

NGO Statement on Europe

Dear Chair,

This statement is delivered on behalf of a wide range of NGOs.

At the start of a new decade and with new Commission Presidency, we hope Europe will once again be a positive force in support of displaced populations seeking asylum and protection. The EU's resettlement pledge made in December was a good first step. We hope the forthcoming Pact on Migration and Asylum will maintain this spirit although we worry about a clear focus on returns. Moreover, Europe is already facing a litmus test at the Greek-Turkish border.

We are deeply concerned by the absence of protection measures in official reactions. We urge EU States to support Greece, first, in responding with calm, order, and life-saving protection for vulnerable people at its borders; secondly, showing solidarity with the displaced Syrians who fled Idlib. The right to seek asylum and access to temporary protection should be ensured through a responsibility-sharing mechanism; thirdly, in issuing immediate commitments in relocating refugees from overcrowded camps, especially unaccompanied children. Now more than ever, it is imperative that Europe shows leadership for principled, people-centered protection and responsibility-sharing.

NGOs therefore offer 8 practical recommendations:

- 1. Stop pushbacks, expulsions, and human rights infringements at borders; Comply with EU and international law.** We urgently call on all deployed border guards to refrain from violence and to uphold fundamental rights. It is unacceptable to see refugees being managed as a security threat requiring military response. Actions leading to violations should not be encouraged or silently approved. Moreover, EU funding for border management should be made conditional on respect for fundamental rights and should include stringent oversight mechanisms. The European Commission should also monitor and assess failure to implement, or comply with, the recast Asylum Procedures Directive and where necessary, start infringement procedures. Member States should grant humanitarian actors access to borders and to information necessary to independent border monitoring, and to the provision of legal aid and information.
- 2. Allow asylum seekers access to EU territory to lodge asylum claims; Make asylum procedures efficient.** We urge other EU States to support Greece in accepting and processing asylum applications. If the Treaty on the Functioning of the European Union is invoked, the provisions must comply with EU law, including the Charter of Fundamental Rights. Governments should refrain from distinguishing between applicants based on safe countries of origin or first asylum countries. Moreover, procedures should facilitate family reunification. Intra-EU solidarity mechanisms must ensure fair allocation and contingency planning in cases of large-scale arrivals as well as proper reception capacity and resource mobilization. Finally, greater efforts are needed to find alternatives to detention. Detention of children has to stop.

3. **Mandatory border procedures should be people-centered, fair, and efficient.** The Pact on Asylum and Migration may include groundwork for introducing mandatory border procedures applicable to asylum seekers reaching the EU. This is exceedingly risky as it may reduce access to protection in Europe, truncate procedures that contain necessary safeguards, and significantly reduce the right to effective remedy. Moreover, we worry this will lead to a significant increase in detentions.
4. **Development assistance should not be linked to third-country compliance to readmission or return of citizens.** Rather, Europe should create a return policy with terms that adequately account for the complexity of the factors involved, including an individual's decision to return and the third country's ability to provide opportunities for self-reliance. Regularisation and access to rights and services, including access to the labour market, should therefore be part of a comprehensive approach to return.
5. **Lead in resettlement and expand safe and regular access to asylum.** We encourage States to establish resettlement commitments with Turkey and agree on a final European Resettlement Framework. Resettlement and other pathways in Europe should be expanded and bring additionality to existing resettlement pledges, both for emergency and protracted situations. As such, the EU should support the Three-Year Strategy on Resettlement and Complementary Pathways. EU policies must safeguard the fundamentals of resettlement and should not instrumentalise it for migration control purposes or introduce exclusion grounds based on integration prospects.
6. **Invest in robust integration mechanisms.** This is indispensable for host communities and for the refugees they welcome. Expanding the role of smaller communities in welcoming refugees is critical; they need to receive the necessary support and resources to build their capacity to do so.
7. **Put an end to civil society criminalisation within the EU.** The number of individuals, including volunteers, NGOs, and crew members of rescue ships, criminalised for humanitarian activities has grown tenfold in the last five years. Even more concerning, these attacks have led to the dismantlement of a functioning rescue-at-sea system which saved many lives. The EU Facilitation Directive should be revised to clearly define migrant smuggling, remove restrictions to civil society space and prevent acts against human rights defenders.
8. **Create policies to prevent refugees from becoming stateless.** NGOs continue to welcome UNHCR's #IBelong campaign and commend the important impact achieved with the High-Level Segment on Statelessness. However, we are concerned by the lack of adequate policy response about stateless refugees or designed to identify and protect stateless migrants who cannot be returned. Moreover, children born in Europe to displaced parents can sometimes be exposed to statelessness due to a combination of inadequate laws and practices. Disappointingly, too many European States have not properly implemented their international obligations to ensure that all stateless children born on their territory acquire a nationality. Worryingly, European States seem to consider withholding nationality in response to terrorism.

To conclude, had the EU built a solidarity mechanism after the 2015 crisis, it would be equipped to handle the current humanitarian crisis in a humane and efficient way. There is now another opportunity for Europe to come together and finally craft and implement a sustainable Pact on Migration and Asylum that upholds EU law, dignity, human rights and ensures life-saving protection.

A detailed version of this statement is available at icvanetwork.org.

Thank you.