

## **Regional Update on Europe**

### **NGO Collective Statement – Written Statement**

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

Since our statement to the Standing Committee meeting a year ago, the council of Europe and the European Parliament has reached an agreement on the European Pact on Asylum and Migration, which was approved by the European Parliament. The EU Pact has been presented as a historic agreement. Now is the time for Member States to make history.

The EU Pact provides a framework for national governments to develop tailored action plans which consult the affected populations and are deliberately inclusive of those with specific needs including persons with disabilities.

#### **EU Pact Implementation**

The EU Pact introduces measures that could see thousands of people – including children – being held in de facto detention at the EU's external borders. This approach not only raises serious concerns about fundamental rights but also creates additional barriers for those seeking safety.

Depriving people of their liberty at the borders<sup>1</sup> increases the risk of exceeding the legal limits of detaining someone or for restricting their freedom of movement, which would amount to a violation of human rights.

**Recommendation 1:** European States must grant protection; information and legal advice in formats and languages that are accessible and relevant to asylum seekers including people in detention.

**Recommendation 2:** European states must tailor action plans which strive for humane and less coercive measures than detention. Alternatives to detention can include reporting to the authorities, monetary fines, and other measures that guarantee that the person does not abscond. The use of tracking devices such as ankle bracelets and smart watches is considered a form of detention, with significant negative impact on peoples' mental health and wellbeing.

The New Pact refers to vulnerable people by using the term 'people with special reception needs'. We would like to emphasize the importance of timely and within the deadline conduct of vulnerability assessments (30 days from the asylum application based on the Reception Conditions Directive or RCD), which is crucial to ensure people can receive the treatment and the reception necessary to address their condition. We

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<sup>1</sup> Detention within the Pact is largely set out within the Screening Regulation and the Amended Asylum Procedures Regulation. The European Commission itself has affirmed that border procedures "[imply detention](#)." The new Pact proposals therefore undermine the principle that detention should only be applied as a measure of last resort.

are also concerned that there are no exceptions for vulnerable individuals or children in the return border procedure regulations.

The EU Pact provides a framework for national governments to develop tailored action plans. This is an opportunity to ensure that persons with disabilities are explicitly included in these plans. National strategies must address accessibility, provide specialized services, and ensure meaningful participation of persons with disabilities in decision-making processes. These steps align with the UN Convention on the Rights of Persons with Disabilities (CRPD) and the Global Compact on Refugees (GCR), both of which underscore the importance of inclusive policies.

We urge European states to ensure that specific action plans are tailored for the inclusion of persons with disabilities in their implementation of the EU Pact on Migration and Asylum.

**Recommendation 3:** European states to ensure their national action plans are designed with and for people with disabilities. UNHCR must provide technical guidance to EU Member States on integrating disability-inclusive measures into their national action plans, as well as to monitor and evaluate the extent to which national strategies address the needs of persons with disabilities. Additionally, UNHCR should facilitate capacity-building programs for stakeholders to ensure a rights-based approach to disability inclusion.

By addressing this gap, we can work towards a migration system that truly respects and upholds the dignity and rights of all individuals, regardless of their abilities. Persons with disabilities deserve equitable access to protection, opportunities for integration, and a voice in shaping the policies that affect their lives.

**Recommendation 4:**

When safe routes are available, refugees will choose them over irregular journeys. Establishing new safe routes, and making existing ones more accessible, must be a key component of any common system to manage migration in a dignified and sustainable way - the promise of the EU Pact on Migration and Asylum. To enable people to seek asylum in dignity, we urge European states to address the well-known factors that make existing rights-based and other humanitarian pathways inaccessible to many refugees, and to design new, responsive and agile pathways to safety in Europe, in full accordance with national and European laws.

With finite resources, shifting power and resources to local organisations in all their diversity – be they stateless-, refugee-, women-, or LGBTIQ+- led – will be critical for immediate and lasting efficiencies. To promote locally led action, Member States, UNHCR and NGOs must support sustainable and equitable partnerships. Hence, we recommend elevating the expertise and leadership of these organizations. For example, RLOs are uniquely placed to conduct counseling and information provision to refugee communities using formats and languages that are most accessible and relevant to them.

To achieve this, donors must scale up opportunities for flexible, direct and sustainable funding and partnerships, capacity sharing, collective advocacy, and coalition development. Partnerships with the private sector – as funders and programmatic partners - will help further reinforce impact

**Statelessness**

Statelessness is often overlooked in asylum and migration debates. It is a hidden but very real issue affecting thousands of stateless persons in Europe. While European countries are increasingly encountering stateless people in their asylum systems, their legal frameworks, policy and capacity to identify, record and determine statelessness are lacking. The new Pact introduces a legal requirement in EU law to identify and record indications of statelessness, pending a determination. This constitutes important progress towards improved identification and protection of stateless applicants and beneficiaries of international protection in Europe given that, on average, [around 3%](#) of first-time asylum applicants are recorded as being stateless or of unknown nationality. Many more refugees come from countries where gender discrimination, gaps in nationality laws or deprivation of nationality results in statelessness, including countries like Syria, Iraq, Somalia, Iran, Eritrea, and Sudan.

**Recommendation 5:** European governments and the EU must provide the full rights and support owed to stateless persons and to better prioritize this in asylum and migration policy including: the full and robust implementation of the legal requirement under the EU Pact to identify indications of statelessness, including by increasing capacity to identify and record statelessness; dedicated procedures to determine statelessness and grant protection to stateless people; information and legal advice in formats and languages that are accessible and relevant to them; the nationality rights of children to prevent statelessness in line with international law; and flexible procedures to ensure stateless people do not face discrimination in access to procedures such as family reunification, regularization, resettlement or naturalization. European governments are also encouraged to join the new Global Alliance to End Statelessness and collaborate on multistakeholder initiatives to create a world where everyone enjoys the right to a nationality without discrimination.

### **The current political and funding environment**

With the rise in far-right policies across the globe we are seeing anti-migrant and anti-refugee narratives and policies affecting not only the people we serve but also humanitarian workers, undermining international humanitarian law, human rights and refugee protection frameworks, as well as significantly decreases in the availability of funding to carry out humanitarian work.

**Recommendation 6:** The EU and each Member State must uphold International Humanitarian Law, Human Rights and Refugee Law, and ensure civic space is maintained. We also urge the European governments to step up their humanitarian funding not least in areas such as gender equality, reproductive health, inclusion of marginalized groups, climate action and to increase the funding for local and national NGOs and RLOs that will be hard hit in the current environment. This is a time where we really must uphold the values we stand for - we are one shared humanity, and we need to act as such.