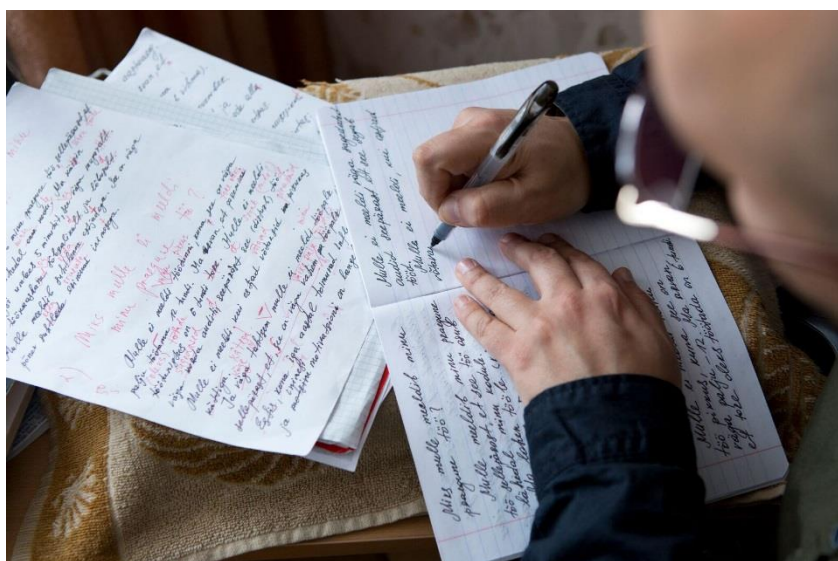




Updated recommendations to the Republic of Estonia for the Presidency of the Council of the European Union

July - December 2017¹

Estonia: A Tajik refugee learns Estonian



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The Republic of Estonia will hold their first Presidency of the Council of the European Union at an important juncture in the revitalization and development of the European Union's (EU) asylum and migration policies.

Despite the existence of the Common European Asylum System (CEAS), there are significant differences in the implementation of the asylum *acquis* and fundamental, and at times systemic, deficiencies in some national asylum systems. EU Member States need to fully implement the EU *acquis*. In parallel, the reform of the CEAS is an important opportunity to harmonize standards and practice upwards, while addressing the shortcomings that became apparent during the events of 2015 and 2016 in a protection-oriented and principled manner.

With regard to engagement beyond the EU's borders, a number of initiatives have been proposed at the EU and global levels. It is key to build upon these

¹ The present recommendations should be read together with UNHCR's "Better Protecting Refugees in the EU and Globally" December 2016 proposals, available at: <http://www.refworld.org/docid/58385d4e4.html>, as well as with UNHCR's more detailed commentaries on the European Commission's proposals to reform the Common European Asylum System.

initiatives to ensure that the EU is engaged externally to protect, assist and find solutions for refugees.

In December 2016, UNHCR had issued joint recommendations to the Republic of Malta and Estonia for their Presidencies of the Council of the European Union.² Considering the latest policy and operational developments, Malta's achievements during its Presidency, the joint programme of the Estonia-Bulgaria-Austria trio-Presidency³ and Estonia's own priorities and programme,⁴ UNHCR wishes to update its recommendations by proposing four key aspects on which Estonia may wish to focus during its tenure. These aspects are interlinked and need to be advanced in parallel.

1. An EU that is engaged beyond its borders

A. Mobilizing support for the development of the Comprehensive Refugee Response Framework and the Global Refugee Compact

The New York Declaration⁵ called for global responsibility-sharing in order to provide an effective response to the growing number of forcibly displaced persons. The principle of global responsibility-sharing has been further developed in the Comprehensive Refugee Response Framework (CRRF).⁶ Important EU policy developments⁷ are concomittant with follow-up work on the CRRF and consultations ahead of the elaboration of the Global Refugee Compact. In that context, the complementarity of development funding and political support to host countries is paramount. As the EU will start planning its 2020-2027 programming cycle in 2018, early sensitization about the inclusion of refugees and their hosts in the development response is key. This should eventually contribute towards mainstreaming issues relating to forced displacement in EU development cooperation.

UNHCR recommends that the Estonian Presidency:

- Provides visibility to the CRRF and Global Refugee Compact to ensure that the process of their development and implementation features high on the EU's agenda. A stock-taking event on the EU's support to the run up to the Global Refugee Compact would feed into the consultations on the elaboration thereof.

² UN High Commissioner for Refugees (UNHCR), *Recommendations to Malta and Estonia for the Presidency of the Council of the European Union*, December 2016, available at: <http://www.refworld.org/docid/586520344.html>.

³ Council of the European Union, *Taking forward the Strategic Agenda, 18-month programme of the Council (1 July 2017 – 31 December 2018)*, 2 June 2017, available at: <https://www.eu2017.ee/sites/default/files/2017-06/Trio%20programme.pdf>.

⁴ See *Priorities of the Estonian Presidency and Programme of the Estonian Presidency*, available at: <https://www.eu2017.ee/priorities-estonian-presidency> and <https://www.eu2017.ee/programme>.

⁵ UN General Assembly, *New York Declaration for Refugees and Migrants : resolution / adopted by the General Assembly*, 3 October 2016, A/RES/71/1, available at: <http://www.refworld.org/docid/57ceb74a4.html>.

⁶ *Ibid*, Annex I.

⁷ Those include the 2016 Communication "*Lives in Dignity: From aid-dependence to self-reliance*", the 2016 Council Conclusions on Forced displacement and Development Assistance, the 2017 *Council Conclusions on Operationalizing the Humanitarian-Development Nexus* and the 2017 new "*European Consensus on Development*". These policy documents mirror the New York Declaration as they all argue for a comprehensive approach to forced displacement globally.

- Encourages EU Member States and institutions to provide additional and substantive funding to countries hosting large numbers of refugees, including as part of the COHAFA and CODEV meetings. In this context, EU Member States and institutions need to ensure better coordination between their bilateral and multilateral contributions.
- Aims at making the humanitarian-development nexus a reality. This could be done by galvanizing EU Member States and institutions to lend their political weight in favour of the inclusion of refugees in the national development plans of refugee-hosting countries. This is to ensure that, in the spirit of the Sustainable Development Goals, refugees can notably benefit from education and health services, as well as access to the labour market.

B. Increasing access to resettlement and developing complementary pathways of admission

EU contributions to global resettlement remain modest, with 14,205 persons resettled to 17 EU Member States in 2016.⁸ Facing record numbers of persons forcibly displaced globally, and greatly reduced resettlement to the United States, including from Turkey, EU Member States need to significantly increase their annual resettlement quotas to respond to the needs of all protracted refugee populations. To the extent possible, these need to align with UNHCR's Projected Global Resettlement Needs (estimated at 1.2 million persons globally in 2018),⁹ and need to be complemented by other pathways of admission for refugees to access protection. To do so would be consistent with the New York Declaration and the CRRF.

Expanded opportunities for resettlement and complementary pathways could be established in CRRF pilot countries, Regional Development and Protection Programme (RDPP) and Migration Compact countries, as well as in other countries of first asylum on the strategically important routes to Europe, such as Libya and Niger.

Work on the proposal for a Union Resettlement Framework¹⁰ needs to be advanced during the Estonian Presidency. The proposal represents a timely and welcome development, but must remain consistent with the protection-centred, humanitarian basis of resettlement.

UNHCR recommends that the Estonian Presidency:

- Encourages all EU Member States to adopt credible annual resettlement quotas to respond to diverse and protracted refugee populations and to fulfil their commitments under the July 2015 Council Conclusions on Resettlement.¹¹

⁸ Eurostat, *Resettled persons by age, sex and citizenship, Annual data*, available at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asvresa&lang=en.

⁹ UN High Commissioner for Refugees (UNHCR), *UNHCR Projected Global Resettlement Needs 2018*, 12-14 June 2017, available at: <http://www.unhcr.org/protection/resettlement/593a88f27/unhcr-projected-global-resettlement-needs-2018.html>.

¹⁰ European Commission, *Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council, COM(2016) 468 final*, 13 July 2016, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/resettlement_system_en.pdf.

¹¹ Council of the European Union, *Outcome of the Council Meeting*, 3405th Council meeting, Justice and Home Affairs, Brussels, 20 July 2015, available at: <http://www.consilium.europa.eu/en/meetings/jha/2015/07/20/>.

- Explores with EU Member States, with targeted support from the European Commission and the European Asylum Support Office (EASO) where feasible, opportunities for resettlement and the development of complementary pathways from CRRF, RDPP and Migration Compact countries.
- Advances work on the proposal for a Union Resettlement Framework, ensuring that it reflects resettlement as a tool for protection and a durable solution, that it aligns with the existing international architecture, and that it is responsive to global resettlement needs.

C. Enhancing international protection in the Western Balkans as part of the pre-accession process

UNHCR welcomes and remains ready to fully support the investment made by EU institutions and agencies, including EASO and Frontex, in developing protection-sensitive border management and in capacitating asylum and migration systems in countries in the Western Balkans. Progress has been made in some areas, but gaps remain. In some cases, authorities are failing to ensure that asylum-seekers and persons found in need of international protection are treated with full respect for their human rights. In March 2017, the European Council renewed commitments to engaging at all levels to support Western Balkan countries in conducting EU-oriented reforms and projects.¹² It is therefore opportune for the Estonian Presidency to sustain the momentum of Western Balkan countries to further establish protection-sensitive migration management and asylum systems, integration opportunities, and civil registration and documentation systems for persons at risk of statelessness.

UNHCR recommends that the Estonian Presidency:

- Promotes initiatives focused on the Western Balkans aiming at ensuring quality reception conditions, granting access to fair and efficient asylum procedures, enabling refugees to exercise their rights and fully integrate in their arrival countries, and effectively identify persons at risk of statelessness and ensure their access to civil registration and documentation confirming their identity and nationality.
- Supports EASO in their capacity-building activities for the Western Balkans, including by encouraging all EU Member States to provide experts and opportunities for study visits, where relevant.
- Shows strong leadership in the Council, including in the Working Party on Enlargement and Countries Negotiating Accession to the EU to ensure that the asylum-related benchmarks of accession Chapters 23 and 24 are fully met.

¹² European Council, *Conclusions by the President of the European Council (9 March 2017)*, Brussels, 9 March 2017, available at: <http://data.consilium.europa.eu/doc/document/ST-5581-2017-INIT/en/pdf>.

2. An EU that is prepared

A. Establishing contingency plans and preparedness measures

Contingency plans and preparedness measures are essential to respond effectively to possible future arrivals in significant numbers. However, such measures are still not systematically developed throughout the EU. All EU Member States and EU candidate countries need to draw up contingency plans in a concerted manner to avoid the fragmented response witnessed in 2015 and 2016.

Opportunities to advance contingency planning over the next six months arise through the European Border and Coast Guard (EBCG) Regulation,¹³ adopted in September 2016, which includes provisions focusing on preparedness. In addition, the proposal for a recast Reception Conditions Directive, currently still being discussed in the Council, includes a provision instituting mandatory contingency planning.¹⁴

UNHCR recommends that the Estonian Presidency:

- Supports the implementation and full operationalization of EASO's and the EBCG's activities, including those pertaining to contingency and preparedness. This entails encouraging EU Member States to nominate qualified staff to relevant deployment pools.
- Supports the provision on mandatory contingency planning in the proposed recast Reception Conditions Directive, as well as the mainstreaming of mandatory contingency planning in all relevant proposed CEAS instruments, particularly in the proposed European Union Agency for Asylum (EUAA) Regulation.¹⁵
- Establishes a coordination mechanism at EU-level for EU Member States and other relevant countries to develop contingency plans in a concerted manner. EASO, and the proposed EUAA, would be well-placed to lead that coordination. UNHCR could provide support based on its own expertise. The Integrated Political Crisis Response (IPCR) meetings would prove a helpful platform to ensure better preparedness.

¹³ Council of the EU and European Parliament, *Regulation 2016/1624 of the European Parliament and of the Council 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC*, available at: http://frontex.europa.eu/assets/Legal_basis/European_Border_and_Coast_Guard.pdf.

¹⁴ European Commission, *Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)*, Brussels, 13 July 2016, available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0465>.

¹⁵ 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*, Brussels, 4 May 2016, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf.

3. An EU that protects

A. Implementing the CEAS and fostering solidarity

Despite the existence of the CEAS, standards and practices continue to vary widely throughout the EU. UNHCR has consistently noted that the standards and practices of some EU Member States are at variance with international law. It is crucial that EU Member States fully implement the current asylum acquis to ensure quality reception conditions and procedures and support the implementation of the Dublin Regulation.¹⁶ Securing quality reception conditions and procedures would also contribute to reducing onward movement and the risks of sexual and gender-based violence.

An effective implementation of the Dublin Regulation and the two relocation Decisions¹⁷ has the potential to foster solidarity between EU Member States and with applicants. EU Member States need to effectively implement the Dublin Regulation, including by making use of their discretionary powers under the Regulation to facilitate family reunion. The Council's two relocation Decisions are so far the only legal instruments designed specifically to share responsibility and facilitate access to protection for asylum-seekers in EU Member States under particular pressure. Yet, progress on the Decisions' implementation remains slow.

UNHCR recommends that the Estonian Presidency:

- Uses all available fora, including Justice and Home Affairs Councils and Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) meetings, to encourage all EU Member States to fully implement the existing EU asylum legislation and policies with the view to ensuring quality reception conditions and procedures.
- Calls upon Member States to undertake measures to reduce the risk of sexual and gender-based violence, including through improved reception conditions and functional Dublin transfer arrangements.
- Encourages EU Member States to fully implement the Dublin Regulation to enable swift family reunion, including by using their discretionary powers under the Regulation where necessary.

¹⁶ This includes providing asylum-seekers with an effective opportunity to lodge their asylum claims, ensuring adequate reception conditions, as well as guaranteeing that asylum procedures, including timeframes, are in line with applicable EU law. This also means that detention is only resorted to as an exceptional and last resort measure, when determined to be necessary, reasonable, and proportionate to a legitimate purpose, with alternatives to detention effectively available and accessible, and with prompt judicial review in place.

¹⁷ Council of the European Union, *Council Decision 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece*, 14 September 2015, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_2015_239_R_0011 and Council of the European Union, *Council Decision 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece*, 22 September 2015, available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015D1601>.

- Calls upon all EU Member States to support initiatives aimed at facilitating relocation and supports the European Commission's view that EU Member States' legal obligations do not cease after the expiry of the relocation Decisions in September 2017.¹⁸

B. Continuing work on the CEAS reform

Aspects of the European Commission's proposals focus on providing international protection outside of the EU, in a way that appears at variance with the EU's commitments to global responsibility-sharing. This includes the proposed mandatory use of admissibility procedures based on the first country of asylum and safe third country concepts. UNHCR reiterates that admissibility arrangements are not currently amenable to mandatory use across the EU.¹⁹ Rather than a focus on protection outside of the EU, UNHCR has suggested the use of fair and efficient procedures to ensure rapid access to protection for those who need it and to facilitate the return of those who do not.²⁰

The European Commission's proposals also focus on preventing irregular onward movement within the EU, including through sanctions for applicants. UNHCR acknowledges that onward movement can pose significant risks and challenges for individuals and States alike. However, considering punitive measures alone to address onward movement may only discourage applicants to register in the EU Member State where they arrived. EU Member States need to focus on incentives rather than utilising sanctions alone. In this context, the drivers of onward movement need to be considered and addressed.

UNHCR endorses the CEAS reform proposals' emphasis on procedural safeguards such as the applicants' right to information as well as to legal assistance and representation at all stages. Similarly, UNHCR welcomes the improved safeguards for persons with specific procedural and reception needs, including unaccompanied and separated children. These strengthened safeguards, however, are unlikely to offset strict and adverse consequences for non-compliance. This is particularly the case if applicants cannot benefit from these strengthened safeguards in the first stages of the procedures or if they are provided only where applications have a prospect of success.

UNHCR recommends that the Estonian Presidency:

- Adopts a protection-oriented approach to the reform, notably by ensuring that key procedural safeguards and protection principles are upheld.

¹⁸ See, for example, European Commission, *Report from the Commission to the European Parliament, the European Council and the Council – Twelfth report on relocation and resettlement*, COM(2017) 260 final, p. 11, 16 May 2017, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516_twelfth_report_on_relocation_and_resettlement_en.pdf.

¹⁹ See UN High Commissioner for Refugees (UNHCR), *Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity*, p. 13, December 2016, available at: <http://www.refworld.org/docid/58385d4e4.html>.

²⁰ UN High Commissioner for Refugees (UNHCR), *Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity*, December 2016, available at: <http://www.refworld.org/docid/58385d4e4.html>.

- Supports the deletion of references to any mandatory use of admissibility procedures in the European Commission's proposals. Instead, EU Member States need to consider prioritized examination of manifestly well-founded claims and accelerated procedures for manifestly unfounded claims, with all relevant safeguards in place.
- Encourages EU Member States to focus on incentives in order to prevent onward movement, including the timely prioritization of family reunion under the Dublin Regulation, including before admissibility checks, an upward harmonization of procedural standards and efficiency, as well as early access to the labour market in all EU Member States.
- Echoes the European Commission's emphasis on strengthening procedural safeguards (e.g. on information, legal assistance and representation, guardianship) while encouraging EU Member States to ensure that these are available as close as possible to the making of an application, and not provided only where applications have a prospect of success.

C. Ensuring access to the EU protection space

Current practices and policy directions may result in effective limitation or prevention of access to the EU protection space. In addition to the proposed use of mandatory admissibility procedures, several EU Member States are currently seeking to limit access to their territories, including through sea borders, in a manner that is not compatible with obligations under international and EU law. Such practices need to cease. The appropriate referral of persons who may be in need of international protection as well as search and rescue operations for persons in distress at sea, are key components of European integrated border management.

Arrangements for arrivals to the EU need to be well-managed, including through improved registration. Currently, practices regarding registration diverge widely across the EU. Existing national and EU databases do not communicate satisfactorily between each other, resulting in duplication. UNHCR has proposed the establishment of an integrated registration system to facilitate an orderly processing of arrivals, access to protection, security screening and family reunion. This integrated system could build on Eurodac and other existing databases.

In a complementary manner, a functioning return policy is important to maintain a credible EU asylum system. UNHCR takes note of the Renewed Action Plan on Return²¹ and its related Recommendation,²² on which follow-up work is ongoing. In this context, UNHCR recalls that returns should take place in full respect of fundamental rights and dignity. Forced return can only follow a rejection in a fair procedure, voluntary return opportunities and absent of compelling humanitarian or statelessness-related considerations. Where there are grounds for detention as per

²¹ European Commission, *Communication from the Commission to the European Parliament and the Council on a More Effective Return Policy in the European Union - a Renewed Action Plan*, COM(2017) 200, 03 March 2017, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_a_more_effective_return_policy_in_the_european_union_-_a_renewed_action_plan_en.pdf.

²² European Commission, *Recommendation of 7.3.2017 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council*, C(2017) 1600, 07 March 2017, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_commission_recommendation_on_making_returns_more_effective_en.pdf.

the Return Directive,²³ alternatives to detention need to be considered first. It is also key that pre-departure counselling, reintegration support and post-return monitoring be available.

UNHCR recommends that the Estonian Presidency:

- Promotes fair and efficient procedures within the EU and the implementation of European integrated border management in a way that fully complies with international law, EU fundamental rights and corresponding accountability mechanisms.
- Supports the establishment of an integrated EU registration system, building on the Eurodac proposal, the work of the High Level Expert Group on Information Systems and Interoperability and Estonia's own expertise in I.T. matters.
- Ensures that the work on the Renewed Action Plan on Return and its related Recommendation, as well as their implementation, comply with key safeguards and principles.

D. Prioritizing measures to protect children and stateless persons

The Estonian Presidency will have a key role in following up on Member States' commitments to address the protection gaps faced by children.²⁴ In this context, the recommendations resulting from the consultative process jointly established by UNHCR-UNICEF-IRC can prove helpful.²⁵ UNHCR takes the view that children should not be detained for immigration related-purposes, irrespective of their legal or migratory status, or that of their parents, as it is not in their best interests. Instead, appropriate care arrangements and alternatives to detention need to be in place.²⁶ Additionally, strengthened, effective and protective guardianship can ensure that the best interests of the child are the determining factor in identifying solutions for children.

As regards stateless persons, those among the refugee and migrant populations in Europe often remain unidentified as such and therefore unprotected. Stateless persons should be effectively protected on the ground of their statelessness. Therefore it is critical that EU Member States register persons who declare themselves as stateless as such upon arrival, including through the Eurodac Regulation and via harmonized registration practices. All EU Member States also need to establish and implement statelessness determination procedures to ensure identification of stateless persons and enjoyment of their rights under the 1954

²³ Council of the European Union and European Parliament, *Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals*, 16 December 2008, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF>.

²⁴ On 8 June 2017, the Council of the European Union welcomed the European Commission's Communication on "the protection of children of migration" of 12 April 2017. See Council of the European Union, *Conclusions on the protection of children in migration*, 8 June 2017, available at: <http://data.consilium.europa.eu/doc/document/ST-10085-2017-INIT/en/pdf>.

²⁵ UN High Commissioner for Refugees (UNHCR), UNICEF, International Rescue Committee, *Discussion Paper on a Possible Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children*, available at: <https://data2.unhcr.org/ar/documents/download/53109>.

²⁶ UN High Commissioner for Refugees (UNHCR), *UNHCR's position regarding the detention of refugee and migrant children in the migration context*, January 2017, available at: <http://www.refworld.org/docid/5885c2434.html>.

Convention relating to the Status of Stateless Persons.²⁷ The four remaining EU Member States should accede to this Convention. In addition, there is a real risk of statelessness for many of the children of refugees and migrants born in Europe, either because their parents are stateless or because their parents cannot transfer their nationality. Therefore, all EU Member States should accede to the 1961 Convention on the Reduction of Statelessness²⁸ and fully implement its provisions. UNHCR will convene a High Level Meeting on Statelessness in 2019 to assess achievements, showcase good practices and allow for pledges by States to take action to address statelessness in the remaining five years of UNHCR's Campaign to End Statelessness. UNHCR counts on the EU and its Member States to help ensure that this event sees the announcement of many concrete achievements and pledges.

UNHCR recommends that the Estonian Presidency:

- Shows leadership in advocating to end child detention for immigration-related purposes and encouraging all EU Member States to actively explore accessible and child-appropriate alternative care arrangements. This is of particular relevance in the context of the reform of the CEAS and of the implementation of existing instruments such as the Return Directive.
- Calls on EU Member States to further strengthen the provisions on guardianship in the CEAS instruments. This includes providing for the appointment of an (*ad hoc*) guardian as early as possible, as well as explicitly referring to the necessary qualifications of guardians and the fact that they should guarantee the child's best interests and well-being.
- Follows up on the December 2015 Council Conclusions on Statelessness²⁹ by encouraging further action and exchanges of information and good practices, including on statelessness determination procedures and the prevention of statelessness at birth. This could be done notably through a Good Practices meeting organized in partnership with the European Migration Network (EMN) platform on statelessness.

4. An EU that integrates

A. Supporting and facilitating integration

Building social cohesion, stability and security requires that communities are well-prepared to receive refugees. In turn, refugees must be supported to realize their potential in their new communities. However, some EU Member States are failing to dedicate the resources needed to support comprehensive integration support, including through their Asylum, Migration and Integration Fund (AMIF) national envelopes. At a minimum, it is essential that EU Member States make available on

²⁷ UN General Assembly, *Convention Relating to the Status of Stateless Persons*, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117, available at: <http://www.refworld.org/docid/3ae6b3840.html>.

²⁸ UN General Assembly, *Convention on the Reduction of Statelessness*, 30 August 1961, United Nations, Treaty Series, vol. 989, p. 175, available at: <http://www.refworld.org/docid/3ae6b39620.html>.

²⁹ Council of the European Union, *Council Conclusions on Statelessness*, 4 December 2015, available at: <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04-council-adopts-conclusions-on-statelessness/>.

an annual basis, with no exception, the resources designated for integration through AMIF. UNHCR has proposed that all EU Member States should spend 30 per cent of their AMIF funding on integration each year.³⁰

Additionally, a secure protection status is key to successful integration. Uncertainty can have a significant impact upon the ability of refugees to integrate, including, for example, in securing appropriate housing or job prospects. Beneficiaries of international protection require the certainty brought by the timely granting of a secure protection status, which should not be subject to regular review, and associated residency rights.

Finally, there are direct links between family reunification, mental health and successful integration. Family unity is therefore a key principle to safeguard. However, family reunification is often legally and practically difficult, has limited possibility for success, and entails risks of prolonged separation and significant procedural costs. As a result, the need to swiftly reunite with family members is one of the key drivers of irregular onward movement. This can effectively be addressed through expanded and facilitated access to family reunification for beneficiaries of international protection.

UNHCR recommends that the Estonian Presidency:

- With the European Commission, promotes the full use of AMIF resources available for integration, and explores avenues for increased access to funding for local integration actors (e.g. local authorities, local NGOs) and for financial support for family reunification.
- Supports measures aiming at providing refugees and others in need of international protection with a secure and stable status, as well as aligning the rights and obligations of beneficiaries of subsidiary protection with those of refugees. This is of particular relevance in the context of discussions on the proposed Qualification Regulation.³¹
- Starts engagement between EU Member States on measures aiming at providing for effective family reunification arrangements.³² In particular, the Presidency may focus on ensuring that beneficiaries of subsidiary protection have access to family reunification under the same favourable rules as those applied to refugees.

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³⁰ See UN High Commissioner for Refugees (UNHCR), *Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity*, p. 19, December 2016, available at: <http://www.refworld.org/docid/58385d4e4.html>.

³¹ European Commission, *Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents*, COM(2016) 466 final, 13 July 2016, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf.

³² UN High Commissioner for Refugees (UNHCR), *Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity*, December 2016, p. 6, available at: <http://www.refworld.org/docid/58385d4e4.html>.