

UNHCR's recommendations to Luxembourg and the Netherlands for the EU Presidency

July - December 2015 and January – June 2016

Syrian refugees resettled to Luxembourg are taking language and integration classes.



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Luxembourg and The Netherlands will successively hold the Presidency of the Council of the European Union (EU) on 1 July 2015 and 1 January 2016 respectively, at a moment when the ambitions set out in the June 2014 EU Council *Strategic Agenda for the Union in Times of Change* are seriously tested in the area of freedom, security and justice, including on asylum and migration. With an enormous displacement crisis persisting right in Europe's neighbourhood, the EU continues to face a rising number of people seeking international protection in Europe, many arriving by dangerous means including through unsafe sea voyages. In 2014 the number of arrivals by sea reached nearly 219,000, half of these were from the Syrian Arab Republic and Eritrea. So far in 2015, around 105,000 refugees and migrants have arrived by boat to Southern Europe, with 39% from the Syrian Arab Republic, 14% from Afghanistan, 8% from Eritrea and 6% from Somalia. Despite extensive search and rescue operations, over 3,500 persons died or were reported missing in the Mediterranean Sea in 2014, compared to 600 in 2013. Overall, the death toll so far this year has reached over 1,800. These increases in the arrival of people in need of protection and asylum applications lodged in the EU, have resulted in an increasing pressure on European asylum and reception systems, creating new challenges and making

evident existing gaps.¹

In this context, **UNHCR urges the Luxembourg and Netherlands Presidencies to prioritize measures implementing proposals under the Agenda on Migration focused on protection, saving lives, and addressing root causes of forced displacement and irregular movement, as well as efforts to end statelessness in Europe.**

1. The Agenda on Migration: Implementing measures focused on saving lives, protection, solidarity and addressing root causes

UNHCR has welcomed the European Commission's Agenda on Migration supporting the holistic approach adopted by the Agenda, which recognizes the need for a coordinated range of actions in a number of policy areas and cooperation with relevant EU stakeholders. **UNHCR urges** the Luxembourg and Netherlands Presidencies to lead the implementation of the European Agenda on migration, in particular focusing on measures to ensure **adequate reception** conditions for those rescued; the **establishment of an effective response mechanism** for Member States facing pressures as a result of an influx of refugees and migrants, including relocation; the **proposed EU-wide resettlement project** for those in need resettlement as well as **other legal alternatives** to dangerous sea crossings; and **addressing root causes** of forced displacement.²

The increase in arrivals continues to bring with it significant challenges, stretching reception and screening capacity in those countries bordering the Mediterranean and beyond, deepening the imbalances between EU Member States in relation to asylum processes, and putting the CEAS under serious stress.

UNHCR hopes that the Presidencies will move forward with the implementation of an **emergency relocation scheme** for people in need of international protection from Greece and Italy, which will alleviate the pressure on these receiving countries and enable them to reinforce their reception and asylum system in line with existing obligations under the EU acquis. It could also help address some of the security concerns of several Member States and contribute to the reduction of trafficking and exploitation linked to current onward movements through the Western Balkans and within the EU. In this respect the recent European Council decision on the relocation programme for 40,000 Syrian and Eritrean asylum-seekers is an important step forward, and the participation of all Member States will be key to its success.

The recommendation to establish an **EU-wide resettlement pilot project** for 20,000 people in need of international protection proposed by the Commission is another area where UNHCR hopes progress can be made during the Presidencies. The recent European Council decision endorsing this proposal is

¹ See UNHCR, *The sea route to Europe: The Mediterranean passage in the age of refugees*, 1 July 2015, available at <http://www.unhcr.org/5592bd059.html>

² See UNHCR proposals to address current and future arrivals of asylum-seekers, refugees and migrants by sea to Europe, March 2015, available at: <http://www.refworld.org/docid/55016ba14.html> ; see also UNHCR, *Legal avenues to safety and protection through other forms of admission*, 18 November 2014, available at: <http://www.refworld.org/docid/5594e5924.html>

also an important step. UNHCR urges all Member States to make concrete commitment towards this goal, in addition to existing resettlement quotas.

The European Agenda for migration also calls on EU Member States to use **other legal avenues** for people in need of international protection to reach Europe, including humanitarian visas, work and study visas, community-based private sponsorship and enhanced family reunification. This will also contribute to a reduction in individuals having no other option but to resort to the services of smugglers. For instance, more flexibility in family reunification procedures of Member States should greatly help separated family members to swiftly reunite through safe and legal pathways. In UNHCR's view, it is also important that the implementation of the proposed measures on legal migration includes people in need of international protection, for example by ensuring that refugees can access labour mobility schemes. UNHCR urges the Presidencies to spearhead the necessary actions for such measures to materialize effectively.

The Agenda on Migration commits the EU **to address the root causes of forced displacement**. In this respect, UNHCR urges the Presidencies to translate this commitment into action by ensuring that the Agenda's related proposals are actually implemented, including within the framework of the RDPPs. This should contribute to maximize the impact of development assistance plans in countries of transit and first-asylum in order to address long-term root causes of forced displacement and irregular movement. UNHCR therefore emphasizes the need to expand livelihood and education opportunities for people in need of international protection in these countries, measures proven to have an effect on reducing onward movement.

The Agenda on Migration also calls on Member States to apply the Return Directive with regard to people found not to be in need of international protection. UNHCR has long recognized the importance of return programmes for people not in need of international protection to preserve the integrity of asylum systems, and urges the Presidency to ensure that the implementation of return measures is done in line with fundamental rights and respect for the principle of non-refoulement.

2. Ending statelessness

UNHCR calls on the Luxembourg and Netherlands Presidencies to address statelessness in the EU by encouraging Member States to take measures to reduce and prevent statelessness; to ensure stateless persons in their territory are identified and protected; and to make accession to the two UN Statelessness Conventions and their implementation by all EU Member States a priority.

In the EU, statelessness affects around 400.000 persons. In November 2014, UNHCR launched a global campaign to end statelessness within a decade. With sufficient political will, it is certainly possible to reach this goal within the EU.

The EU acquis recognizes the need for legal protection for stateless persons if they fall within the scope of the Qualification Directive. States that have not done so yet should take additional measures to ensure all stateless persons in the EU who are not protected by the Qualification Directive are systematically identified through dedicated procedures and enjoy their basic rights under international human rights law, including the 1954 Convention relating to the Status of Stateless Persons. States should also promote law reform to ensure children born stateless in an EU Member State acquire a nationality, in line with the Convention on the Rights of the Child and the 1961 Convention on the Reduction of Statelessness.

The EU pledged in September 2012 that Member States which had not done so would accede to the 1954 Convention. However, the four countries concerned (Cyprus, Estonia, Malta and Poland) have not yet done so. The EU also pledged that the remaining Member States would consider acceding to the 1961 Convention on the Reduction of Statelessness, though only Lithuania and Belgium have since done so. Cyprus, Estonia, France, Greece, Italy, Luxembourg, Malta, Poland, Slovenia and Spain are not yet State parties to the 1961 Convention.

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