



# Protection of Syrians in the EU

UNHCR's paper for the Informal JHA Council,  
Vilnius, 18 July 2013

## 1. Syria situation update

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More than two years after the outbreak of conflict in Syria, the numbers of people displaced – and the level of suffering now felt by people affected by the conflict – is far beyond all projections. As of the beginning of July 2013, 1,717,665 refugees are registered or awaiting registration in the countries in the region neighbouring Syria. Lebanon and Jordan are particularly affected, with their population numbers increased by 11% and 7% respectively. Turkey also faces challenges, with the government reporting similar increases in the numbers of refugees. UNHCR has welcomed the generous response and the access to territory provided in the three countries. However, both Lebanon and Jordan are struggling with economic instability, inflation and unemployment, pressures which are accentuated by the presence of such large numbers of refugees in need. The situation of the non-camp refugees in Turkey, while not resulting in such sweeping issues, continues to deteriorate as their numbers grow and their ability to draw upon any previous savings is reaching its limit, resulting in increasing and significant numbers of destitute and un-cared for refugees outside camps. UNHCR has welcomed the generous response and the access to territory provided in the three countries. However, both Lebanon and Jordan are struggling with economic instability, inflation and unemployment, pressures which are accentuated by the presence of such large numbers of refugees in need. UNHCR is concerned that border crossings are becoming more difficult, a development which could have potentially disastrous humanitarian consequences if it continues. UNHCR has called on all countries, both in the region and further afield, to ensure access to territory and to protection for those who need it, and has called for continued support from the international community to the countries most affected.

While a political solution must be found to the Syria conflict, the humanitarian needs are growing. Women and children directly affected by displacement make up three-quarters of the refugee population; and among those registering, a very high proportion have medical needs. This is partially because of the lack of access to treatment in Syria, but partially as a direct consequence of the war. The stories they tell reflect the severity and scale of the conflict at present.

## 2. Update on EU responses

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On 7 June, the UN and other international agencies and governments in Syria's region issued the revised Regional Response Plan (RRP 5) calling for close to US\$ 3bn in further assistance, to assist a projected 3.4 million refugees by the end of this year. On the same day, the revised Syria Humanitarian Assistance

Response Appeal (SHARP) appeal called for US\$ 1.409m to support displacement within Syria over the same period.

UNHCR welcomes the generous financial support that the EU and EU Member States have provided to humanitarian and non-humanitarian actors for the Syrian emergency to date. The European Union's package of 400 million EUR in new financial aid is greatly appreciated, bringing the total contribution from the EU and the Member States to the crisis to close to 1.25 billion EUR.

However, at the beginning of July, the RRP 5 was only 35% funded, while the SHARP had a similar funding shortfall, only 36% covered by pledges to date. UNHCR therefore calls on the EU and its Member States for their continued financial support to meet the on-going needs.

In addition to funding, other responsibility-sharing measures are needed. In connection with the JHA Council meeting of 7-8 June 2013, UNHCR tabled a paper summarizing the displacement situation in the region and in Europe.<sup>1</sup> In that paper, UNHCR also sought to highlight a number of gaps in the protection response in Europe, and articulated the need for more responsibility-sharing with countries neighbouring Syria, including through resettlement and humanitarian admission. Since then, while some Member States have taken positive steps in relation to protection needs of Syrians, many of the issues raised remain unaddressed.

UNHCR welcomes the efforts and important measures set out in the joint Communication from European Commission and the High Representative of 23 June 2013 mapping out a comprehensive EU approach in response to the Syria conflict.<sup>2</sup> A more comprehensive approach, including steps to enhance protection of refugees coming to the EU, is appropriate as there is a need for further engagement, cooperation and coherent protection responses to Syrians in need.

UNHCR in particular welcomes the support expressed for its appeal for Member States to make available spaces both for resettlement of up to 2,000 people in 2013, and humanitarian admission for up to 10,000 people, and shares the view that it is not appropriate to add Syria to the common list of countries subject to airport transit visa requirements. UNHCR further welcomes the Commission's intention to discuss with Member States, together with EASO, the situation of Syrians in the EU. UNHCR has expressed concern about the practices in some EU Member States and the persisting inconsistencies in the protection response to Syrians in Europe. The aim of ensuring a greater degree of convergence between Member States' approaches to the treatment of Syrian asylum-seekers, in particular as regards the assessment of their asylum claims, is therefore welcome.

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<sup>1</sup> UNHCR, *Responding to protection needs of displaced Syrians in Europe*, June 2013, at: <http://www.unhcr.org/51b7149c9.pdf>.

<sup>2</sup> European Commission, *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Towards a comprehensive EU approach to the Syrian crisis*, 24 June 2013, at: [http://eeas.europa.eu/statements/docs/2013/130624\\_1\\_comm\\_native\\_join\\_2013\\_22\\_communication\\_from\\_commission\\_to\\_inst\\_en\\_v10\\_p1\\_7332751.pdf](http://eeas.europa.eu/statements/docs/2013/130624_1_comm_native_join_2013_22_communication_from_commission_to_inst_en_v10_p1_7332751.pdf).

The comprehensive approach, as well as the Council Conclusions adopted on 8 June 2013 and the Lithuanian Presidency paper preceding the Informal JHA Council meeting on 18 July 2013, refer to the need to further step up humanitarian assistance and plans to make available 13.2 million EUR for a Regional Protection Programme. This and other funding is particularly welcome as the needs on the ground in and around Syria increase. UNHCR notes and welcomes the intention to include a strong protection component, to support registration, administrative capacity building and advocacy, and actions to the direct benefit of refugees, such as education or health-care. UNHCR urges the EU to be mindful of the constraints on the ground and the enormity of the needs, where daily efforts are concentrated on providing emergency and life-saving assistance; protection responses for the most vulnerable, including through resettlement, and preparing for longer term relief and development.

With the growing needs and the strain on countries in the region, UNHCR hopes for further support from the EU and Member States to those host countries through continued funding; by keeping EU borders open for Syrians seeking protection; by ensuring referral to fair and effective protection systems; and by considering additional concrete responsibility-sharing measures such as resettlement places and humanitarian admission programmes, including for refugees with family or other links to Europe. The informal July Council meeting affords a valuable opportunity to discuss these and other relevant further actions which are needed, particularly those in the areas lying directly within the competence of JHA Ministers.

### 3. Asylum in Europe to date

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While asylum claims in the EU from Syrians have continued to increase in 2013, they have remained within manageable levels and have levelled out in some countries. As of the end of May, UNHCR's figures record a total of 42,165 asylum claims made since the beginning of the conflict in 2011 in the EU and its closest neighbours (Switzerland, Norway, Iceland and Liechtenstein).<sup>3</sup> Within the EU, Germany (12,088) and Sweden (11,605) have received 57% of the claims lodged. While other countries have experienced significant increases in applications, only one other EU country has received more than 2,000 claims (the UK with 2,336). In three countries, there have been fewer than 15 claims made since the beginning of the conflict (Lithuania, Estonia and Slovakia).

Accurate and reliable data about the number of Syrians coming to Europe is lacking, as well as information on the numbers seeking asylum in European countries, and the number present overall. Despite these gaps, and the fact that statistics and data on adjudication practices of asylum claims in EU Member States have flaws, there are indications that gaps in protection of Syrians within the EU persist.

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<sup>3</sup> Figures are based on monthly data as submitted to UNHCR by governments. For the months of March, April and May, figures are lacking for some countries.

From publicly available FRONTEX data,<sup>4</sup> a total of 9,519 Syrians were detected irregularly crossing a land or sea border to enter the EU in 2011 and 2012. Of these, 8,414 were detected crossing in to Greece, Bulgaria or Cyprus. In comparison, only 1,881 asylum applications were made in the three countries in that period, equal to 22% of the detected unauthorised border crossings. While some Syrians in this group may have moved on within the EU, these figures, combined with existing deficiencies in the protection system of Greece, suggest that access to asylum procedures remain a challenge for many Syrians coming to Europe.

Although numbers of applicants in some countries are low, the relative increase may have placed significant demands on States where asylum systems are less well-equipped. Some Member States have already signalled their concerns about being unable to cope with further arrivals. A sign of such strains on national asylum systems is the accumulation of cases pending a decision. In total, 10,884 Syrian cases were pending a decision at the end of 2012.<sup>5</sup> While some countries, such as Sweden and Germany with their high overall new applications, accounted for 64% of these cases, Syrian cases were less than 5% of Germany's overall pending cases, and less than 20% for Sweden. In Bulgaria, Romania and Cyprus, however, Syrian claims awaiting a decision were more than 25% of all pending cases, with the figure in Bulgaria reaching as much as 37%,<sup>6</sup> and in Spain less than 5% (15) of Syrians who applied in 2012, or were pending at the beginning of the year (355), received a response. Despite, therefore, the decision in all Member States to process Syrian applications, there are signs that some States are either unable or unwilling to prioritize the cases sufficiently to ensure protection is granted in a timely fashion.

The absence of swift access to protection in some states may account for the high rate of cases "otherwise closed" in the same states. UNHCR 2012 statistics indicate that 83% of claims in Cyprus, 80% in Poland, 55% in Hungary, 43% in Greece and 38% of cases in Bulgaria were "otherwise closed" rather than adjudicated on the merits.

Another concern emerging from available data<sup>7</sup> is the low recognition rates of Syrian claims in some Member States. While many countries have a commendably high recognition rate, granting protection to almost all Syrian applicants, UNHCR's statistical data shows that two countries in the EU (Greece, and Cyprus) had not granted refugee status to any Syrian applicant in 2012 and had rejected, together, 174 applicants in that same period.

While protection rates in 10 Member States are more than 80% and four of these States, including Germany and Sweden, grant protection to close to 95% of

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<sup>4</sup> Frontex, *Annual Risk Analysis 2013*, at:

[http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2013.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf).

<sup>5</sup> Information available from 17 EU countries only. Where available only first instance cases are included (14 countries) for 2 countries the figure includes pending at both first and second instance. In one country the figure includes new and repeat applications.

<sup>6</sup> Backlog figures as provided to UNHCR.

<sup>7</sup> UNHCR, *UNHCR Global Trends 2012: Displacement, The New 21st Century Challenge*, 19 June 2013, at: <http://www.refworld.org/docid/51c169d84.html>.

Syrians, the types of protection granted vary across the EU. UNHCR recalls 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, 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.<sup>8</sup> In 2012, only three countries granted refugee status in more than 50% of decisions (Denmark, UK and Austria), while four countries (Bulgaria, Hungary, Malta and Poland) granted subsidiary protection status in all the 220 positive decisions. While this data pertains to 2012, there is no indication that there have been significant changes in State practice in the first half of 2013.

UNHCR considers the Syrian refugee crisis as an opportunity for EU Member States to demonstrate that the CEAS can provide consistent, quality protection to refugees coming to Europe. Discussion and evaluation of progress among Member States and other concerned bodies, as well as attention to inconsistencies and gaps, are important to ensure that the system can deliver on its protection objectives.

UNHCR in this connection welcomed the opportunity to attend parts of the two EASO “practical cooperation” meetings on Syria, which enabled UNHCR to brief Member States’ experts from the organization’s knowledge of the situation on the ground in Syria and for the displaced in surrounding countries, as well as the profiles of those fleeing. UNHCR would welcome an opportunity also to take part in more substantive discussion on the protection approaches of Member States to Syrian claims, and to explore how they could serve, not only as forums for useful exchanges of information between Member State officials, but also as a means to achieve more convergence in approach.

#### 4. Resettlement and humanitarian admission

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UNHCR aims to resettle up to 2,000 of the most vulnerable refugees displaced by the conflict in Syria and registered in the region as part of a broader protection response. Based on preliminary registration data, it is likely that a large number of these refugees will have medical needs. UNHCR urges countries to make additional places available above existing national quotas for 2013, and be flexible in selection criteria, documentary requirements and other formalities, given the emergency conditions prevailing in all host countries.

UNHCR reiterates its appreciation to Germany for its initiative to address acute needs through humanitarian admission. UNHCR encourages other countries to consider similar alternative ways to admit Syrians for protection purposes. Such measures must be flexible, swift and sensitive to the situation on the ground.

In this regard, it may be that in the future, invocation of the Temporary Protection

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<sup>8</sup> UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update I*, December 2012, at: <http://www.refworld.org/docid/50d457b12.html>.

Directive should still be considered. Given the scale of the movements seen over the last six months, and the increasing pressure felt in surrounding countries, UNHCR does not discount the possibility of significantly increased arrivals in European countries in future.

## 5. Conclusion - UNHCR's calls to Member States and the EU

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In light of the above clear needs and opportunities, it is important at this point to explore concretely whether, how and when EU MS could do more to reinforce its protection response to Syria. In sum, specific actions which should be considered include:

- 1) **Proactively strengthening the overall protection response in the EU through enhanced cooperation, information sharing, capacity building and policy dialogue;** with an aim to:
  - ✓ ensure access at borders is guaranteed for all Syrians seeking protection;
  - ✓ refer swiftly all claims by Syrian nationals for protection to competent national asylum authorities, followed by fair and efficient processing, applying strict limits and safeguards on the use of detention, as well as appropriate conditions for people while awaiting decisions on protection claims;
  - ✓ apply in a flexible manner the Dublin Regulation; and
  - ✓ achieve a more consistent application of the protection framework, including protection status granted and the rights attached.
  
- 2) **Considering ways to ensure alternative access to the EU - including:**
  - ✓ dispensing with all visa requirements;
  - ✓ facilitating entry for work, study, family, humanitarian and other purposes under national programmes;
  - ✓ extending visas of those present in the EU currently; and
  - ✓ undertaking resettlement and humanitarian admission of Syrian refugees.
  
- 3) **Continuing the generous funding of humanitarian, and non-humanitarian efforts to respond to the needs in and around Syria.**

While asylum claim numbers from Syrians in the EU to date may be manageable, the situation serves as a very important test for the CEAS. The protection needs, as well as the urgency and scale of the situation, are clearly documented by all relevant sources.

The EU must take active steps to improve the current picture relating to Syrians, in order to show that the Common European Asylum System can work to provide protection consistently to the people who qualify for it, in line with the Union's objectives in this field and its underlying principles relating to fundamental rights.

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