



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

“An open and safe Europe – what next?”

Statement

António Guterres, United Nations High Commissioner for Refugees

Brussels, 29 January 2014

Commissioner Malmström, Distinguished Delegates, Ladies and Gentlemen,

Thank you very much for inviting me to be a part of this important discussion about the future of home affairs policies in the EU, six months after the milestone adoption of the recast Common European Asylum System. This is an important step forward, with higher standards and gaps filled in several key areas, and I commend the European Commission – and Commissioner Malmström in particular – for having steered this process so successfully. Now, we must focus together on making implementation effective, and UNHCR stands ready to work with Member States, offering its practical experience and assistance.

Today numerous crises and conflicts have forced more people from their homes worldwide than at any time in 20 years. The Syrian conflict alone has caused one of the worst humanitarian crises in recent history, with millions displaced. In this context, we are called on, as the international community, to increase our solidarity and strengthen international protection for those who need it. EU leadership on refugee rights and protection will be crucial in addressing some of these challenges.

It is certain that much has been accomplished on asylum in Europe since the adoption of the Stockholm programme in 2010. But there is still a lot of work to do to ensure that the end result will truly be a common system, with a uniform asylum status, common procedures and reception standards across the Union, and absolute respect for the principle of *non-refoulement*. The transposition process must not be allowed to result in “asylum à la carte” with even more exceptions. The Commission and the Courts will have to play an important role in this regard, as well as the European Asylum Support Office with respect to practical implementation and cooperation.

The current situation is worrying on many levels, and one of the best illustrations of several aspects that need improvement in European asylum matters is the plight of Syrians seeking protection in the EU. Given the vastly different standards across the EU, it is not surprising

that 60% of all Syrian applicants in the Union have claimed asylum in only two countries – Sweden and Germany.

Protection rates also vary significantly. In the first half of 2013, several Member States granted protection to nearly all Syrians, others to fewer than 50%, and some to none at all. Throughout most of last year, about 60% of Syrians applying for asylum in the EU were given subsidiary protection, with less than 30% receiving refugee status.

Furthermore, there is no consistency in reception conditions, which are severely sub-standard in a number of countries, including the sometimes excessive use of detention. Syrians are fleeing one of the worst conflicts the world has seen in decades, and many of them have been subjected to unspeakable human rights violations and persecution in their home country. Ensuring adequate standards of treatment for them as they seek safety in Europe should be a priority for every EU Member State.

Although it is true that asylum claims in the 28 Member States have increased in 2013, they still only make up a small proportion of the global refugee population. Some 43,000 Syrians claimed asylum in Europe in 2013, some of whom had already been legally residing in the EU. This compares to over 1.7 million new arrivals registered in countries neighbouring Syria during the same period, meaning Europe received some 2.5 % of the refugees that the countries in the immediate region had to cope with last year. Or, to put it differently, measured against the total population of the country, the number of refugees currently hosted in Lebanon alone would be equivalent to over 13 million in France, 14 million in the United Kingdom and 17.5 million in Germany.

Ladies and Gentlemen,

Let me set out a few of the most pressing issues which UNHCR believes the new common asylum system must address.

First, and most important, is ensuring effective access to protection at the EU's external borders. 25 years after the fall of the Berlin wall, we see new walls being erected in Europe to prevent irregular migration, which too often also prevent people fleeing war or persecution from seeking safety. These bad practices set precedents for other parts of the world, and I appeal to Member States to respect the principles underpinning the Common European Asylum System, which are based not on walls, fences and additional administrative barriers, but on the human rights values of this continent.

In a similar vein, UNHCR is concerned by the multiplication of readmission agreements with countries located just at the external EU border that lack the capacity to offer effective reception and protection to refugees. These agreements should not apply to asylum seekers, and I strongly encourage Member States to put in place protection safeguards, including clearer instructions to border guards and access to interpreters at borders, both of which are lacking in many cases.

I fully acknowledge the dual challenge all States must confront – of offering a hand of support and protection to those in need arriving at their borders whilst, at the same time, ensuring the security of their own countries and societies. States have the right, and indeed the obligation, to manage their borders responsibly. But this needs to be done in a way that is ‘protection sensitive’ and does not preclude those who need protection from seeking it. I am convinced that EU countries have the capacity to do this better, and in many cases, significant improvements can be made through relatively straightforward measures.

Second, there needs to be more respect for the principle of free movement for asylum-seekers that is contained in the recast directive on reception conditions. Detention should be used only as a last resort and on the basis of an individual assessment, and only if alternatives cannot be applied effectively. Sharing of experience and best practices on such alternatives to detention would be important to provide Member States with the means to fulfill this obligation.

Third, I believe that one of the goals of the Common Asylum System should be a mechanism for the transfer of protection responsibilities when people who have been granted international protection exercise their acquired rights and take up residence in other Member States.

Fourth, there must be more effective intra-European solidarity on asylum matters. Implementing asylum rights in these times of austerity is difficult for some Governments, and I am fully aware that existing EU financial divisions may undermine the development of cooperation in this field. But Europe has a collective responsibility to provide protection to those who have lost it in their own countries. Solidarity must include financial, training and practical processing support – and this should also harness the capacities of other actors, particularly local authorities and NGOs which often provide the most effective services in terms of reception and integration. But solidarity measures must also contain more effective early warning and emergency response, which – if it had existed a few years ago – could have helped to prevent what is currently happening in Greece and Bulgaria.

UNHCR stands ready to pilot some innovative procedures under the Central Mediterranean Sea Initiative, such as supported or joint processing, and, in order to avoid people resorting to dangerous means to reach Europe, alternative legal methods to access the EU. I hope we can work on these aspects with some member States, the Commission, EASO, and countries beyond the EU.

The dysfunctional current European system not only limits protection, but it penalizes the countries with the best asylum systems. All measures to increase solidarity must therefore go hand in hand with increased harmonization under the new common asylum system.

Fifth is the upcoming opportunity in 2015 to formally review the implementation of the Dublin agreement. An effective system to determine responsibilities for asylum claims within

the EU can only work if a common asylum system exists in practice. We need collectively to address the shortcomings of the Common European Asylum System and ensure compliance with the Dublin Regulation at all levels, including the correct use of all the criteria to determine the responsible country.

Sixth, I fully recognize that a functioning common asylum system in Europe also entails having in place an effective mechanism to return those found not to be in need of international protection. UNHCR is ready to work with other partners, notably IOM, on assisted voluntary return programmes. But I do acknowledge that non-voluntary return may also be necessary in some cases to protect the asylum space for those in need of asylum and combat perceptions of the asylum system being abused.

And, last but not least, I hope to see more effective integration in EU countries, including through targeted measures aimed at people granted international protection. I am concerned by the lack of adequate integration support – if any – to refugees in several EU countries. Improvements in this area can help newcomers to contribute more effectively to their host societies early on, and reinforce public support for asylum policies and practice. A considerable amount of research also points to the fact that speedy family reunion for those in need has a positive impact.

But integration also takes a welcoming environment, and I hope EU countries will do more to combat extremist views that blame all social and security problems on the presence of foreigners. Fighting racism and xenophobia must not be confined to concerned civil society. Governments, mainstream political parties and responsible media must assume this responsibility with courage and determination. Strategies that cater to populist sentiments with the aim of gaining votes or increasing market shares will always, in the end, turn against those who employ them.

Ladies and Gentlemen,

Beyond ensuring the effective transposition of the Common European Asylum System into national legislation of the Member States, there are two broader priorities which I hope Europe will consider as it shapes its vision for the future of freedom, security and justice.

One of these priorities is a more ambitious goal for EU resettlement. On average, the European Union only accounts for approximately 7% of refugees resettled by UNHCR. The “Resettlement Saves Lives” campaign by several European and international organizations advocates for 20,000 resettlement places to be available in Europe by 2020, which both the European Commission and UNHCR fully support. A stronger European resettlement programme would help the development of effective asylum systems in the EU’s southern and eastern neighbourhood, as well as alleviating the pressure on asylum systems in Europe by providing additional legal avenues to arrive in Europe as refugees.

The other priority concerns the perhaps lesser-known aspect of UNHCR's mandate – statelessness. Some 10 million people worldwide are believed to be without a nationality, which deprives them of some of the most basic human rights such as access to education, the right to work or even the right to get married legally.

In 2014, we commemorate the 60th anniversary of the *Convention Relating to the Status of Stateless Persons*, and UNHCR has launched a global campaign to eradicate statelessness within the next decade. This is an ambitious goal, but one that can be achieved if enough States support this effort – and it is entirely within reach in the European Union.

UNHCR very much welcomed the EU's pledge two years ago for all Member States to accede to the 1954 Convention and to also consider acceding to the 1961 *Convention on the Reduction of Statelessness*. I encourage those States who have not yet done so to fulfill this promise. Others also need to take practical administrative or legislative measures to solve existing situations of statelessness and to prevent new ones from occurring.

An opportunity to take stock of achievements and challenges worldwide, and to determine the next steps in the campaign to eradicate statelessness, will be the first Global Forum on Statelessness that UNHCR and Tilburg University in the Netherlands will convene this September. We very much hope to be able to welcome many of you at that important occasion.

In closing, I would like to thank Commissioner Malmström once again for giving me the opportunity to address this distinguished audience. UNHCR is fully committed to work with the Commission and its institutions towards achieving effective protection in Europe for those fleeing conflict and persecution.

Thank you very much.