A. Introduction – critical challenges

The overall landscape for UNHCR in Europe remains similar to that of 2010, with very diverse situations concerning asylum-seekers, refugees, internally displaced persons (IDPs), returnees and stateless people. UNHCR’s relations with the European Union institutions, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the International Centre for Migration Policy Development (ICMPD), the Intergovernmental Consultations on Migration, Asylum and Refugees, and with many non-governmental organizations (NGOs) continue to provide opportunities for advancing humanitarian objectives.

The core challenges for UNHCR in Europe in 2011 and beyond are as follows:

• to safeguard asylum in the broader migration context, and to build and maintain effective asylum systems;
• to promote durable solutions for refugees and internally displaced persons; and
• to prevent and reduce statelessness.

In 2011, UNHCR will continue to work towards adapting results-based management to its advocacy work in the region, where qualitative – rather than quantitative - measurements may be more applicable.

Events in Europe to mark UNHCR’s commemorative year began on 18 January with the holding of an Expert Forum in Brussels on the protection of persons fleeing the indiscriminate effects of generalized violence. In June, together with the Council of Europe, the Office will organize a colloquium on the complementarity of regional human rights law and international refugee law, involving the European Court of Human Rights and regional human rights bodies from Africa and the Americas. Consultations with refugee women and children are planned, and a web-based photographic exhibition is being mounted, featuring refugees in Europe since 1951.

B. Analysis – challenges and response strategies

(i) Safeguarding asylum in the broader migration context, and building and maintaining effective asylum systems (pillar 1)

Pressures arising from irregular migration, and anti-immigrant discourse which has a direct impact on protection (but fails to acknowledge the underlying reasons why people seek protection), threaten asylum space in many countries. In 2011, UNHCR will redouble efforts to safeguard access to territory and asylum procedures for persons seeking
international protection, and work to ensure that national asylum systems are fair and efficient. Intensive support for the development of a Common European Asylum System within the European Union will continue, as will UNHCR’s judicial engagement, and efforts to build public understanding and support for asylum-seekers and refugees.

Provisional data give an estimate of 270,000 asylum applications in 47 countries in Europe for 2010. Of this number, nearly 95 per cent were lodged in EU countries or in Iceland, Norway and Switzerland; 3 per cent in Turkey; and just 2 per cent in all other eastern and south-eastern European countries. The uneven distribution is further highlighted by the fact that the top five receiving countries in 2010 were France, Germany, Sweden, the United Kingdom, and Belgium. These five countries registered some 60 per cent of all applications in Europe.

UNHCR’s work to promote asylum will reflect a number of cross-cutting themes, which will be adapted to each country situation. These relate _inter alia_ to border monitoring, detention, the protection of unaccompanied and separated children, the protection of persons fleeing generalized violence, and the quality of asylum decision-making.

**Border monitoring**

UNHCR will work to ensure that border measures are sensitive to persons who are seeking asylum or have special protection needs, such as victims of trafficking. In late 2010, UNHCR participated for the first time in an operation coordinated by the EU border agency FRONTEX, involving the identification of potential victims of trafficking arriving at European airports. Cooperation with NGOs provides additional capacity for border monitoring, and encourages greater transparency on the part of authorities. In many countries, UNHCR and NGO partners have achieved access and good cooperation with officials, but there remain some areas, in particular at international airports, where regular access to persons of concern is not assured. UNHCR encourages Executive Committee member States to support access for UNHCR and its partners to persons of concern, including in transit zones of international airports.

In late 2010, FRONTEX deployed its first ever Rapid Border Intervention Team, at the Greece-Turkey land border. This contributed to more persons being apprehended for irregular border crossing. However, the increase in border control capacity was not matched by reception and asylum processing capacity in Greece, and the conditions of detention of persons apprehended in Greece remained a serious concern.

**Detention**

Several countries have recently introduced legislative or policy measures resulting in increased detention of asylum-seekers. In some contexts, conditions of detention are inadequate and regular judicial review of detention orders is lacking. UNHCR will continue to advocate for freedom of movement, with detention permissible only if it meets the necessity and proportionality tests, if no alternatives are available, and if conditions are acceptable.

**Children**

Across Europe, UNHCR will seek to ensure that unaccompanied and separated children seeking asylum have access to child-sensitive reception facilities and asylum procedures, and to alert decision-makers to child-specific forms of persecution. The Office has launched an initiative to develop standards for best interest determination in the European context. The development of guidelines should be completed by the end of the year. UNHCR will continue to advocate for the implementation of safeguards based on child rights, including when enforced return to countries of origin is contemplated.

**Protection gaps**

UNHCR will encourage responses to protection gaps affecting persons fleeing the indiscriminate effects of generalized violence. In the European Union, while subsidiary
protection was intended to fill such gaps, the relevant provision of the Qualification Directive has been interpreted inconsistently and restrictively, and many persons in need of protection are not recognized as such. In 2011, UNHCR will publish its research into State practice in this area, and will help to shape the legal protection framework through recommendations on national and regional legislation. Judicial engagement in various forms is a key element of the strategy to address protection gaps.

Quality initiatives

High quality decision-making remains the best deterrent against abuse of asylum systems, and is key to building confidence in the procedure on the part of those seeking protection and the host society. UNHCR welcomes the commitment of many European countries to improve asylum decision-making. In 2011, the EU-funded ‘Further Developing Quality’ project, which UNHCR is leading in central and southern Europe, involving 12 countries, will come to an end. Other quality initiatives at national levels will be undertaken in cooperation with authorities in countries such as the Czech Republic, Ireland and Sweden. UNHCR looks forward to working with the newly established European Asylum Support Office (EASO) to support the quality of asylum decision-making. In the first half of 2011, UNHCR will also carry out an evaluation of its participation in national status determination procedures in several European countries.

Asylum applications management

As indicated above, just 2 per cent of asylum applications in Europe were lodged in countries of the western Balkans or eastern Europe (not including Turkey) in 2010. In these sub-regions, the Office continues to have concerns regarding access to territory and asylum procedures, and the fairness of asylum processes. UNHCR will advocate for national legislation to reflect internationally-accepted standards and for practice which is in line with legislation. The Office will work to build the capacity of national counterparts through study visits, comments on draft legislation, training of officials, judges and legal practitioners, and support to organizations providing legal assistance.

Where there is political will, to improve asylum processes, collaboration between UNHCR, the authorities and other stakeholders yields results. However, UNHCR would appreciate guidance from the Executive Committee on how to respond, in situations where the political will is weak or lacking and, in particular, on the extent to which UNHCR should undertake direct protection interventions in Europe, when national systems are unable or unwilling to respond to individuals with protection needs.

As follow-up to the High Commissioner’s visit to Turkey in late 2010, the Office will pursue enhanced collaboration with the authorities and with civil society. Refugee status determination continues to be carried out by UNHCR, as Turkey maintains a geographic limitation to the 1951 Convention and resettlement remains the principal durable solution. The Office was able to make efficiency gains last year thanks largely to a contribution from the United States to enhance and expedite registration, eligibility interviews and resettlement. Over 9,200 persons applied for refugee status with UNHCR during 2010, compared to some 7,800 in 2009. Most were from Afghanistan, the Islamic Republic of Iran, Iraq, and Somalia. With the deployment of FRONTEX in Greece at the land border with Turkey, the number of people seeking protection in Turkey may rise, and reinforcement of UNHCR’s capacity, especially in Istanbul, is likely to be needed.

In south-eastern Europe, most applications for international protection are lodged by individuals whose intention is in fact to move on to western European countries and who therefore do not remain for the duration of the procedure. While national asylum systems are improving in the sub-region, the trend of applicants “in transit” does not help to encourage the development of fully-fledged asylum systems. A recent surge of asylum-seekers, in particular of Afghans, has strained reception capacities in several countries.
Within the European Union, the situation in Greece remains a serious concern. In 2010, the Office participated intensively in the work of the Greek authorities to develop an ambitious asylum reform plan and to draft comprehensive new legislation, which was adopted in January 2011. However, these measures will take time and resources to implement. Meanwhile, thousands of asylum-seekers still lack reception arrangements and effective procedures for determining their claims. Towards the end of 2010, UNHCR launched its Asylum Support Project in Greece funded, through the Greek authorities, by the emergency measures budget of the European Refugee Fund.

The situation in Greece and the uneven distribution of asylum applications across Europe exemplify larger questions of responsibility-sharing and practical cooperation. The recent landmark decision of the European Court of Human Rights in the case of M.S.S. v. Belgium and Greece has highlighted the need to achieve consistent treatment of persons of concern, in line with regional and international norms. One approach which could merit further exploration within the European Union is the possibility of joint processing, potentially combined with redistribution of persons found to be in need of international protection. The views of members of the Executive Committee on such an approach would be welcome.

(ii) Promoting durable solutions (pillars 1, 3 and 4)

Integration and resettlement of refugees

Integration of persons of concern remains a priority. This includes the socio-economic as well as the legal aspects of integration, such as the facilitation of naturalization, secure residence status and family reunification. These areas are under review in many countries, often in the context of heated debate about immigration and national identity. UNHCR’s European offices will comment on draft legislation, participate in discussions on measuring integration, and conduct and disseminate research on integration in order to identify gaps and support policy making. Evidency-based advocacy will help strengthen awareness that lack of support for language acquisition and vocational training, failure to recognize refugees’ qualifications, discriminatory employment and housing practices and family separation all hinder integration, which in turn can generate social tensions.

To encourage durable solutions for persons of concern, UNHCR is, for example, reviewing the aspirations of refugees in Azerbaijan, and working to support both local integration and voluntary repatriation. In the Russian Federation, in cooperation with the authorities, a comprehensive review of the so-called “legacy cases” is under way. And in Belarus, the Republic of Moldova and Ukraine, the Office is finalizing the first phase of an EU-funded local integration project which will benefit some 3,000 refugees.

While promoting local solutions wherever possible, UNHCR will continue in 2011 to resettle refugees out of a small number of European countries (primarily Turkey but also Malta, the Russian Federation and Ukraine) where local integration is either not available or particularly difficult.

At the same time, UNHCR will advocate for much greater European engagement in refugee resettlement, as only some 6,500 refugees were resettled in 14 European countries in 2010. UNHCR regrets that the Joint EU Resettlement Programme has not yet been adopted. Practical cooperation on resettlement issues will be pursued with the International Organization for Migration (IOM) and the International Catholic Migration Commission (ICMC). EU funding has been solicited for a project focused on engaging local authorities and host communities in resettlement. The Emergency Transit Centre in Romania continues to operate smoothly, and an agreement has been concluded with Slovakia on the regular use of a facility in Humenne for refugees en route to resettlement countries.
Resolving protracted displacement

There are still several protracted refugee and IDP situations in Europe. Following the March 2010 Belgrade Regional Conference on Durable Solutions, UNHCR hopes that the chapter of displacement from the 1991–1995 conflicts in Bosnia and Herzegovina and Croatia can be closed, with the cooperation of all concerned. The High Commissioner has named a Personal Envoy to take this forward in the first half of 2011, and a donor conference is envisaged to address outstanding needs linked to durable solutions. At the same time, the situation of persons displaced by the Kosovo conflict and its aftermath remains unresolved. In Serbia, UNHCR and the Government have completed a ‘needs assessment’ exercise based on a sampling of persons displaced from Kosovo. The results should enable better-targeted protection and assistance responses.

Within Kosovo, the return of minorities - especially Roma - remains difficult, and risks fuelling tensions if not properly managed. UNHCR is promoting sustainable reintegration and reinforcing its cooperation with OSCE on returnee monitoring. UNHCR has observed that many (if not most) minorities who are forcibly returned do not stay in Kosovo, but depart again as soon as possible. UNHCR looks for advice from the Executive Committee on this issue.

In the southern Caucasus, UNHCR continues to work with Governments and NGO partners to find solutions for longstanding refugees and displaced persons. Many of those displaced by the conflict between Armenia and Azerbaijan still need support. Azerbaijan has Europe’s largest population of IDPs, as well as a small refugee population. UNHCR is encouraging measures to promote self-reliance among both groups. In Armenia, UNHCR will back moves to mobilize resources for the integration of naturalized former refugees.

UNHCR will work to bring about a better understanding of issues related to statelessness across Europe, and will advocate for accessions to the 1954 Convention relating to the status of stateless persons and the 1961 Convention on the reduction of statelessness. Fourteen European countries have not acceded to either of these instruments, 13 only to the 1954 Convention and just 20 to both instruments. The Office encourages additional accessions in particular during this commemoration year.

Statelessness remains a concern in eastern Europe, particularly as a result of the dissolution of the former Soviet Union, although the exact number of stateless people is not known. UNHCR will engage in dialogue on how to prevent and resolve situations of statelessness;
undertake studies of nationality and citizenship legislation as well as civil registration practices; and contribute to measures aimed at legislative and procedural changes.

In the western Balkans, efforts to prevent and resolve statelessness remain crucial in view of the number of persons, mainly Roma, without civil registration documents. UNHCR continues to implement an EU-funded social inclusion project, providing legal aid and counselling, as well as capacity-building support. Together with the OSCE’s High Commissioner for National Minorities, UNHCR intends to organize an expert consultation on statelessness in the sub-region this year.

In other parts of Europe, including in EU countries, challenges relating to statelessness are less immediately evident, but no less complex. Statelessness can, and does, occur because children are not registered at birth, or because of challenging naturalization requirements. Few countries have formal procedures to determine who is stateless. UNHCR is undertaking studies in several countries to identify legal gaps and to understand why some individuals do not take advantage of opportunities to acquire the citizenship of their country of residence. It is hoped that these studies will highlight the issues at stake and promote wider understanding of the phenomenon.

C. Financial information:

The Global Needs Assessment (GNA) budget approved for Europe in 2011 is USD 196.8 million. This represents 6 per cent of UNHCR’s overall 2011 GNA budget. Of the GNA for Europe, Pillar 1 makes up 56 per cent, Pillar 2: 6 per cent, Pillar 3: 8 per cent and Pillar 4: 30 per cent.

As a region, Europe remains a vital source of support for UNHCR’s programmes. In 2010, European donors provided 40 per cent of all governmental contributions and 55 per cent of private sector contributions. Of UNHCR’s “top ten” donors, seven are European Governments or institutions. The European Commission was UNHCR’s third-largest donor in 2010, with a contribution of USD 120 million.