

NGO statement on Europe

Dear Chair,

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

The **EU Pact on Asylum and Migration** focuses on deterrence, detention, and deportation. The decision to include mandatory border procedures implies *de facto* detention at the EU's external borders, children and vulnerable people included. Even applications of unaccompanied children might be processed in border procedures if they are considered to be a security-threat. Border procedures will most likely happen in remote and difficult-to-reach locations for lawyers, NGOs, civil society and with limited legal aid.

Further, the Pact relies on the 'legal fiction of non-entry' and expands the use of 'safe third country' concepts, outsourcing the EU's asylum responsibilities, raising the risk of *refoulement*, and lowers procedural guarantees including legal aid.

The focus on border procedures increases administrative burdens for EU countries at external borders, leading to bottlenecks, delayed asylum, and overcrowded camps. The solidarity mechanism will not alleviate this, as the first country of entry principle remains, enabling States to opt-out of relocations by selecting from a variety of measures.

Proposed derogations for crisis, force majeure and 'instrumentalization' situations are alarming, allowing deviation from common asylum standards, expanding the use of the border procedures and lowering key safeguards. Additionally, 'fast track' asylum procedures heighten rights violations, and the denial of a fair, individual assessment, deepening diverging standards between States.

- NGOs call for the Pact's implementation with full respect to the fundamental rights of refugees and stateless persons, closely consulting NGOs and civil society.

The Detention upon arrival issue is likely to increase with the Screening Regulation and the Amended Asylum Procedures Regulation, as acknowledged by the European Commission itself, undermining the last resort principle; we strongly urge European countries to use detention only as a last resort.

Externalization efforts are evident in the EU Pact with safe third country concepts and the proposal to fund migration-related 'projects' in third countries, in untransparent EU 'migration agreements' with non-EU countries, as well as in bilateral arrangements by EU States, and other European countries.

"Safe country" concepts also undermine fair asylum claims, subjecting asylum seekers to additional human rights abuses and deportation. These agreements, along with systematic pushbacks and pullbacks fostered fortress Europe. The Refugee Convention and the global

reality of displacement, with the majority of refugees in regions outside Europe, emphasizes European States to assume their responsibilities, and properly resourced asylum systems.

The deadliest year in 2023 at European borders since 2016, accentuates the acute **lack of safe and legal pathways**. We urge European States to significantly increase their resettlement quotas and to open up more opportunities for complementary pathways.

Highlighting **statelessness**, NGOs are concerned about half a million stateless people including migrants fleeing due to discriminatory nationality laws and policies. European States' inadequate policy response heightens the risk of statelessness, particularly for children. NGOs urge all European States to implement their international obligations ensuring stateless children born on their territory acquire a nationality. This year offers a pivotal momentum towards meeting UNHCR's *#IBelong* campaign objectives, and EU's 2023 GRF pledges.

Finally, the Ukraine response offers a model for a common European response to all refugees. For now, Ukrainian refugees have temporary or other forms of protection, a coordinated and future-proof solution is crucial post-March 2025. The war is entering its third year, it is important to give longer-term perspective to refugees fleeing Ukraine, allowing to settle and integrate into host countries. While the war continues, many will qualify for subsidiary protection. If all refugees fleeing Ukraine seek individual protection statuses at once, national asylum systems could be overwhelmed, considering existing asylum backlogs. A united EU approach must be explored for transitioning to long-term regularized status with permanent legal stay.

Children's enrollment in school must be a priority, helping with longer-term integration. Another priority is the access to mental health and psychosocial support services and employment opportunities. Gaps in the protection framework must be addressed.

Further details are available on icvanetwork.org.

Thank you.