NGO Statement on Europe
Agenda item 3(a) v

Mme/Mr. Chair.

This statement has been drafted in consultation with a wide range of NGOs.

As Europe is working on drawing lessons from the 2015-16 situation to better address large-scale arrivals, we feel the emphasis is unduly put on short-term measures to prevent movements rather than on comprehensive solutions.

Too many European States are pursuing an agenda of containment, externalization of borders and of protection responsibilities. Such approaches drive more people into the grip of smugglers and traffickers and expose them to abuses and to risks. 2017 was another deadly year in the Mediterranean. Saving lives must remain the imperative and we must remember that, as eloquently put by one African nation at the formal consultation, “refugees are human beings, not things.”

A reform is therefore indeed needed, but not at the expense of long-term thinking. This is time for long-term solutions that prioritize people.

Based on those observations, we will share practical recommendations to improve protection, save lives and reconcile state interests with solidarity:

1. **Europe needs a robust asylum system that ensures access to protection and efficient procedures:** It should be based on an equitable and sustainable allocation of responsibilities between EU members. Governments should refrain from distinguishing between applicants based on so-called 'safe countries of origin' or 'first asylum countries'. Intra-EU solidarity mechanisms need to ensure a fair allocation and contingency planning in cases of large scale arrivals. Contingency planning is also needed to ensure proper reception capacity and resources are mobilized, echoing CRRF commitments. 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 Europe:** Europe has recently engaged in an unprecedented effort to externalize control through partnerships and informal agreements with transit and origin countries, using development cooperation as leverage for deterrence and involuntary return. Such measures ignore the migration and displacement realities and do not address concrete
reasons forcing people to leave. At a time when global discussions aim at fostering responsibility sharing, policies and practices shifting controls and responsibilities outside Europe’s borders undermine its own credibility as a global partner.

3. **Voluntary, safe and dignified return**: Europe should be aware of the risks and implications of focusing on returns to unsafe countries like Afghanistan and Syria. Return should be conditioned to a consistent, fair and efficient asylum procedure devoid of punitive measures. It should be based on proper agreements with third countries including on human rights safeguards. Options for voluntary departure, assisted voluntary return programmes and sustainability of return should be available. Moreover, European States should assist those who cannot be returned, for example by granting a status, even temporary, enabling people and families to work, study, access health services, develop strong foundations for post-return reintegration.

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 work with relevant commercial and other potential rescue actors. Organized registration, identification and referral mechanisms are needed to ensure access to protection, to health and psycho-social services, including for survivors of trafficking, torture and SGBV. Ensuring that such individuals can communicate their needs is essential.

5. **Ensure the protection of migrant and refugee children**: Children are children first and foremost and European States must make their protection and best interests a top priority. 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 child-appropriate, safe accommodations. They also need access to social workers, guardians, legal representation, health and psycho-social services and child-friendly information. Family tracing and family unity are also critical to their protection. Detention of children should cease.

6. **Expand resettlement and complementary pathways for refugees such as work-related and education entry visas, private sponsorships and humanitarian corridors**: Resettlement and other pathways should be expanded and bring additionality to existing resettlement pledges, both for emergency and protracted situations. At a minimum, the quota recommended by the Commission should be filled.

7. **Increase investment in integration mechanisms involving local authorities, civil society and private sector**: European governments tend to offer refugees only temporary status which limits both their right to family reunification and their longer-term integration. European States must invest in integration mechanisms benefitting both
refugees and host communities. This will help build bridges, avoid xenophobia and social exclusion. Integration happens primarily at the local level and should build on local innovative partnerships with local authorities, civil society, private citizens and businesses. Those actors can offer refugees many opportunities to directly participate in the local community, learn languages, seek employment, and pursue education.

8. **Prevent and reduce statelessness, and improve the protection of stateless persons:**
About 600,000 stateless people are living in Europe today, often at the margins of society. Children born in Europe to migrant or refugee parents can be exposed to statelessness due to a combination of discriminatory or inadequate nationality laws and lack of birth registration. NGOs call upon States to take decisive action, in line with their human rights obligations, to fulfil UNHCR’s Global Action Plan to End Statelessness by 2024. NGOs also call upon States to accede to and implement the 1954 and 1961 Statelessness conventions and the 1997 European Convention on Nationality.

To conclude, 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 their hosts. Let’s remember that refugee women, men and children do not only bring their incredible resilience, energy and skills, they also bring hope 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 partnering with all actors in Europe, both on the ground and in the GCR process.

A longer version of the statement is available on icvanetwork.org

Thank you.