

NGO Statement on Europe

Dear Chair,

This statement is delivered on behalf of a variety of NGOs.

Following the enormous challenges of last year, we have begun to plan for a robust recovery with just and inclusive societies. Doing so requires fulfilling legal and moral obligations to protect displaced individuals.

The promise of a new EU Pact on Migration and Asylum initially renewed hopes for an effective and humane system for protection and responsibility-sharing. However, against promises of “no more Morias”, the Commission’s proposal may institutionalize a policy of exclusion and exacerbate human suffering.

Real reform is still possible though. As Member States negotiate the Pact’s terms, they should show leadership and seek sustainable, comprehensive solutions balancing the interests of displaced people, host communities, and states.

Specifically, NGOs call on European governments to:

- (1) **Safeguard fundamental rights at internal and external borders and allow access to territory.** Reported pushbacks and other rights violations at borders have increased alarmingly, sometimes raising concerning allegations about Frontex, which must be investigated. Independent monitoring is clearly needed, and we welcome the Pact’s proposed mechanism, but it should be strengthened to truly protect fundamental rights and hold governments accountable. It should also complement—not replace—the roles of existing institutions such as national ombudspersons and UNHCR.
- (2) **Uphold the right to asylum, ensuring procedures are fair, efficient, and applied without discrimination.** Elements of the proposed Pact risk undermining asylum seekers’ right to a thorough review of their cases and violating *non-refoulement*. The Pact assumes most people arriving in Europe do not have valid protection claims and that authorities can quickly return rejected applicants. Europe’s approach should rather focus on humanely and responsibly providing access to protection for those who need it. Asylum procedures should be fast but also fair and we have concerns in this regard about the proposed Screening Regulation and accelerated border procedures. Safeguards must also exist to prevent authorities from exploiting emergencies to limit the right to asylum, protection of stateless people, and humanitarian imperative. Hungary’s recent decision to extend policies blocking access to territory highlights the risk of temporary derogations of obligations becoming the norm.
- (3) **Commit to real solidarity in action and abandon measures that beget crises.** Failures to ensure timely disembarkation and distribution of individuals arriving by sea, and the

criminalization of those supporting them put lives at risk and undercut states' interests. The Pact should create an EU-run search-and-rescue capacity and protect NGO efforts. Differentiated responses should be designed for marginalized populations. The Pact must also establish a permanent, equitable, and sustainable solidarity mechanism requiring states to share responsibility for protection.

- (4) Expand safe and regular routes to international protection.** Absent legal pathways, individuals will resort to dangerous routes. Expanding access to third-country solutions is an obvious solution. However, global resettlement is on a dismal track including at Europe level. While acknowledging the COVID-19 impact, we urge States to immediately resume their resettlement programs and fulfil their pledges this year, particularly through flexible processing modalities. In addition, states should expand complementary pathways, including humanitarian admissions, and education programs. We welcome the Pact's proposal to broaden the rules governing family reunification and the development of community-based private sponsorship.
- (5) Address statelessness.** Today, there are over 500'000 stateless people in Europe, including displaced persons. However, most European states lack determination procedures to identify and protect them. A majority have not fully implemented their obligations to ensure all stateless children born on their territory acquire a nationality. It is therefore critical that Europe adopts a region-wide response to statelessness, including through the EU Pact. European states should prioritize implementing the 40 statelessness-related pledges made in 2019, now part of the GRF follow-up.
- (6) Invest in robust integration and inclusion mechanisms through multi-stakeholder partnerships.** Facilitating integration helps displaced people become self-reliant and contribute to their host communities, creating widely shared economic and social benefits. With its Action Plan and dedicated funding, the EU highlighted integration and inclusion as priorities. National governments must now follow through and work with other actors to create opportunities and reinforce a positive narrative around asylum to combat xenophobia.
- (7) Uphold the integrity of foreign aid in partnerships with countries of origin and transit.** International cooperation and foreign aid can help address root causes of displacement. However, partnerships must be fair, transparent, and mutually beneficial. Development assistance should be conditional on compliance with international law, not on preventing migration or readmitting citizens. Moves to externalize asylum procedures are irresponsible, ineffective and have led to a humanitarian emergency in the Atlantic. The EU-supported Libyan coastguards abuse displaced people, and the failure of the EU-Turkey Statement is evident in Moria's ashes. Recent proposals, like Denmark's and the UK's, to process asylum claims in extraterritorial centres would further breach legal obligations.

When displaced persons opt for return, they should receive support to do so in a safe and dignified way. Decisions about whether a country is safe for return must be based on genuine assessments of the security and socioeconomic landscape. Displaced people should be consulted and enabled to make informed decisions.
- (8) Demonstrate leadership in responding to displacement crises beyond EU borders.** As major donors and diplomatic actors, European states and institutions have important global roles to play. We commend the EU's leadership in raising funds for host countries and the coronavirus response. We welcome the Commission's new global humanitarian strategy. We also call on Europe to upscale efforts to address the Nagorno-Karabakh conflict's fallout.

(9) Elevate refugee voices and support refugee-led efforts. The success of our recommendations depends on the involvement of displaced communities. Governments and other stakeholders must create spaces in fora for displaced people to communicate their needs and recommendations; engage in accountability mechanisms; support their involvement in programs implementation; and facilitate skills transfer.

To conclude, we call on Member States to correct course on the EU Pact, establish Europe as a leader in protection and put human life first jointly with UNHCR and NGOs.

Further details are available at icvanetwork.org

Thank you.