



Recommendations to the Slovak Republic for its Presidency of the Council of the EU

July – December 2016



Iraqi refugee mother talks with family members and a friend in their rented home in Trnava.

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The Slovak Republic will hold the Presidency of the Council of the European Union (EU) at a critical time. An extensive reform agenda has been proposed by the European Commission to address the ongoing and significant challenges in the Common European Asylum System (CEAS) identified during the large-scale arrivals last year. Key amongst these is the lack of an effective mechanism to provide for solidarity among Member States and solidarity with persons in need of international protection. Immediate priorities include ameliorating the humanitarian situation in Greece and ensuring safeguards in the context of the implementation of the EU-Turkey statement. Efforts to address the root causes of displacement, to support the stabilisation of displaced persons in countries of origin or of first asylum/transit and to develop complementary pathways to access protection in Europe and beyond need to also be enhanced.

Against this background, UNHCR recommends the following to the Slovak Presidency:

1. Contingency planning

The implementation of the EU-Turkey Statement led to a significant fall in the number of arrivals to Greece while the number of arrivals to Italy remains consistent with arrival numbers for 2015. However, the experience of recent months indicates that arrival trends and humanitarian conditions can change very swiftly. Comprehensive and regular contingency planning, at national and EU level, needs to be undertaken in partnership with all key actors and national authorities to increase levels of preparedness within the EU. UNHCR acknowledges the important role that the Commission has assumed and welcomes the strengthened role for the proposed new EU Agency for Asylum in contingency planning and emergency response as foreseen in the Commission's proposal. Together with its partners, UNHCR is ready to continue supporting contingency planning and preparedness measures at the national and EU levels, and to assist the Presidency in relation to such activities.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Encourages EU institutions and Member States, working with other concerned stakeholders, to undertake comprehensive contingency planning, and ensure plans are in place for a range of scenarios; and
- Enhances co-ordination at the EU and country levels to ensure good co-ordination among all key actors involved in responding to the needs of refugees, asylum seekers and migrants.

2. Relocation

Of the estimated 49,000 persons on the mainland in Greece since the closure of the northern land border, the majority are likely to be eligible for relocation. Eligible asylum-seekers need to be swiftly relocated to other Member States to provide them with access to asylum procedures and protection, and to alleviate the situation in Greece. Together with the Greek authorities and European Asylum Support Office (EASO), UNHCR is undertaking a pre-registration exercise which can assist in referring people eligible for relocation, and is prepared to further support the relocation operation. The relocation schemes are an important tool to address the current humanitarian situation in Greece. A wide interpretation of eligibility for the schemes needs to include Iraqis currently in Greece, and asylum-seekers who have arrived in the EU since the establishment of the schemes.

The significant challenges in the implementation of the relocation schemes now need to be overcome. UNHCR has issued a number of recommendations aimed at addressing the current challenges, which include: the need for improved reception capacities, both in Greece and Italy as well as in Member States of

relocation, and delays and prohibitive preferences in the 'indication' and 'filling' of available places by Member States of relocation. The Commission's fourth report on relocation and resettlement has confirmed that greater efforts on the implementation of relocation are increasingly urgent in view of the humanitarian situation in Greece and the increase in the arrival of persons eligible for relocation in Italy. As we approach the half-way point of the duration of the Council Decisions on relocation, the rate of implementation of relocation stands at a mere 2 per cent.

According to the latest report, 24 Member States have made 8,090 places available for relocation as of 13 June 2016. Some Member States have not made any pledges at all. However, UNHCR observes that the actual number of places formally indicated as available and open to be filled within the normally foreseen two-month period remains significantly lower and does not allow Greece and Italy to promptly relocate applicants. In addition, registration capacity needs to be scaled up to ensure the prompt registration of eligible candidates and their onward referral to the relocation procedure. In addition, with onward movements now largely halted and with the new solidarity mechanism proposed by the Commission modelled on the relocation scheme, it must begin to operate effectively.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Encourages Member States to pledge the full amount of relocation places foreseen in the Council's Decisions for Greece (63,302) and Italy (34,953) without restrictive preferences;
- Assists Member States to engage more actively in resolving obstacles encountered, and accelerate the response time to relocation, including by increasing capacities to process relocation requests and conducting security interviews within the set two-week period, in partnership with the Greek and Italian authorities and relevant agencies;
- Undertakes initiatives aimed at securing the urgent relocation of vulnerable persons, especially unaccompanied and separated children following a best interests determination;
- Encourages the Commission and Member States to take an inclusive approach to eligibility for relocation and include Iraqis who were present in Greece or Italy prior to the latest changes in the EUROSTAT recognition rate which affect eligibility;
- Explores possibilities to lower the eligibility threshold for relocation candidates to include additional nationalities likely in need of international protection;
- Encourages Member States to use the Dublin procedure in a more pragmatic and expedited way to facilitate the reunion of families within the EU with a particular focus on the transfer of unaccompanied and separated children; and
- Explores the possibility that Member States not temporarily participating in relocation would contribute to the integration costs of participating States for a period of time.

3. Reform of the CEAS – Solidarity

The Commission's Communication of 6 April 2016 "*Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe*" set out five priorities: establishing a sustainable and fair asylum system including through the reform of the Dublin system; reinforcing the Eurodac system; achieving greater convergence in the EU asylum system including through amendments to the Asylum Procedures, Qualification and Receptions Conditions Directives; preventing secondary movements; and reforming the EASO to transform it into an EU Asylum Agency (EUAA).¹

In March 2016, UNHCR set out recommendations for developing an effective European system for allocating responsibility for asylum-seekers based on solidarity.² These included the proposed creation of European Registration Centres; the distribution of asylum-seekers across Member States according to a distribution key which takes into account factors such as family links, work or study in a Member States, or knowledge of a language; the possibility for beneficiaries of international protection to establish themselves in another Member State after a shorter period of time than currently possible (under the Long Term Residents' Directive), under certain conditions; supporting local integration; and assisting in returns of persons found not to be in need of international protection. While appreciating the challenging nature of discussions on a solidarity mechanism and distribution key at the European Council level at present, UNHCR encourages the Presidency to advance discussions on this issue given its significance and the importance of addressing the proposed reform package in a holistic manner.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Continues to advance the discussions that have commenced on the Dublin Reform proposal at European Council level;
- Encourages Member States to give weight to the evidence base set out in the many reviews conducted on the operation of the Dublin III Regulation when reviewing options for reform;
- Calls on the Member States to contribute the necessary guest officers and technical assets to Frontex and EASO to enable these agencies to fully implement their support activities on the ground pending changes to the Regulations governing these agencies; and
- Encourages Member States to make active use of the Dublin Regulation, pending its reform, to facilitate the reunion of families within the EU with a particular focus on the transfer of unaccompanied and separated children.

¹ European Commission, *Communication from the Commission to the European Parliament and the Council – Towards a Reform of the Common European Asylum System and enhancing Legal avenues to Europe*, Com(2016) 197 final, 6 April 2016, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf.

² UNHCR, *Stabilizing the situation of refugees and migrants in Europe - Proposals to the Meeting of EU Heads of State or Government and Turkey on 7 March 2016*, 3 March 2016, available at: www.refworld.org/docid/56e2fc8da.html

4. Reform of the CEAS – Harmonisation

UNHCR supports the aim of further harmonising the CEAS to achieve a high level of protection across the EU and ensure that persons in need of international protection have access to fair and efficient asylum procedures. This is essential to ensure that refugees and others in need of it receive the same level of protection and rights regardless of the EU Member State in which they apply for asylum. Such harmonisation would also contribute to better integration of beneficiaries of international protection and could have an impact on reducing irregular secondary movements within the EU. Similarly, the Commission's proposal under the EU Blue Card revision³ to extend the scope to beneficiaries of international protection could also contribute towards the reduction of irregular secondary movements.

In January 2012, UNHCR suggested that consideration be given to the use of a Regulation as a more appropriate legislative act to complete a Common European Asylum System⁴ in line with Article 78 (2)(a), (b) and (d) of the Treaty on the Functioning of the European Union (TFEU). UNHCR thus welcomes the intended use of Regulations for the reforms as announced by the Commission. However, UNHCR cautions that while further harmonisation across the EU is a welcome objective, this ought not lead to a harmonisation at the lowest common denominator or lowering of the present level of rights. In this respect, Article 78 of the TFEU in particular requires that the EU policy on asylum, subsidiary protection and temporary protection "must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees."⁵

UNHCR is concerned at current proposals, among others, under which addressing secondary movements may have an impact on the merits of an asylum claim or, in the case of a recognised refugee, may lead to a review of status contrary to Article 1 C of the 1951 Convention, or result in the provision of substandard reception conditions limited to emergency healthcare. UNHCR considers that punitive measures alone will not reduce secondary movements. If permissible (necessary and proportionate to the aim to be achieved), these should be combined with a set of incentives: for example prioritising the claims of applicants who comply with all procedures for registration and fingerprinting, or facilitating early/prioritised access to rights under the Reception Conditions Directive. The funding available under the Asylum, Migration and Integration Fund (AMIF) needs to be implemented in full by all EU Member States to support integration and asylum. Irregular secondary movement could be further reduced by allowing persons with protection status to move to another EU Member State from six months after a grant of status subject to certain conditions, including the ability to support themselves.

³ European Commission, *Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment*, COM(2016) 378 final, 7 June 2016, available at: http://ec.europa.eu/dgs/home-affairs/w hat-w e-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/directive_conditions_entry_residence_third-country_nationals_highly_skilled_employment_en.pdf

⁴ UNHCR, *UNHCR comments on the European Commission's Amended Proposal for a Directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection status (Recast) COM (2011) 319 final*, January 2012, available at: <http://w w w .refw orld.org/docid/4f3281762.html>.

⁵ European Union, *Consolidated version of the Treaty on the Functioning of the European Union*, 13 December 2007, OJ C 115/47 of 9.05.2008, <http://w w w .unhcr.org/refw orld/docid/4b17a07e2.html>

The Commission is also envisaging a common approach for the use of safe country concepts, including by removing Member States' discretion in using these concepts. Any presumption of safety would need to be based on precise, impartial, and up-to-date information from a range of independent sources, including UNHCR, allowing the applicant to have an effective opportunity to rebut the presumption of safety of the country in his/her individual circumstances. Any use of safe country concepts should be confined to procedures in which the procedural safeguards set out in the Asylum Procedures Directive are guaranteed.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Ensures that discussions on further harmonisation of the CEAS are aimed at achieving an appropriate level of protection across the EU;
- Promotes an enhanced engagement of EASO and the European Commission in ensuring full compliance with the CEAS in all Member States;
- Steers the reform process with due regard to the requirements of Article 78 of the TFEU, under which the CEAS needs to be fully consistent with the 1951 Convention relating to the status of refugees and its 1967 Protocol; and
- Proposes that irregular secondary movements be tackled through the full implementation of AMIF funding for integration and the facilitation of establishment in another EU Member State from six months after a grant of status subject to certain conditions, including the ability of a person to support themselves.

5. European Union Agency for Asylum

The Commission's proposal for the creation of a European Union Agency for Asylum⁶ aimed at strengthening the role of EASO and developing it into an agency which can assume a new role in the implementation of policy and a stronger operational role is welcome. The current EASO mandate and resources are too limited to allow the Office to assume a more effective role in implementing and facilitating a functioning CEAS, as reflected in the 2015 external evaluation of EASO, and the lessons learned during the European refugee emergency. The proposed agency would, *inter alia*, be responsible for an evaluation mechanism for monitoring compliance of Member States with the CEAS; ensuring a more harmonised assessment of international protection across the EU to address differences in recognition rates through common Country of Origin Information (COI) assessments and guidelines; and intervening on its own initiative in support of Member States facing emergency situations, including for case processing and reception related support. UNHCR has long advocated for such structural changes to strengthen the EASO mandate and capacities.

⁶ European Commission, *Proposal for a Regulation of the European Parliament and of the Council on the European Union agency for Asylum and Repealing Regulation (EU) No 439/2010*, COM(2016) 271 final, 4 May 2016, available at: <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-271-EN-F1-1.PDF>.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Urges Member States to support the transformation of EASO into an effective European Union Agency for Asylum with the authority and resources to promote and enforce common asylum and reception standards across the EU; and
- Supports the development of a new European Union Agency for Asylum with the independence and authority required for the production of objective assessments as to whether a country can be considered as a safe third country, safe country of asylum, or first country of asylum.

6. European Border and Coast Guard Agency

With agreement reached on a new Regulation at the informal Justice and Home Affairs Council in July, Frontex will soon transform into an EU Border and Coast Guard Agency (the EU Border Agency) that will share responsibility with Member States for implementing the European Integrated Border Management approach (IBM). The EU Border Agency will be provided with a reinforced role in a number of areas, such as monitoring; crisis prevention and return operations; as well as increased resources for the deployment of officers and equipment to the EU external borders to assist in preventing and responding to situations of particular pressure due to unpredicted or unmanaged refugee or migratory arrivals.

The Presidency has a key role to play in ensuring that the implementation of the EU Border Agency Regulation brings about an effective shared management of the EU external borders in compliance with protection-sensitive border management standards. The establishment of an EU Border Agency would help to eliminate gaps in accountability in terms of compliance with fundamental rights and international protection obligations.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Urges Member States to support the implementation of the Agency's new responsibilities, accompanied by the development of a fair, transparent and effective complaints mechanism, and the adoption of a sound Fundamental Rights Strategy in consultation with the Agency's Consultative Forum on Fundamental Rights;
- Ensures the new Agency will prioritise all aspects of the IBM concept in its work, including the impact on fundamental rights, and preparedness to receive and refer applications for international protection; and
- Works with Member States to ensure that compliance with fundamental rights is a central criterion for assessing the quality, coherence and effectiveness of joint operations, return operations, and rapid border interventions undertaken by the new Agency.

7. Predictable and Credible Legal Pathways to Europe

To date, Europe's contribution to global resettlement remains modest, accounting for approximately 10 per cent of global resettlement intakes over the past five years. Recent initiatives have tended to focus predominantly on Syrians in Turkey. Yet, there are a number of other protracted refugee populations also in desperate need of protection and solutions, including nationalities who can be found moving along strategically important routes for Europe, such as Eritreans and Somalis. The Commission's proposal to develop a structured EU system for resettlement is a positive development. UNHCR hopes that the focus of this programme will be closely aligned with UNHCR's global priority situations for resettlement, and that there will be a serious increase in European resettlement quotas.

The European Agenda on Migration also requests Member States to make use of other complementary pathways of admission. This has equally been supported by the UN Secretary-General on the basis of equitable responsibility-sharing.⁷ UNHCR strongly urges EU Member States to pursue such initiatives more rigorously.

UNHCR is concerned that an increasing number of EU Member States have recently restricted access to family reunification for beneficiaries of subsidiary protection. Restricting such access risks leading to more individuals, including women and children, being compelled to resort to smugglers to try to reach safety. Conversely, facilitating family reunification contributes to reducing secondary movements and promotes integration.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Urges Member States to receive refugees on resettlement and complementary pathways⁸ from *all* priority refugee situations identified by UNHCR, and with a view to supporting a global target of at least 10 per cent of the global refugee population annually;
- Advances the development of the Commission's proposal for a joint EU resettlement scheme that is responsive to global needs, and that sets ambitious numerical targets, with a minimum of 20,000 new resettlement places to be made available per year immediately, with a view to progressive expansion in the coming years.
- Vigorously explores opportunities through AMIF to support private sponsorship programmes in cooperation with civil society; promotes the increased use of existing mechanisms, such as the Erasmus Mundus programme, to significantly expand the study opportunities available to refugees in Europe; and further explores the opportunity of the EU Blue Card revision to facilitate access for refugees outside of the EU to this scheme;
- Encourages Member States to simplify and facilitate the family reunification process, and

⁷ UN Secretary-General's Report, *In Safety and Dignity: Addressing Large Movements of Refugees and Migrants*, April 2016, para. 83, available at: www.un.org/pqa/70/wp.../10/.../21-Apr-Refugees-and-Migrants-21-April-2016.pdf

⁸ Fundamental Rights Agency, *Legal entry channels to the EU for persons in need of international protection: a toolbox*, which contains a number of examples of 'Promising Practices' from around the world, and is available at: http://fra.europa.eu/sites/default/files/fra-focus_02-2015_legal-entry-to-the-eu.pdf.

provide information and assistance for those eligible for family reunification in the EU, as well as in countries of transit, and countries of origin;

- Promotes the equal treatment of refugees and beneficiaries of subsidiary protection in terms of eligibility for family reunification, to support integration and reduce the risk of persons resorting to smuggling or irregular secondary movements;
- Tasks EASO with a feasibility study on practical cooperation and support to accelerate family reunification procedures, including through the deployment of experts to Member States' embassies and consulates to increase processing capacities; and, explores the potential of EASO to pool capacities among Member States to make legal pathways work;
- Suggests the collection by Eurostat of statistics on family reunification, including a breakdown of the permits granted for family reasons based on the status of the sponsor.

8. Integration

UNHCR observes with concern the growth of anti-foreigner rhetoric, discrimination and, in some cases, extremist sentiments that have emerged in some EU Member States. The EU is built on the values of freedom, peace, democracy, the protection of human rights, and solidarity. Member States have a long tradition of providing a safe haven to those fleeing violence, persecution and conflict, which must be preserved. Continued resolute leadership is called for at this particularly difficult time to de-dramatise and de-politicise the humanitarian challenges of protecting refugees and to provide a better understanding of refugees and the right to seek asylum. UNHCR underlines the positive contributions that migrants, refugees and their families make to all societies – bringing skills, language abilities, cultural richness, and a willingness to work, as they seek to build a new life. However, to fulfill their potential, refugees and other beneficiaries of international protection must be supported in this process and provided with the tools they need to fully integrate.

UNHCR welcomes the publication of the Commission's Action Plan on the integration of third country nationals, which is designed to step up its activities to ensure the effective integration and participation of all. In connection to this, and building on the work of the Commission's Member States Expert Group on the Framework Decision on Racism and Xenophobia over the past five years, the Commission's establishment of a new *EU High Level Group to Combat Racism, Xenophobia and other Forms of Intolerance* to progress on countering hatred and intolerance in Europe is a welcome initiative that UNHCR will support.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Promotes the full use of AMIF funding to support integration, including by proposing that the requirement to spend 20 per cent of national funding on integration and social inclusion apply for all Member States, without exception, on an annual basis;
- Supports a more comprehensive approach to promoting good practices on integration and ways to reflect these practices in national policies and programmes through the newly established *European Network on Integration* as well as the *Partnerships under the Urban Agenda for the EU*;
- Urges Member States to commit to the prevention of discrimination; the promotion of inclusion; the combatting of xenophobia; and the development of comprehensive national plans for the inclusion of refugee and migrants who are permitted to remain, as laid out under Pillar I of the UN Secretary-General's report, and in cooperation and systematic dialogue with relevant national ombudspersons, national human rights institutions and civil society; and
- Linked to this, ensures that the newly formed EU High Level Group on Combatting Racism, Xenophobia and other forms of Intolerance is supported in its mandate in seeking to develop concrete practices and tools, and to build capacity to improve responses to such incidents. This could include challenging racist or xenophobic statements of political leaders, the development of positive counter-narratives in cooperation with the media, appropriate recording and referral mechanisms for victims of attacks, and the use of infringement mechanisms for hate speech that is not addressed by Member States.

9. Unaccompanied and Separated Children: the Need for an Integrated, Holistic and Multi-disciplinary Approach

UNHCR's Global Trends Report indicates that children constituted approximately half of the total refugee population in 2015. Globally, the number of unaccompanied and separated children on the move has also risen, with some 98,400 lodging asylum claims in 2015, the highest number on record since UNHCR began recording such data in 2006. Against this backdrop, the High Commissioner for Refugees' Dialogue on Protection Challenges will have as its theme "Children on the Move" this year. Globally, and in Europe, UNHCR has been advocating, together with other agencies, for a holistic and multidisciplinary approach to child protection.⁹ Children, regardless of their immigration status, need to be treated first and foremost as children. Given the large numbers that continue to arrive on Europe's shores in mixed flows as well as the high number of children currently in Greece, there is an urgent need to prioritise these children, including by fast tracking those eligible for relocation and transferring those with family links in other EU Member States under expedited Dublin procedures. A Best Interest

⁹ UNHCR, *Safe & Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*, October 2014, available at: <http://www.refworld.org/docid/5423da264.html>.

Assessment would ideally be undertaken at the earliest opportunity together with the child and their representative to identify the best pathway for the child. This would include early family tracing, where deemed in the child's best interests, and a decision on referral to child protection, asylum, immigration or other procedures. A decision on a durable solution should not be deferred until the child turns 18. Sufficient and appropriate reception capacity coupled with robust guardianship systems would reduce the number of children going missing from care, preventing them from falling prey to unscrupulous smugglers and traffickers.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Works to ensure that during the negotiations on the CEAS reform, Member States make provision for the exemption of children from punitive measures;
- Promotes a child protection approach to unaccompanied and separated children involving an early Best Interest Assessment, which includes effective tracing, to identify the best pathway for the child;
- Encourages Member States to pledge a considerable number of relocation places for unaccompanied children and undertake expedited transfers under the Dublin Regulation to reunite children with family member; and
- Supports initiatives to strengthen reception capacity and existing guardianship systems in both Greece and Italy.

10. Statelessness

On 4 December 2015, the Council's Conclusions on statelessness were adopted. They invite the Commission to launch exchanges of good practices among Member States, using the European Migration Network (EMN) as a platform. They also invite Member States' national contact points to actively participate in that platform providing all relevant information with a view to ensuring that it will be a useful instrument to achieve the objectives of reducing the number of stateless people, strengthening their protection and reducing the risk of discrimination. UNHCR supports the EMN in its follow-up to the Conclusions, which will be presented in the course of the Slovak Presidency.

In November 2014, UNHCR launched the Global Campaign to End Statelessness by 2024. With sufficient political will, it is possible to reach this goal within the EU. An important step to show commitment to achieving this goal would be the accession by the remaining EU Member States to the 1954 Convention relating to the Status of Stateless Persons¹⁰ and to the 1961 Convention on the Reduction of Statelessness.¹¹

¹⁰ Cyprus, Estonia, Malta and Poland.

¹¹ Cyprus, Estonia, France, Greece, Luxembourg, Malta, Poland, Slovenia and Spain.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Supports the work of the EMN to ensure an effective platform for the exchanges of information and good practices on statelessness in the EU; and
- Makes the accession to the two UN Statelessness Conventions and their implementation by all EU Member States a priority.

11. Addressing Root Causes of Displacement

The European Agenda on Migration committed the EU to address the root causes of forced displacement, and reflections have been taking place at various high-level multi-stakeholders meetings to that effect. At the Valetta Summit on Migration in November 2015, the EU Emergency Trust Fund to tackle the root causes of irregular migration in East, West and North Africa was launched. UNHCR actively supported an integrated approach to the Valetta principles that combines the five pillars discussed at the Summit. On 7 June 2016, the Commission issued a new Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration which provides an opportunity for reinforcing migration partnership with nine targeted countries, while highlighting the need for the EU to implement a more efficient return and readmission policy.

UNHCR finds that the five pillars of Valetta, as well as its underlying principles, are not yet fully reflected in the implementing mechanisms which tend to take a fragmented approach. For instance, the Regional Development and Protection Programmes in the North and Horn of Africa do not take a harmonising and comprehensive approach, and do not seem to be connected to other EU funded regional or national projects. Further, the Trust Fund allocations lack transparency, and duplicate other measures in many ways.

Furthermore, EU engagement in the development of a combined humanitarian and resilience response is substantial but needs to be further boosted, through greater EU development cooperation, by the Commission and Member States working closely together. The Commission's Communication of 26 April 2016 on *Forced Displacement and Development* is an excellent policy framework which now needs to be implemented, particularly in the almost forgotten displacement crises which are out of the media headlines.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Pursues efforts to ensure that funding allocations of the Trust Fund for Africa (but also other similar EU Trust Funds established for the Middle East and for Colombia) address long-term root causes of forced displacement and irregular movements;

- Encourages the adoption of a genuinely integrated and all-encompassing approach based on the five pillars, as set out at the Valetta Summit;
- Ensures that EU Trust Funds and other available mechanisms will also further support livelihood and education opportunities for people in need of international protection in hosting countries; and
- Actively supports the Commission and Member States implementing the EU policy framework aimed at addressing protracted displacement situations and fostering self-reliance of refugees and other forcibly displaced persons, as set out in the Communication of 26 April 2016.

12. Funding for Displacement

With humanitarian needs rising exponentially, and displacement crises becoming more protracted, the inherent insufficiency, and unpredictability of voluntary donations for humanitarian response is apparent. The Grand Bargain is a step in the right direction, and the international community must follow through to implement commitments issued at the World Humanitarian Summit, such as multi-year funding, less earmarking, and harmonised and simplified reporting requirements. In the current context of growing conflict-induced displacement, development actors are not engaged early enough in many situations where they are needed. Humanitarian actors are therefore time and again forced to act as substitutes for the absence of development assistance in situations of forced displacement. In this regard UNHCR strongly supports the Commission's Communication and Council's Conclusions on *Forced Displacement and Development*. As mentioned in the Communication, the delivery of humanitarian and development assistance would need to happen in parallel, with development actors becoming engaged from an early stage of an emergency.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Enhances joint engagement by development agencies, donors and international financial institutions, so as to provide enhanced structural and resilience support to host communities and displaced populations from the onset of a crisis;
- Initiates action on the Grand Bargain commitment for a progressive reduction in the earmarking of humanitarian contributions, so as to achieve the global target of 30 per cent of humanitarian contributions being un-earmarked by 2020;
- Supports a multi-year funding approach for speedy and predictable responses to humanitarian crises;
- Supports also a greater use of social inclusion mechanisms with a view to ensuring that displaced populations do not remain marginalised nor forgotten, and that children do not become 'lost generations'; and

- Steers the development of robust EU proposals at the Secretary-General's High-Level Plenary Meeting of the United Nations General Assembly on Addressing Large Movements of Refugees and Migrants in September 2016, for the adoption of a global refugee compact that also improves humanitarian and other forms of assistance, with a view to supporting solutions as well as stabilisation of populations in protracted displacement.

13. World Humanitarian Summit

Follow-up to the commitments made at the Summit remains a key issue. The Secretary-General will report on the Summit to the General Assembly by September 2016, and propose ways to take the commitments forward at the inter-governmental and inter-agency levels, as well as through the various networks and platforms launched. UNHCR made 33 individual commitments covering five core responsibilities. UNHCR appreciates the EU's strong position in support of the WHS mapped out in the Council Conclusions. UNHCR commends the EU for its strong position on overcoming the silos, and advocating for an early entry of development assistance into situations of displacement. The Grand Bargain process, which was heavily supported and steered by the EU and its Member States, is a key achievement in UNHCR's view, and the next months will be central to ensuring the effective implementation of recommendations in this regard.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Invests in the follow-up process of the Grand Bargain, and ensures that discussions will continue to secure the effective implementation of the results; and
- Pursues advocacy to clearly implement the commitments made under the core responsibility to leave no one behind.

14. Mid-Term Review of the 2014-2020 Multi-Annual Financial Framework of the EU

The mid-term review of the Multi-Annual Financial Framework, scheduled for next year, could be used to orient the EU budget further towards jobs, growth and competitiveness, but also towards simplification of the budget implementation rules. The public consultation on the revision of the financial rules applicable to the EU budget launched in March 2016 has come to an end. A total of 104 individuals and organisations, including from the United Nations Brussels-based Team, have contributed. A synopsis report covering the substance of the replies will follow within three months.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Supports the UN contribution to the consultations on the revision of the financial rules applicable to the EU budget;
- Reflects with the EU institutions on how contributions to UN agencies such as UNHCR can be made more predictable and less cumbersome in terms of management costs; and
- Steers discussions on EU future spending allocations in accordance with EU priorities related to migration and asylum, including in addressing the root causes of forced migration in third-countries.

15. Asylum, Migration and Integration Fund (AMIF)

Although the European Commission's Asylum, Migration and Integration Fund (AMIF) has been operational since 2014, it has taken some time to operationalise it fully. This was due in part to the timeframe for the mandatory Policy Dialogue that Member States undertook with the Commission over 2013 and 2014, and the establishment of the new authorities responsible for managing the AMIF. This timeline created a long gap from which many operational partners in all Member States structurally suffered. Based on information available to date, UNHCR's assessment is one of an under-use of available funding so far. This underspending is particularly notable in the areas of asylum and integration, which are priority areas of investment to provide a balanced approach to migration management. UNHCR is concerned that some States have not agreed to spend the minimum mandatory 20 per cent on integration and on asylum issues, and that most of the funds remain in the hands of the responsible national authorities rather than local actors (including municipalities and NGOs). Funds need to be made available to local actors so that they can address the gaps which can lead to secondary movements and poor social and economic inclusion.

Recommendations:

UNHCR recommends that the Slovak Presidency:

- Urges Member States to ensure the full and swift implementation of the much needed AMIF funds, including their disbursement to local partners, local authorities and NGOs;
- Makes increased use of the AMIF Partnership Principle with all concerned social actors in order to jointly identify and address, through AMIF funding, gaps in all the various steps of a full-fledged asylum system (ie eligibility procedures, reception capacity, access to rights, integration) in line with the existing good donorship principles;
- Promotes the full use of AMIF funding to support integration, including by proposing that the requirement to spend 20 per cent of national funding on integration and social inclusion should apply for all states without exception and should apply on an annual basis; and

- Ensures that the EU budget implemented through the AMIF is rigorously spent by responsible authorities on national priorities related to integration and social inclusion.

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