*, 2002. <http://www.unhcr.org/cgi-bin/texis/vtx/template?page=publ&src=static/rh2002/rh2002toc.htm>

⁸ OJ C 53, 3.3.2005.

Issues of particular concern

Special circumstances: Unlike other migrants, refugees do not enjoy the protection of their countries of origin and have to rebuild their lives in their new countries of residence. Often they were compelled to flee at short notice, leaving behind belongings and, in many cases, identity documents. Many have lost contact with family members. Refugees in general have fewer contacts with their home countries than other migrants. Until and unless they become citizens of another country, travel to their countries of origin is excluded. These facts need to be taken into account in all integration measures.

Addressing the consequences of trauma: Many refugees have suffered extreme trauma before finding safe refuge and therefore may be in need of specialized care, counselling, and other types of assistance. Integration measures should be developed with this in mind.

A participatory approach: UNHCR recommends that refugees and beneficiaries of subsidiary protection be involved in the planning of integration measures and policies wherever possible. In UNHCR's experience, a participatory approach involving both refugees and local communities is the most productive⁹.

The effects of life in limbo: A considerable proportion of persons who apply for asylum in the European Union are ultimately permitted to remain, whether as refugees, beneficiaries of subsidiary protection or for humanitarian reasons.¹⁰ Yet this permission is often granted only after a legal or administrative process which has taken many years. In UNHCR's view, every effort should be made to reach a decision quickly on applications for protection, and the integration process should begin at the earliest possible point. Being left for long periods of time in legal and social limbo, and in a condition of economic dependency, has a negative impact on integration. "Introduction programmes" adopted for asylum-seekers can be very helpful, even if the individuals are not ultimately permitted to remain.¹¹ The linkage between conditions of reception of asylum-seekers and their eventual integration into the host society deserves to be recognized.

Residence status: The timely grant of a secure legal status and residency rights are essential factors in the integration process.¹² UNHCR is concerned that provisions in the Qualification Directive on the duration of residence permits, particularly for family members of refugees

⁹ UNHCR Executive Committee, Conclusion No. 104, para. (o): "Emphasizes that age and gender sensitive approaches, and attention to participatory and community development processes should permeate all activities aimed at enhancing the capacity of refugees to integrate locally...".

¹⁰ Although comprehensive statistics are not easily available, UNHCR statistics indicate that in addition to 43,895 people who received positive decisions on asylum claims in the 25 EU Member States in 2004, there were a further 19,091 who were permitted to remain on "other" grounds: UNHCR, 2004 Global Refugee Trends, June 2005. <http://www.unhcr.org/statistics>

¹¹ UNHCR Executive Committee, Conclusion No. 104, para. (k) notes that "refugees' understanding of these dimensions [legal, economic, social and cultural] may need to be facilitated through proper counselling and advice".

¹² Ibid., para. (j). The Executive Committee calls on States with developed asylum systems to support refugees' ability to integrate "through the timely grant of a secure legal status and residency rights, and/or to facilitate naturalization".

and beneficiaries of subsidiary protection, coupled with wide-ranging provisions on circumstances under which protected status may be ended,¹³ may not be conducive to integration. Although the situation of a refugee is not necessarily a permanent one, the prospect of regular status reviews can create considerable uncertainty, making it difficult for a refugee to focus on the longer term perspective which the integration effort requires. The Directive on the status of third-country nationals who are long-term residents¹⁴ grants a conditional right to permanent residency after five years of residency on the territory of a Member State; it would seem reasonable to propose a shorter period of time for refugees to gain this right. UNHCR urges the Commission and the Council to proceed with work on the proposed Directive on long term residence rights for refugees and beneficiaries of subsidiary protection, and to give them access to such rights after an initial three year period. Similarly, and bearing in mind the principle of non-discrimination, it is UNHCR's view that refugees and beneficiaries of subsidiary protection should not be excluded from the principle of freedom of movement and residence, as accorded to EU citizens and, conditionally, to certain categories of third country migrants.¹⁵ UNHCR therefore hopes that an instrument can be adopted quickly regarding long-term residence rights for refugees and beneficiaries of subsidiary protection, and the transfer of responsibility.

Different rights: UNHCR remains concerned about the different rights and benefits accorded to refugees and beneficiaries of subsidiary protection in the Qualification Directive.¹⁶ This differential treatment may not be conducive to social harmony. Moreover, the need for international protection of beneficiaries of subsidiary protection is equally compelling, and frequently as long in duration, as that of refugees. The basic needs and circumstances will be the same for people in both categories, whether with regard to access to the labour market and to integration support or with respect to family reunification. Indeed, in UNHCR's experience, the possibility to be reunited with one's family members is of vital importance to the integration process. Family members can reinforce the social support system of refugees and, in so doing, promote integration¹⁷.

Making use of skills: Like many other observers, UNHCR is particularly concerned that refugees and beneficiaries of subsidiary protection often face difficulties in putting their skills to good use in their host countries, including in the European Union. Recognition of qualifications obtained in countries of origin is a widespread problem, leading to under-utilization of human resources¹⁸. UNHCR urges the EU to devote particular attention to this issue, and to take account of the fact that it is often not possible for refugees to provide the documentary evidence from countries of origin that host countries may normally require.

¹³ Council Directive 2004/83/EC, OJ L 304/12, 30.9.2004, articles 14, 19 and 24.

¹⁴ Council Directive 2003/109/EC, 25.11.2003 concerning the Status of Third-Country Nationals who are Long-term Residents, OJ L 16, 23.1.2004.

¹⁵ See the relevant provisions in Council Directive 2003/109/EC.

¹⁶ Council Directive 2004/83/EC, Chapter VII, articles 20 - 34.

¹⁷ UNHCR Executive Committee, Conclusion No. 104, para (n)(iv).

¹⁸ Ibid., para (m)(iii). The Executive Committee encourages States "to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by refugees prior to entry into the host country."

Respect, tolerance and the social and cultural dimensions of integration deserve to be specially highlighted. The Communication recognizes that “structural barriers” to integration have to be overcome.¹⁹ UNHCR urges States to implement anti-discrimination policies and awareness-raising activities aimed at combating discrimination and at promoting the positive aspects of a diverse society. States and other actors are urged to combat intolerance, racism and xenophobia, and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees. This should aim at allowing them to participate actively in the civic, economic, and social and cultural life of the host country.

The challenge of integration of third-country nationals in the European Union is as complex as it is important, not only for the long-term well-being of newcomers, but also for the communities that receive them. UNHCR welcomes the attention and resources that are being devoted to this issue, and encourages States and institutions to continue with an inclusive and consultative approach to developing the EU framework for integration. As part of this effort, the unique situation of refugees and other people in need of international protection should be taken into account, including their rights, needs and potential contribution to the societies offering them protection.

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¹⁹ Communication, para. 1 (Introduction). UNHCR Executive Committee Conclusion No. 104, para. (n) notes that the social and cultural dimension of integration “requires refugees to make conscientious efforts to adapt to the local environment and respect and understand new cultures and lifestyles, taking into consideration the values of the local population, and requires the host community to accept refugees into its socio-cultural fabric, both processes being underpinned by values of diversity, non-discrimination and tolerance..”