

## **UNHCR Statement on the European Commission's Migration Agenda 13 May 2015**

UNHCR welcomes the European Commission's 'A European Agenda on Migration' presented today, and especially its focus on saving lives in the Mediterranean and ensuring the protection of those in need. UNHCR supports the holistic approach adopted, which recognises the need for coordinated action in a range of policy areas and cooperation with relevant EU stakeholders. UNHCR looks forward to working closely with the EU and its Member States and with relevant third countries in supporting and further developing the measures included in the Agenda.

UNHCR will continue to support collective action with the overall objectives of consolidating the Common European Asylum System; ensuring people in need of international protection have access to quality asylum and reception systems throughout the Union; building on proposals that will provide refugees with legal avenues to reach safety in Europe; and enhancing protection capacity, asylum space, and solutions in third countries.

### **Immediate action**

#### *Saving Lives at sea*

UNHCR has earlier welcomed the commitment of additional resources to Frontex joint-operations Triton and Poseidon, and is encouraged by both the strengthened commitment to expand the capacity and geographical scope of these operations, and the clear reference to their role in helping to save the lives of refugees and migrants at sea.

#### *Responding to high-volumes of arrivals within the EU*

UNHCR applauds the establishment of an effective emergency response mechanism for Member States facing pressures as a result of an influx of refugees and migrants.

UNHCR is encouraged by the Agenda's commitment to establishing an EU mechanism for relocating people in need of international protection and to using a distribution key, while recognising that modalities for implementation will need to be developed. UNHCR stands ready to support implementation of the mechanism together with other partners such as EASO. UNHCR has long advocated for an EU-wide pilot relocation project for Syrian refugees arriving in Italy and Greece as one way to address the current imbalance of asylum-seekers and refugees among Member States.

#### *A common approach to granting protection to displaced persons in need of protection: Resettlement*

UNHCR will support the proposed EU-wide pilot project for the resettlement of refugees. Resettlement is an important manifestation of solidarity and responsibility-sharing and also provides a durable solution. In this regard, the proposal to offer 20,000 resettlement places in the EU, using distribution criteria that take account of the efforts already made on a voluntary basis, is a welcome step forward. We urge Member States to support this initiative, as it would both provide additional places for Syrian and other refugees in need of resettlement and send a positive signal of support to refugee-hosting countries in the Middle East and elsewhere.

UNHCR is pleased to see that the Agenda calls on Member States to use other legal avenues for people in need of international protection to reach Europe, including private sponsorship programmes, humanitarian visas, and family reunification. UNHCR urges Member States to explore the possibility of establishing or expanding schemes to grant student or work permits to people in need of international protection. UNHCR hopes these initiatives will create the much needed and credible legal avenues for refugees to reach safety in Europe. Without such avenues, refugees will continue to be left with few options, and the increase in international efforts to crack down on smugglers and traffickers is unlikely to be effective.

### *Working with third countries to tackle migration upstream*

It is positive that the Agenda proposes measures to maximise the impact of development assistance plans in countries of transit and first-asylum in order to address long-term root causes. UNHCR would like to underline the need to include expanding livelihood and education opportunities for people in need of international protection in these countries, as well.

The inclusion of multi-purpose centres in third countries, specifically Niger, could play an important role for the provision of information.

### *Using the EU's tools to help frontline Member States*

The Agenda proposes the establishment of a new “Hotspots System”. UNHCR is encouraged by this initiative, which builds upon the work already done by EASO in the area of early warning and preparedness. This system could also help address long-standing gaps in reception and processing of arrivals in many Member States. UNHCR recommends that the response clearly articulate gender-sensitivity and effective mechanisms for the identification of people with specific needs, such as unaccompanied and separated children, survivors of sexual and gender-based violence, and survivors of torture, and for their onward referral to services.

## **Reducing the incentives for irregular migration**

### *Addressing the root causes in third countries*

UNHCR welcomes the commitment in the Agenda to addressing the root causes of forced displacement and irregular movement, including through the Strategic Review initiated by the High Representative/Vice President.

UNHCR traditionally works in countries outside the EU to build asylum capacity and enable them to ensure the protection of refugees, to help meet refugees’ basic needs, and to work towards solutions, together with national governments, especially in protracted refugee situations. UNHCR is encouraged by the European Commission’s continued commitment to stepping up humanitarian aid as well as development cooperation with these countries. Through more targeted development initiatives in third countries, the resilience and self-reliance of refugees and internally displaced populations could be strengthened, allowing them to live their lives with hope and dignity.

### *Return*

UNHCR has long recognised the importance of return programmes for people not in need of international protection to preserve the integrity of asylum systems and, in this regard, is also pleased to note the reference in the Agenda to return in line with fundamental rights and the principle of *non-refoulement*, including to countries of origin.

## **Border management – saving lives and securing external borders**

UNHCR supports the establishment of common standards for border management and stands ready to contribute to the development and implementation of standards that are protection-sensitive and contribute to the promotion of fundamental rights in the management of the EU’s external borders.

## **Europe’s duty to protect – a strong common asylum policy**

### *A coherent implementation of the Common European Asylum Policy*

UNHCR appreciates the focus in the Agenda on the reception of asylum-seekers in the EU and the reference to the further development of standards on reception conditions and asylum procedures, especially for persons with specific needs. UNHCR believes the development of quality indicators that could help to ensure common standards among Member States is a positive step.

With regard to people in need of international protection, key indicators could be developed with regard to the economic and social rights granted to them through the provisions of the Qualification Directive, to support their integration.

UNHCR acknowledges the need to fight abuse in order to maintain efficient asylum systems, and the necessity for accelerated procedures, with appropriate safeguards, particularly for manifestly-unfounded applications. UNHCR would also support such accelerated procedures for *manifestly-founded* claims, for example, those lodged by Syrian nationals.

#### Dublin system – greater responsibility-sharing across Member States

UNHCR welcomes the approach included in the Agenda around the implementation of the Dublin Regulation, especially the call to apply proactively the clauses relating to family reunification and making broader use of the discretionary clauses. The evaluation of Dublin by mid-2016 is considered a positive step, and UNHCR is ready to assist in the evaluation process, and will undertake its own study on this issue in order to support that process.

#### A new policy on legal migration

As the Agenda also sets plans for a new policy on legal migration, it is important to include people proactively in need of international protection. It would be important for refugees to have access to programmes developed and supported as part of this approach, with built-in protection safeguards. This includes efforts to enhance family reunification and integration in many Member States. Further discussion and the development of tools on the implementation of these rights, as well as on integration policies, are therefore encouraged.

#### Effective integration

UNHCR appreciates the references in the Agenda to the importance of effective integration with a particular focus on those in need of international protection, and hopes that this would also include those granted subsidiary forms of protection. UNHCR would like to emphasise that research confirms family reunification is key to integration. Likewise, with regard to access to the labour market, recognition of qualifications is crucial.

#### Moving beyond

UNHCR welcomes the proposed debate on a common Asylum Code underpinning mutual recognition of asylum decisions. UNHCR subscribes to the vision that mutual recognition should be the ultimate goal of a Common European Asylum System. UNHCR hopes that the European Commission and Member States will seize the opportunity to extend the protection system broadly delineated in the Agenda to cater to the situation of stateless persons within the Union.