

## **Update on UNHCR's operations in Europe Executive Committee 2009**

### **Part A: Major developments**

- Provisional figures show that in the first half of 2009, approximately 133,000 new asylum applications were lodged in the 38 European countries for which UNHCR publishes statistics, an increase of some 8 per cent over the same period in 2008. Claims from unaccompanied children (particularly from Afghanistan, Iraq and Somalia) increased in several countries. UNHCR is advocating for the best interest of the child to be a primary consideration in all actions, in line with the Convention on the Rights of the Child.
- Access to territory and to asylum procedures remains a key concern, as asylum-seekers increasingly travel alongside people on the move for reasons unrelated to international protection. Push-backs and cases of *refoulement* have been documented, both inside and outside the European Union. UNHCR remains concerned about the interception of irregular migrants at sea and their return to countries where international protection standards are not met.
- UNHCR worked closely with the EU institutions and Member States to support the development of a Common European Asylum System. Although common minimum standards are in place, their implementation differs widely. As a result, while international protection has improved in some areas, gaps remain in others. Mid-year, UNHCR issued recommendations to the Swedish EU Presidency, urging it to ensure that the next five-year programme in the area of Justice and Home Affairs (the 'Stockholm Programme') takes a rights-based approach to issues of concern to UNHCR.
- In the context of the current economic recession, xenophobia, intolerance and discrimination, often targeted at refugees and asylum-seekers, continue to be a serious concern across Europe, highlighting the need to support the integration of newcomers.
- Europe's first Emergency Transit Centre (ETC) for the temporary stay of refugees pending resettlement opened formally in Romania in March 2009, making a major contribution to UNHCR's global resettlement efforts.
- On 1 July, in the context of UNHCR's restructuring and decentralization process, the Office of the Director of the Bureau for Europe moved from Geneva to Brussels. It has merged with UNHCR's EU Liaison Office and is co-located with the Regional Representation which covers 10 countries in Western Europe. The Office of the Deputy Director, and staff covering Eastern and South-eastern Europe, remain in Geneva.

### **Part B: Progress on implementation of UNHCR's global strategic objectives**

- The Bureau for Europe covers 46 countries and works with a number of important regional organizations, including the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe. UNHCR works to support governments to maintain an international protection regime that meets international standards and advocates for the rights of asylum-seekers, refugees and stateless persons. Access to territory, reception conditions, quality of asylum procedures, and integration measures have been monitored closely in EU and non-EU countries. UNHCR has provided comments on draft national and EU legislation.

- In Eastern and South-eastern Europe, UNHCR worked with stakeholders to build States' capacity to receive asylum-seekers, identify protection needs and support the integration of beneficiaries of international protection. Public awareness actions also sought to build understanding for persons in need of international protection, countering intolerance, racism and xenophobia, and to mobilize support for the work of UNHCR operations worldwide.
- The UNHCR-EC Strengthening Protection Capacities project, covering Armenia, Azerbaijan and Georgia, concludes in December 2009. This initiative has involved research and gaps-analysis, as well as national consultations, to identify key protection shortcomings both for refugees and internally displaced persons (IDPs). Pilot projects address reception standards and integration. UNHCR is implementing further EC-funded actions to promote refugee protection and integration in Belarus, the Republic of Moldova and Ukraine.
- To contribute to protection-sensitive border management, UNHCR participated in the training of border guards at the national level and through cooperation with Frontex. A European Border Guard Training Manual has been developed and will soon be published online. UNHCR undertook border monitoring projects in Central Europe involving partners from non-governmental organizations and authorities. With the Swedish Migration Board and the International Organization for Migration (IOM), UNHCR remained engaged in the Söderköping Process, involving 10 EU and non-EU countries at the European Union's eastern border. In Turkey, UNHCR advocated for the access by persons of concern to the territory and to UNHCR's status determination procedure; undertook monitoring at land and sea borders; conducted training for border guards; and worked to strengthen partnerships with the Government and civil society.
- The issue of "particular pressures" faced by certain EU Member States, and the need for responsibility-sharing, received growing attention. UNHCR has emphasized that, in tandem with measures to address these concerns, States should ensure that reception practices, asylum procedures and integration measures meet regional and international standards. In locations such as Calais (France) and Patras (Greece), where irregular migrants congregate in the hope of moving on to other countries, UNHCR sought to ensure that counselling was available for asylum-seekers, and advocated for humane reception conditions. Recognizing the particular situation of Malta, UNHCR committed to cooperate in a pilot project proposed by the European Commission for the relocation of a number of protection beneficiaries from Malta to other EU Member States.
- With respect to the reception of asylum-seekers, UNHCR undertook measures in Southern, Central and Eastern Europe, some of which were funded by the EC, designed to ensure that asylum-seekers could apply for asylum and be received under acceptable conditions. However, the systematic detention of irregular arrivals, including asylum-seekers, remained a concern in a number of States. In Central Europe, UNHCR is developing a reception monitoring tool, to fill the current gap in methodology for monitoring asylum-seekers' reception across the European Union. The tool, which will be useful well beyond Central Europe, will enable progress to be assessed and provide data for targeted advocacy.
- Across Europe, UNHCR has focused on improving the quality and consistency of asylum procedures and decisions. Two UNHCR projects supported by the European Refugee Fund (ERF) are underway. The first is an assessment of asylum procedures in 12 Member States. The second is a "quality initiative" which aims at improving asylum decision-making and building sustainable quality assurance mechanisms in Central Europe. The results of these projects will be available in late 2009/early 2010. In 2010 the "quality initiative" will be extended to four Mediterranean States, with ERF support.

- The High Courts of EU Member States are increasingly turning to the European Court of Justice (ECJ) for guidance on the interpretation of EU asylum law. UNHCR has issued statements on important international refugee law issues raised by cases referred to the ECJ, and will continue to do so in an effort to contribute to a more harmonized interpretation of EU legal standards, in line with international norms. UNHCR hopes that its role in the expected European Asylum Support Office will also contribute to this goal.

**Part C: Redoubling the search for durable solutions for refugees, IDPs and stateless persons**

- Unfortunately, protracted refugee situations persist in Europe, as was highlighted by the High Commissioner's December 2008 Dialogue. UNHCR has redoubled its efforts to find durable solutions for refugees, IDPs and *de facto* stateless people displaced during the conflicts in the former Yugoslavia, and to mobilize the political and financial support necessary with the aim of resolving these longstanding situations by the end of 2011. In a recent positive development, Montenegro invited UNHCR to comment on its *Draft Plan of Action for the Integration of displaced/internally displaced persons in Montenegro*.
- Similarly, in the northern and southern Caucasus, UNHCR seeks to ensure that refugees and displaced persons who wish to return to their homes are able to do so, and that those who remain displaced receive the assistance they need. In Georgia, UNHCR is implementing a large EC-funded shelter programme, and continuing to lead the IDP protection cluster, which has developed a protection framework to identify and address the needs of the internally displaced. In the Russian Federation, UNHCR maintains a leading role in relation to the protection of IDPs and efforts to find durable solutions to their plight, particularly in the northern Caucasus.
- UNHCR has initiated the development of an evaluation tool to help governments (initially in Central Europe) measure the effectiveness of refugee integration policies. With support from the ERF, UNHCR and IOM jointly developed and launched an educational kit to help teachers across the European Union discuss issues of asylum and migration with students.
- UNHCR continues to encourage further accessions to the 1954 and 1961 Statelessness Conventions in Europe. Hungary became the first new country to accede in 2009 to the 1961 Convention on the reduction of statelessness. UNHCR pursues efforts to reduce the risk of statelessness and works with governments to find solutions for stateless people in a number of European countries.
- The promotion of greater European engagement in refugee resettlement, taking into account the European Commission's September 2009 proposal for an EU Resettlement Scheme, remains a priority. UNHCR has worked closely with Germany on the implementation of its commitment to resettle 2,500 Iraqi refugees and welcomed new resettlement efforts by Belgium, the Czech Republic, France, Luxembourg and Romania. The Emergency Transit Centre in Romania is bolstering UNHCR's global resettlement efforts and Slovakia has provided a resettlement transit facility for Palestinian refugees from Iraq.
- IOM, UNHCR, and the International Catholic Migration Commission, with the backing of 10 EU Member States, applied for support under the ERF for a resettlement project to be implemented in 2010-11. The project has been accepted for funding and will cover the entire resettlement cycle, from selection to developing best practices in reception and the integration of resettled refugees. It will also support the operation of the ETC in Romania.

- In Turkey, which maintains a geographic reservation to the 1951 Convention, UNHCR continues to assess applications for refugee status from non-Europeans and to seek resettlement for them. Unfortunately, resettlement has not kept pace with the needs, and by mid-year over 12,000 refugees were awaiting resettlement out of Turkey. UNHCR is urging greater attention by resettlement countries to the needs of this group.

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