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NGO Statement on Europe
Agenda item 3(a)v

Thank you, Chair.

This statement has been drafted through a wide consultation and attempts to reflect the diversity of views within the NGO community.

Time for Long-term Solutions that Prioritize People

Europe is developing plans to address large-scale arrivals in the future by drawing from lessons learned from the 2015-2016 situation. Sadly, however, the emphasis has been more on short-term measures that stop migratory flows rather than comprehensive solutions in the interest of refugees, host communities and States. States have focused on responding to immediate humanitarian needs but not on investing solidly in long-term integration. A reform is needed, but not at the expense of long-term thinking and long-term solutions on which so many refugees’, host communities’ and States’ interests depend.

Too many European States have been pursuing an agenda of containment, externalization of borders and protection responsibilities. They have been excessively restricting safe and legal access channels and using punitive measures such as detaining children. These measures drive more people on the move into the grip of smugglers and traffickers and expose them to horrendous abuses. Instead of strengthening protection standards, actions in Europe have resulted in an erosion both of humanitarian values and of respect for human rights. Yet, European States can exercise a norm-setting power in the world, and have a duty, out of respect to Europe’s own history, to uphold their international human rights and protection commitments.

We saw how 2017 was another deadly year in the Mediterranean, with people desperately seeking to reach Europe in the almost total absence of other legal channels. Saving lives must remain an imperative. But how seriously is that being taken? Indeed, we must constantly bear in mind that we are talking about human beings: men, women and children and not data. Indeed, in a statement at the first formal consultations, one African nation put it eloquently: “refugees are human beings, not things.”
II. Practical Recommendations to Improve Protection, Save Lives and Reconcile State Interest with Solidarity

1. Europe needs a robust asylum system that ensures access to protection and efficient procedures: It should be based on a fair allocation of responsibilities between EU States and be overall equitable and sustainable. European States should refrain from using mandatory admissibility procedures that distinguish between applicants based on so-called 'safe countries of origin' or 'first asylum countries'. Intra-EU solidarity mechanisms need to be in place to ensure a fair allocation and contingency planning in cases of large scale arrivals. All EU Member States need to participate to make it work. Contingency planning is also needed to ensure a proper reception capacity and that resources are mobilised, echoing the CRRF commitments in this regard. European States should make a greater effort to find alternatives to detention, only using it as a last resort.

2. European States should stop shifting responsibilities to countries outside of Europe1: Over the last couple of years, Europe has engaged in an unprecedented effort to externalize control through partnerships and informal agreements with various transit and origin countries using development cooperation as a leverage for deterrence and involuntary return. These measures, however, ignore the migration and displacement realities on the ground and address the symptoms rather than the real reasons that force people to leave. Moreover, at a time when global discussions, including those related to the Global Compact on Refugees, aim at fostering responsibility sharing, policies and practices aimed at shifting controls and responsibilities outside its borders undermine Europe's own credibility as a global partner.

3. Voluntary, safe and dignified return: Europe should be aware of the risks, and the ethical, legal and political implications of a narrow focus on increasing the number of returns to unsafe countries like Afghanistan and even Syria.2 Return should happen only upon completion of a consistent, fair and efficient asylum examination without punitive measures inducing people to return, ensuring a fair, transparent partnership with third countries through proper agreements including human rights safeguards subject to scrutiny. No return should be implemented to countries with a record of human rights violations or with a serious security situation. Options for voluntary departure and access to assisted voluntary return programmes should be given to individuals throughout the return process, and the sustainability of return should be taken into account. Moreover, European States should develop measures to assist those who cannot be returned. A status, even temporary, should be granted thus enabling people and families to work, train, study, access health services, avoid destitution and provide a strong foundation for reintegration upon return. Similarly, NGOs are concerned about European States

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1 http://www.aljazeera.com/indepth/opinion/eu-complicity-refugee-abuse-libya-1712120729377704.html; See also: https://www.ecre.org/op-ed-externalizing-brutality-to-libya-is-not-an-answer-to-displacement/

attempting to return and detain persons without determining if they are stateless. In order to address this, European States need to put in place dedicated statelessness determination procedures alongside regularization routes for recognized stateless persons.

4. Protection-sensitive land and sea border management is critical, particularly in situations of mixed migration flows: Europe should maintain a full capacity for search and rescue operations in the Mediterranean and include all relevant commercial or non-commercial actors who could undertake rescue. Organized registration, identification and referral mechanisms need to be in place to ensure access to protection and health and psycho-social services for people with special needs, especially for all survivors of trafficking, torture and SGBV. Ensuring that such individuals can communicate their needs and have information on available services is essential, in particular by mobilizing appropriate and gender-sensitive language support services.

5. Ensure the protection of migrant and refugee children: Children need to be considered children first and foremost, and all European States must make their protection and best interests a top consideration. Upon arrival, children should receive: proper identification, including determination of a child’s nationality or statelessness status, registration, screening for international protection and sensitive and rights-based age assessments. They need safe and proper accommodation facilities which are child-appropriate. Moreover, providing them access to social workers, guardians, legal representation as well as health and psycho-social treatment services and child-friendly information about available services are critical components of their protection and care as are family tracing and family unity. Detention of children for immigration-related purposes should cease.

6. Expand resettlement and complementary legal pathways for refugees such as work-related and education entry visas, private sponsorships and humanitarian corridors: Resettlement and other complementary pathways should be expanded and be in addition to resettlement places already pledged by States for all priority situations – both emergency and protracted – as identified by UNHCR. At a minimum, the quota recommended by the Commission should be filled. Moreover, complementary pathways should be linked with a secure status so that refugees and their families can get stabilized and integrated.

7. Increase investment in integration mechanisms involving local authorities, civil society and private sectors: European governments tend to offer refugees only temporary status which limits both their right to family reunification and their opportunities to focus on longer term integration. Refugees should be granted secure status and the right to family reunification. European States must increase investments in integration mechanisms benefitting both refugees and host communities in order to build bridges and avoid xenophobia, misunderstandings and social exclusion. Integration happens principally at the local level; local innovative partnerships involving local authorities, civil society, private citizens and the business community can further build a welcoming culture and social change. Moreover, they offer refugees a wide range of
opportunities to directly participate in the local community, learn the language, seek employment, pursue education and engage in culture and sports. Europe needs to take integration for both refugees and host communities more seriously by ramping up efforts and resources and creating a cultural change towards social inclusion.

8. **Prevent and reduce statelessness, and improve the protection of stateless persons:** Approximately 600,000 stateless people are living in Europe today\(^3\), often at the margins of society and unable to enjoy fundamental rights. Moreover, children born in Europe to migrant or refugee parents can be exposed to statelessness due to a combination of discriminatory nationality laws, lack of birth registration, lack of adequate safeguards against childhood statelessness in European countries’ nationality laws, or failures in their effective implementation. NGOs call upon States to take decisive action in line with their human rights obligations, UNHCR’s Global Action Plan to End Statelessness by 2024 and regional developments to end statelessness, to prevent new cases of statelessness and to protect stateless persons. NGOs also call upon all States to accede to and fully implement the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the 1997 European Convention on Nationality.

**CONCLUSION**

Given these and other challenges, prioritizing people and emphasizing long-term solutions predicated on the core principles of *non-refoulement* and Europe’s commitments to human rights are desperately needed by refugees and host communities welcoming them. The fact is, refugee women, men and children not only bring their incredible resilience, energy and skills, they also bring hope to all of us for a better life and future. UNHCR’s operations in Europe are key to upholding human rights standards and principles; we look forward to continuing to partner with European States, the European Union and UNHCR both on the ground and in the process leading up to the Global Compact on Refugees.

Thank you.

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