



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

UNHCR Representation for the Nordic and Baltic Countries in collaboration with Amnesty Sweden, Danish Refugee Council, Finnish Refugee Advice Centre, Icelandic Red Cross, Norwegian Organisation for Asylum Seekers and Swedish Refugee Law Centre

Seminar for Refugee Law Practitioners in the Nordic Countries

**14 – 15 November 2024
UN City, Copenhagen, Denmark**

Agenda and Concept Note

The highest number ever of global forced displacement was recorded by UNHCR in June 2024. More than 120 million forcibly displaced people is a result of ongoing crises and newly emerging and evolving conflicts. In Europe alone, the war in Ukraine has thus far resulted in 6,2 million refugees. To strengthen Europe's ability to provide protection to those in need, the new EU Pact on Migration and Asylum, a comprehensive reform of the EU's asylum and migration legal framework, was adopted in May 2024. As States engage with the complex task of implementing the Pact, UNHCR has called for a protection-sensitive implementation. There are numerous provisions in the legislative acts that leave room for interpretation as well as several optional clauses, some of which are encouraged and others discouraged.

In parallel, several Nordic countries are in the process of revising their national legislation with a focus on alignment with EU's minimum standards for asylum. More emphasis is also put on the temporariness of international protection with the introduction of short-term residence permits, mandatory regular review of protection needs and increased use of cessation, cancellation and revocation. The topics of instrumentalization as a justification for restricting access to territory to seek asylum and externalization as a means of shifting the responsibility for asylum processing and protection on to third countries are also part of the ongoing debates.

With this background in mind, the UNHCR and partners are organizing a two-day seminar to inspire and boost the capacity of refugee lawyers and other practitioners in the region to represent and advocate for people in need of international protection in these times of change in law, policy and practice. The seminar will provide a forum for presentations, discussions, sharing of experience, and development of litigation strategies.

The seminar will delve into the current topics of access to territory and asylum procedures, including admissibility procedures and safe country concepts, temporariness of asylum, including cessation of international protection, and also look at select elements of the EU Pact and the related legislative acts.

AGENDA

DAY I

- 09:30-10:00 Arrival and registration. Morning 'fika' available.
- 10:00-10:15 Opening remarks by UNHCR
- Ms. Yolande Ditewig, Deputy Representative at the UNHCR Representation for the Nordic and Baltic Countries, will open the session to set the scene and present the objectives of this seminar. Among these, it will provide an opportunity for UNHCR to brief participants on its views on the new EU Pact on Migration and Asylum and present opportunities for strategic litigation.*
- 10:15-11:00 Introduction to access to territory and asylum procedures
- Mr. Jesper Lindholm, Associate Professor, Aalborg University, will outline some of the current trends and legislative developments concerning access to territory and asylum procedures for asylum-seekers in Europe more broadly and in the Nordic region.*
- 11:00-11:30 Overview of recent jurisprudence by regional courts
- Mr. Riccardo Viviani, Associate Legal Officer, UNHCR Regional Bureau for Europe, will give participants an overview of recent jurisprudence relevant to access to territory and asylum procedures by the Court of Justice of the European Union and the European Court of Human Rights.*
- 11:30-12:00 Access to territory at EU's external border – the Baltic litigation experience
- Dr. Daria Sartori, a lawyer and human rights expert, will talk about access to territory at the EU's external borders, particularly in the context of her litigation experience before the European Court of Human Rights, including in the Baltic area. Participants will be able to ask questions.*
- 12:00-13:00 Lunch break
- 13:00-14:00 Panel: Comparative perspectives on litigating access to asylum procedures
- Panelists: Dr. Daria Sartori, Mr. Mads Melin, Senior Legal Advisor, Danish Refugee Council (DRC), Mr. Marek Linha, Senior Legal Adviser, Norwegian Organisation for Asylum Seekers (NOAS), and Mr. Marius Taparavičius Senior Lawyer, Lithuanian Red Cross will discuss the standards that admissibility procedures should adhere to, as well as good practices and challenges in representing asylum-seekers in these procedures. The use of safe country concepts as well as accelerated and border procedures will be debated. UNHCR advocates for in-merits procedures as preferred over admissibility procedures, but how can this be ensured in practice?*
- 14:00-14:30 Procedural safeguards under the new EU Pact on Migration and Asylum
- During this session, Mr. Riccardo Viviani from UNHCR, will take participants through the new rules that govern the procedural rights and guarantees for asylum-seekers,*

such as the Screening Regulation and Asylum Procedures Regulation, as well UNHCR's perspective on the rules. What right to legal support will asylum-seekers have? How will the medical and vulnerability screening be carried out? On what grounds can an applicant be exempted from border procedures? And what are the permissible time-frames for appeals?

- 14:30-15:00 Presentation of the Report "Asylum-seekers with specific needs"
- Mr. Karl Nilsson, a lawyer at the Swedish Refugee Law Center, will present their recent report which maps the rights of asylum-seekers with specific needs in the asylum process. The report highlights the challenges faced by people with specific needs and offers concrete tools that can help strengthen legal protection for vulnerable groups. Participants will be able to ask questions.*
- 15:00-15:30 Coffee break
- 15:30-17:15 Workshop: Procedural safeguards in the asylum process
- During these break-out sessions, participants will have the opportunity to discuss procedural safeguards in depth and will divide into smaller groups on the following themes:*
- a) Access to legal aid and counselling under the EU Pact,*
 - b) Suspensive effect and appeals in admissibility and border procedures,*
 - c) Applicants with specific needs,*
 - d) Provision of information to asylum-seekers.*
- Participants will share challenges and good practices and identify recommendations.*
- 17:15-17:30 Conclusions and wrap-up of Day 1
- A plenary session will wrap-up Day I.*

DAY II

- 08:30-09:00 Arrival and registration. Morning 'fika' available.
- 09:00-09:15 Opening and introduction to temporariness of protection.
- International protection is not meant to be forever but can only end under certain circumstances in international refugee law. Ms. Rania Elgindy, Associate Legal Officer, UNHCR Representation for the Nordic and Baltic Countries, will facilitate this opening session of Day II, which will examine the concepts of cessation, cancellation and revocation. What terminology is used in the countries in the region? What are some of the trends in the application of the law at the moment?*
- 09:15-09:45 The paradigm shift experience in Denmark

Ms. Dorte Smed, Head of Asylum Law unit at DRC, will share insights from the Danish “paradigm shift” that focuses on return and temporariness of protection. What are the consequences for the affected asylum-seekers and refugees? What legal arguments can be used to defend refugees’ right to a stable and secure status? What messages does she have for Sweden and Finland – countries that are in the process of implementing similar policies?

09:45-10:30 Panel: Loss of protection status

In this inter-active session, participants will hear from Ms. Helle Holm Thomsen, Holm Thomsen Law Firm, Denmark, Mr. Jon-Ole Martinsen, Senior Legal Advisor, NOAS, and Mr. Elias Nygren, lawyer from the Swedish Refugee Law Center, Sweden, about their experiences and legal arguments relating to cessation, for example when representing clients at risk of losing their protection in the country of asylum due to changes in the country of origin or personal situation, due to temporary visits to the country of origin, or because of fraud or other circumstances. Participants will be able to ask questions.

10:30-11:00 Coffee break

11:00-12:45 Concluding workshop: Advocacy and strategic litigation

During these break-out sessions, participants will have the opportunity to discuss strategies and key advocacy issues going forward. Participants will divide into smaller groups on the following themes:

- a) Forming a Nordic and Baltic Border Lawyers Network,*
- b) Developing a national litigation strategy,*
- c) Brief writing -how to turn international and regional law into legal arguments,*
- d) Advocacy regarding the temporariness of protection.*

Participants will share experiences and stories of successful litigation and hopefully come out of the workshop with a concrete commitment for the next steps.

12:45-13:00 Final remarks and wrap-up of seminar

A plenary session and a few words from the organizers will wrap-up the seminar.