



# Responding to protection needs of displaced Syrians in Europe

June 2013

## 1. The situation in Syria and neighbouring countries

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Over the past four months, the situation in Syria has deteriorated rapidly in comparison to the preceding 20 months of the conflict, and the humanitarian situation has worsened. UNHCR continues to receive reports from inside Syria of the killing of civilians as well as arbitrary arrest, detention, disappearance, rape, and torture and ill-treatment, particularly affecting women and children.

As of May 2013, the number of registered Syrian refugees has surpassed 1.5 million, although UNHCR estimates the actual number to be higher. UNHCR has already registered close to one million refugees since 1 January this year. The majority have arrived in Lebanon and Jordan, with close to half a million in each country, with slightly lesser numbers in Turkey, as well as a number in Iraq and Egypt. In Europe, Syrian arrivals have remained relatively limited in comparison. UNHCR has been provided with official government figures of 36,791 seeking asylum in the EU Member States and 2,647 in Norway, Switzerland, Iceland and Liechtenstein. While numbers have continued to increase in almost all countries, the majority (58 %) have been received by only two countries, Germany and Sweden.<sup>1</sup>

The situation in the region is growing increasingly tense as the number of refugees rise, along with the mounting levels of violence and civilian casualties. Despite the best efforts of host countries, international agencies and donors, conditions are deteriorating for refugees in some areas under the weight of sheer numbers, as host country populations, economies, infrastructure and social fabrics are feeling the strain. Protection challenges range from ensuring provision of humanitarian relief, meeting basic needs, and facilitating access to health and education, to the prevention and protection from sexual and gender based violence. Protection of children and maintaining the civilian character of some camps are also key concerns.

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<sup>1</sup> Statistics as shared by Member States with UNHCR as of 29 May 2013.

## 2. Protection of Syrians seeking asylum in Europe

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In light of the deteriorating security situation in Syria and for Syrian refugees in neighbouring host countries, enhanced solidarity measures from European countries are now required as a matter of urgency. EU institutions and European States have contributed generously through financial contributions to humanitarian assistance; but as the needs increase, further funding will be needed. In addition, robust protection responses to Syrian refugees arriving at borders and in European countries are required, as well as acceptance of Syrian refugees in Europe through different admission programmes. UNHCR issued a revised paper on international protection considerations for people fleeing Syria in December 2012, which provided guidance to States on standards of treatment and responses to those displaced and seeking protection outside Syria. UNHCR is continuously monitoring the protection needs of the Syrians displaced by the conflict and will provide further information on specific protection profiles in the coming months.

UNHCR reminds European States of the importance of continuing to ensure access to territory, asylum procedures, and appropriate reception entitlements for Syrians seeking protection. UNHCR stresses that the asylum claims of Syrian applicants should be processed in a timely fashion, according to fair and effective procedures, and that detention of asylum-seekers should be used only in very exceptional circumstances and as a last resort. UNHCR also emphasizes that many Syrians seeking international protection are likely to fulfil the requirements of the refugee definition contained in the 1951 Convention Relating to the Status of Refugees,<sup>2</sup> and the corresponding provisions of the Qualification Directive, since in many cases their well-founded fear of persecution will be linked to one of the Convention grounds. Where persons are found not to meet the 1951 Convention criteria, complementary forms of protection are likely to apply, including subsidiary or other forms of protection under regional or national law, or situation-based refugee criteria.

UNHCR welcomes the positive protection practices of many European States with respect to Syrian nationals, including *de facto* moratoria on returns to Syria, decisions to process Syrian claims in almost all countries, and the high protection rates. UNHCR remains concerned, however, with some other practices, such as reports of the following: Syrians denied access in some external border States; the arrest and use of detention for Syrians; obstacles preventing access to asylum procedures for those who do need protection; low recognition rates for Syrian applicants, despite the evident risks of persecution and serious harm which prompt people to flee; and an application of the Dublin II Regulation which neither complies with the rules of the Regulation nor the humanitarian spirit in which it must be applied as part of the Common European Asylum System. UNHCR also notes that many States continue predominantly to grant subsidiary protection to Syrian refugees, while others grant a purely humanitarian status.

European countries located closer to the region neighbouring Syria, including those sharing a border with Turkey or in the Eastern Mediterranean region, are

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<sup>2</sup> Protection Considerations for Syrian Refugees (revised, December 2012)

likely to come under further pressure as and if there are increases in the numbers of Syrians moving beyond the region. This requires systems to be in place at European borders to ensure that people who are seeking protection can swiftly be identified and referred to asylum authorities and procedures. Effective access to rights and to integration facilities for those found to need protection are also important.

Moreover, the lack of comparative, up-to-date, verified data on recognition rates and protection practices and the composition of Syrian caseloads, among other elements, hinder effective European and national analysis and policy-making. As Member States work together to implement the Common European Asylum System in accordance with the 1951 Convention, UNHCR sees a pressing need to strengthen the monitoring and evaluation tools for national asylum systems to provide a sounder basis for developing responses, both nationally and at the EU level.

The United Nations High Commissioner for Refugees, Mr António Guterres, expressed these concerns to EU Ministers for Justice and Home Affairs at their informal meeting on 17 January 2013<sup>3</sup>. Since then the situation in Syria has deteriorated considerably, but some problematic practices in Europe continue.

UNHCR urges European States to ensure that all Syrians arriving in Europe are afforded the protection to which they are entitled. States are also encouraged to show further solidarity with countries hosting Syrian refugees in the Middle East region. States can ensure protection for Syrian refugees by waiving transit visas, increasing possibilities for family reunification, and offering humanitarian admission and resettlement places.

### 3. Humanitarian Admission and Resettlement

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In view of the developments in the region and acute and growing protection needs, UNHCR is making preparations for **humanitarian admission** to third countries to facilitate the immediate protection of 10,000 Syrian refugees initially, primarily from Lebanon, but also from Jordan, Turkey, Iraq, and Egypt as necessary. Humanitarian admission is an opportunity to secure the immediate protection and rapid departure of refugees with urgent and compelling needs while UNHCR is in the process of up-scaling its resettlement programme in the region.

Towards this end, UNHCR welcomed the announcement in March 2013 by the Federal Minister of Interior of Germany of his government's intention to implement a humanitarian admissions pilot (HAP). Under the HAP, 5,000 Syrian refugees, primarily from Lebanon, will be temporarily admitted to Germany with a residence permit for two years initially, with the possibility of renewal if the conflict in Syria persists. UNHCR has worked closely with the German government since then to make such an admission programme a reality. While challenges persist in relation to the implementation of selection criteria and host government agreement to

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<sup>3</sup> UN High Commissioner for Refugees, *Informal Meeting of the Justice and Home Affairs Council Dublin, 17 January 2013*, 17 January 2013, available at: <http://www.refworld.org/docid/50fe4b322.html>

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processing modalities and departure procedures, this initiative is an important contribution to the protection of Syrian refugees. UNHCR calls on States to follow the German example by accepting Syrian refugees with urgent needs through humanitarian admission.

UNHCR is also developing an enhanced **resettlement** strategy for an initial 2,000 Syrian refugees from the region in 2013. While this strategy initially aims at medical evacuation of particularly vulnerable refugees, including serious medical cases and disabled persons, the need and scope for wider resettlement actions will further be considered in the longer term. UNHCR asks receiving States to exercise flexibility in the application of their selection criteria, and documentary requirements, particularly for medical cases. This is important, given the particular challenges of extensive information-gathering and profiling of refugees in the current emergency context and the view that the overwhelming majority of Syrians fleeing the country have manifest international refugee protection needs in accordance with the 1951 Convention.

#### 4. UNHCR collaboration with EU Member States

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UNHCR will elaborate further on the modalities of future humanitarian admission and resettlement programmes and will provide more information at the Informal JHA council in July 2013. Meanwhile, there will be opportunities for resettlement countries to explore these issues further at a meeting planned by UNHCR's Resettlement Service for mid to late June 2013 in Geneva. In addition, the enhanced use of resettlement for Syrian refugees will be on the agenda for the upcoming Annual Tripartite Consultations on Resettlement in the first week of July 2013.

UNHCR

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