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NGO Statement on Europe

Mr. Chair,

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

2019 is an important year for international refugee protection. It will set the direction to ensure that the commitments included in the Global Compact on Refugees (GCR) are acted upon. Europe should play a leading role in this regard and European governments should develop ambitious and concrete pledges ahead of the first Global Refugee Forum in December 2019. However, the European Union (EU)’s commitment to the GCR is undermined by the different measures currently used or proposed to shirk rather than share responsibility for refugees.

The overall number of people arriving in Europe seeking protection has been reduced at great human cost. For instance, as highlighted by UNHCR, although the overall number of deaths at sea in the Central Mediterranean more than halved in 2018 compared to the previous year, the rate of deaths per number of people attempting the journey rose sharply. While some European countries saw a sharp decline in the number of people seeking asylum, others saw an increase and the disparities in the way European countries grant international protection to people fleeing persecution and war persisted in 2018. At the same time, practices aimed at refusing access to protection remain an endemic problem across internal and external borders of the continent. As the humanitarian crisis, caused by political decisions, continues, a toxic political debate and initiatives to segregate people seeking asylum which are discussed or implemented in many European countries undermine support to newcomers and the establishment of inclusive societies.

In light of this situation, civil society is calling on European governments to:

1. **Preserve access to protection in Europe and focus on application of EU asylum law.**

Europe’s response to the increase in arrivals of refugees in 2015/2016 has been to step up efforts to externalise asylum, that is, to prevent access to European territory and asylum procedures, and to persuade, pay or force third countries to assume additional responsibilities. This is in addition to policies of non-entrée and pushbacks in violation of the principle of non-refoulement which are pursued in practice, including at the EU internal borders, and mainstreamed in the political discourse.

The race to the bottom in terms of asylum policy and practice including the increased use of detention needs to stop. Instead of finding ways to further reduce access to protection in Europe, governments need to ensure that EU asylum law is applied consistently and that the right to claim asylum in Europe is upheld.

2. **Ensure any reform of EU asylum law is rights-based and removes dysfunctionalities of the current system.**

Higher numbers of arrivals of persons seeking protection in 2015/2016 laid bare problems with the Common European Asylum System (CEAS). Purportedly to address gaps in the functioning of the CEAS, the European Commission tabled seven legislative proposals for reform, in two packages, published in May and July 2016. Progress on the negotiations over the course of the last two years has been uneven across the different files. The eventual adoption of the different proposals remains unclear,
but any sustainable solution must include a deep overhaul of the Dublin system with permanent responsibility sharing and procedural safeguards to protect asylum seekers from fundamental rights violations.

3. **Agree on an immediate contingency plan for disembarkation in Europe for people who have been rescued at sea.**

The persisting divisions between EU Member States on the reform of the CEAS and the Dublin Regulation in particular, have fuelled a “disembarkation crisis” unfolding in the Central Mediterranean in the course of 2018 and early 2019. The current ship-by-ship approach is causing suffering, risk and reputational damage. People stranded on board ships prevented from landing are used as bargaining chips to extract concessions for political reasons.

In lieu of the resolution of the underlying causes of the crisis, arrangements should be put in place to ensure timely disembarkation and distribution of rescued persons among EU Member States. Concrete proposals for relocation arrangements following disembarkation have been made by NGOs. Before a plan is in place, the humanitarian imperative is to disembark first and argue later. The point of a contingency plan, negotiated and agreed in advance, is to avoid the situation of negotiations and planning happening while people sit on a ship; when an incident occurs, the plan should be invoked in order to immediately allow a ship to dock. The work on a contingency plan does not preclude the necessary deep reform of the Dublin system to ensure fair sharing of responsibility for refugee protection across the EU and to foster protection and trust between asylum seekers and state authorities.

4. **Create and expand safe and regular routes for access to asylum in Europe.**

Significantly expanding safe and legal routes to the EU and safeguarding the right to claim asylum in Europe are key contributions Europe can make to the implementation of the GCR. The EU should continuously expand its resettlement from the current 50,000 places pledged over a two-year period, a commitment that runs out in October 2019. Any policy framework related to resettlement discussed and agreed on by the EU must safeguard the humanitarian nature of resettlement. Proposals that would instrumentalise resettlement to support migration control or introduce exclusion grounds based on an individual’s “integration prospects” undermine the essence of resettlement.

In addition to an increased resettlement commitment, European governments should expand other safe and legal routes for refugees. Withdrawing restrictions for family reunification, such as for beneficiaries of subsidiary protection, and broadening the rules that govern family reunification to make it a less restrictive safe and legal pathway to and within Europe would be an important step in the right direction.

5. **Invest in building inclusive societies in Europe.**

European States must invest in inclusion mechanisms benefitting both refugees and host communities. This will help build bridges, avoid xenophobia and social exclusion. Adequate resources, both at national and EU level, are needed to support inclusion and should build on local innovative partnerships with municipalities, local Chambers of Commerce, civil society, private citizens and businesses. Those actors can offer refugees many opportunities to directly participate in the local community – which in our experience, many seek to do – and enables them to get established and find the social and professional traction necessary to start a new life on solid grounding – and that is a win-win situation.

6. **Promote refugee rights and address forced displacement in EU external action.**

The EU has supported the implementation of the Comprehensive Refugee Response Framework (CRRF) in many contexts in which it is being rolled out and is one of the main donors for CRRF
implementation. In addition, European governments and the EU as a donor have a strong commitment to humanitarian-development cooperation as part of their overall approach to forced displacement and are living up to some of the commitments under the GCR, although this should not come at the expense of applying the GCR commitments inside Europe.

As a donor and external actor in situations of forced displacement, the EU should promote refugee rights and address the causes of forced displacement. This needs to be part of an overall approach between EU institutions and EU Member States, in accordance with the objectives set out in the Lisbon Treaty and led by services in charge of external action as opposed to ministries who follow home affairs objectives.

To conclude, the GCR applies to European governments both in the way they act domestically and in their approach to third countries on asylum, displacement and migration. There are concrete ways in which Europe can rise to the challenge that international implementation of the GCR presents and take it forward within and outside Europe.

Thank you.