



UNHCR Observations regarding the Rome Conference of the EU Horn of Africa Migration Route Initiative, 28 November 2014

These observations are provided in relation to the adoption of the Declaration at the Ministerial Conference of the EU Horn of Africa Migration Route Initiative held in Rome on 28 November 2014.

General Comments

In the first three-quarters of 2014, more than 3,000 people died trying to cross the Mediterranean to Europe. They included more than 500 people who perished in a single incident in September when their boat was sunk by smugglers off the coast of Malta. As of mid December 2014, over 207,000 people arrived by sea in Europe.

By comparison, a total of 60,000 people made the voyage in 2013. Those who do manage to reach European shores often arrive in desperate condition, suffering from thirst, starvation, exposure and mistreatment. At the mercy of smugglers and traffickers, many are beaten, raped, tortured during the journey or tossed overboard simply for trying to move. In the last two years, almost half of the arrivals in the Mediterranean were people from Syria and Eritrea

This year's increases in the number of people moving, reflects the growing desperation of those who risk everything in search of safety and a better life. And despite the hardships encountered, they continue to move. While we may not know the full extent we do know that many people are dying en route or have gone missing. (As of mid-December 2014, 3,419 that we are aware of).

For UNHCR, this is very much a refugee protection issue. While many of those on the move today are trying to escape hardship in countries with weak economies and high unemployment, their understandable desire for a better life does not make them refugees. But alongside these larger movements of migrants -- often using the same smugglers, routes and means of transport -- there are many refugees fleeing violence, war, and persecution. They need international protection and UNHCR's duty is to ensure that they get it.

Refugees are, because of their precarious situation, the recognized beneficiaries of certain clearly articulated and internationally endorsed rights. From UNHCR's perspective, it is therefore imperative that the centrality of the international protection regime is reaffirmed and promoted in any initiatives aimed at addressing the phenomenon of people smuggling and human trafficking in the region.

UNHCR prides itself on supporting countries in the East and Horn of Africa region in securing access to asylum and strengthening the protection environment available to its persons of concern. It encourages dialogue on the sharing of best practices, greater mutual legal assistance, more joint cooperation across borders, as well as national strategies and plan of action to address people smuggling and human trafficking at regional and international levels. It also strongly advocates for more international cooperation and burden-sharing.

Addressing movements at sea means also dealing with the root causes which create the drivers that prompt people to move in the first place. This entails a sustained focus on peace-building, international development, and awareness-raising in countries of origin, asylum and transit.

UNHCR welcomes the adoption of the Joint Declaration and had provided – in the context of the May and October 2014 Khartoum meetings – detailed comments on it. In UNHCR’s view, the Joint Declaration needs to be implemented by programmes or projects which explicitly take into account the situation of persons in need of international protection, reflecting how we can all cooperate to assist in preventing risks associated with onward movement, including trafficking and smuggling as well as protecting victims and finding solutions for these groups.

UNHCR would like to also take this opportunity to reiterate its hope that the EU Horn of Africa Migration Route Initiative will complement efforts already taking place in various countries and under the auspices of the African Union, and prove to be a meaningful opportunity for European States and countries in the North Africa and East Africa regions to collaborate on issues of common concern, including combatting people smuggling and trafficking in human beings, managing mixed migration flows, and reducing the number of deaths of migrants and refugees who embark on dangerous onward journeys.

With this in mind, in UNHCR’s view, there is an opportunity now for the recently adopted Joint Declaration to be implemented through concrete projects and initiatives to provide legal alternatives to accessing Europe, in line with the European Council Conclusions on *"Taking action to better manage migratory flows"* adopted in Luxembourg on 10 October 2014.

Specific Proposals

UNHCR would like to highlight the following legal alternatives for solutions which could be specifically implemented as follow up to the adoption of the Joint Declaration, as a concrete means of burden sharing:

Family Reunification / Admission of Relatives

Refugees who have relatives already residing in an EU Member State could be granted facilitated access to existing family reunification mechanisms through streamlined procedures or support in countries where the family members are located. These streamlined procedures could include facilitated access to embassies, visa waivers, issuance of humanitarian visas,¹ or assistance with documentation. Those who do not have the option of requesting family reunification, either because they do not fulfil the requirements or who are not included in the scope of existing family reunification legislation, could be admitted under other mechanisms such as private sponsorship.

Academic Scholarships

Academic scholarships provide a mechanism for refugee students who would like to study, or who had their studies interrupted, to continue their education. Education initiatives can involve civil society, universities, secondary schools, and government actors working in collaboration to develop and fund academic scholarships. These programmes need to provide funding for travel, accommodation, subsistence and tuition, and to ensure that refugee students are provided with proper travel documentation and study visas for the duration of their studies. They should also include language training, cultural orientation and psychosocial support for students. During or upon completion of these programmes, students should have the right to apply for asylum or to request an extension of their residence permits, as required by the conditions in their country of origin.

¹ Articles 19 and 25 of the Schengen Visa Code provide for the possibility of issuing humanitarian visas with limited territorial validity (LTV), which may be valid in one or more, but not all, Schengen States.

Humanitarian Visas

Humanitarian visas could provide refugees with a means of accessing an EU Member State in order to apply for asylum. Refugees may travel on a humanitarian visa and may have their status converted to asylum-seeker or refugee upon arrival. They may also be provided with access to expedited asylum procedures.

Labour Mobility Schemes

Labour mobility opportunities could provide for the authorised onward movement of refugees from countries of asylum to EU Member States to pursue employment. Labour mobility can help refugees realise their human right to work, which is often a prerequisite for the re-establishment of a normal life. Access to employment helps refugees to regain dignity and control, to attain an adequate standard of living, and to open a pathway to apply their skills and realize their potential. It also provides refugees with the possibility to make contributions to the development of their host country as well as their home countries and communities.

Community-Based Private Sponsorship Schemes

Private sponsorship programmes tap into private resources to enable refugees to be resettled with the support of private citizens with a legal entity, NGOs and other interested groups, such as local authorities or faith-based groups. Private sponsorship programmes, such as those in place in Australia and Canada, can create bonds between refugees, community-based organizations and receiving communities, and can take place alongside or in hybrid arrangements with government resettlement programmes. Private sponsorship can also enable refugees to reunite with extended family members who may not otherwise qualify under family reunification criteria. Sponsors may take responsibility for some of the costs, extending the country's capacity to support refugees. In addition, IOM can facilitate private loan programmes to offset the significant costs of international travel for refugees on sponsorship schemes.

Medical Evacuation

Medical evacuation provides for the admission of refugees with urgent medical needs that could be successfully treated in an EU Member State. The resettlement of refugees with serious medical conditions is a concrete measure of burden-sharing with countries bearing the pressure of supporting medical cases requiring costly treatment interventions. Refugees with medical needs may be admitted on resettlement or other admission programmes, along with their families who are a key source of support.

Other Durable Solutions

Comprehensive approaches to solutions in the countries of first asylum are being implemented. They include, in addition to promoting self-sufficiency, the strategic use of resettlement. Resettlement is one of the durable solutions UNHCR is mandated to implement in cooperation with States. Resettlement involves the transfer of refugees from a State in which they have sought protection, to a third State that has agreed to admit them, as refugees, with permanent residence status. The status provided ensures protection against *refoulement* and provides access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals, as well as the opportunity to become a naturalised citizen. Resettlement plays a vital role for refugees whose life, liberty, safety, health or other human rights are at risk. Currently, 15 EU Member States provide regular resettlement programmes for refugees. States are encouraged to offer increased resettlement places, and particularly from countries of first asylum, including along the East and Horn of Africa routes leading to the Central Mediterranean.

Conclusion

UNHCR is pleased to share these perspectives in the hope that they would find reflection in the implementation of the Joint Declaration to ensure better protection of refugees. UNHCR would also like to reiterate its willingness to work with Member States and EU institutions and agencies to pilot initiatives along these lines.