

# WESTERN EUROPE

**Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, United Kingdom**

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## RECENT DEVELOPMENTS

Under the provisions of the Amsterdam Treaty on the development of common policies on asylum and immigration in the European Union (EU), Member States adopted the third instrument in the series of planned Community measures: a Directive which lays down minimum reception standards for asylum-seekers. UNHCR followed the negotiations on this Directive, considering that the advent of adequate and equitable reception conditions for asylum-seekers across the EU might render the operation of community standards in other areas of asylum more effective. Negotiations were also stepped up on the proposed Directive on refugee status and subsidiary protection.

In the first part of 2002, the European Commission (EC) issued two modified legislative proposals concerning family reunion and asylum procedures. In both cases, the real harmonisation drive appears to have waned in the face of Member States' interests in maintaining their established national legislation and policy priorities. This trend, which risks undermining EU plans for an asylum system based on high refugee protection standards, was not addressed by the Seville Summit of EU Heads of State and Governments in June 2002.

UNHCR welcomed the signature of the new German immigration law, which addresses UNHCR's main concerns. It includes a provision to grant Convention status to victims of non-state persecution; envisages considering gender-related persecution as sufficient ground for the grant of Convention refugee status; and provides for equal treatment for Convention refugees and persons recognised under the German

Constitution. Other positive aspects of this law include its provision of alternative entry possibilities for legal immigration for non-asylum-related purposes, thereby reducing the number of non-refugees who use the asylum system for immigration purposes.

The advent of a restrictive asylum regime in Denmark was of major concern for UNHCR. In a series of consultations between UNHCR and the Danish authorities on the draft legislation, the Office expressed its preoccupation about certain aspects of the draft bill which portrayed immigrants in a negative light, thereby aggravating public stereotyping of all immigrants, including refugees and asylum-seekers.

A series of legislative and policy initiatives were introduced by the UK Government during the first half of the year, as part of its efforts to revamp the asylum system. Numerous restrictive measures, aimed at curtailing the rights of asylum-seekers, and effecting standards of treatment, were included in the initiatives. A Home Office White Paper spelled out a comprehensive set of measures to improve the management of migration, nationality and asylum matters, secure the UK borders and build trust and credibility in the system. However, the resulting legislation was more restrictive.

By June 2002, UNHCR had become involved in efforts to resolve the issue of the Sangatte reception centre, between France and the UK. The problem was fuelled by extensive media coverage in both countries. Following expressions of interest, the High Commissioner offered the good offices of UNHCR to assist both Governments in the search for a solution to the problem.

The situation of specific refugee groups, such as Afghans and Iraqis in Europe, came

under review during the reporting period. Many countries in Western Europe put on hold the status determination procedure for Afghan applicants. With the gradual return to relative stability under the transitional administration in Afghanistan, and the massive numbers of Afghans returning from neighbouring countries, UNHCR expressed support for the repatriation of Afghan nationals in Western Europe, who voluntarily decide to return.

Asylum applications registered in Western Europe during the first half of 2002 increased by 3.1 per cent, to 183,892, compared to the same period in 2001. In Norway and Sweden, applications rose considerably, by 186.6 per cent and 67.5 per cent respectively, while they declined by 31.9 per cent in Denmark. Figures for the Netherlands and Belgium declined by 23 and 31 per cent respectively, while Switzerland saw an increase of 24.8 per cent. Austria, France, Germany, Portugal and the UK all witnessed 10 per cent increases in asylum applications. Despite a significant decline over last year's figures, Iraq remained the leading country of origin, followed by the Federal Republic of Yugoslavia, Turkey and Afghanistan.

## **PROGRESS TOWARD OBJECTIVES, AND CONSTRAINTS ENCOUNTERED**

With the continued dominance of the asylum/migration debate in Western European political and judicial discourse, UNHCR maintained its objectives of improving and preserving the quality of asylum in Europe, and increasing European support for UNHCR and refugees worldwide. To this end, UNHCR pursued its engagement with the EU harmonisation of asylum legislation to ensure conformity with international standards, and to promote access to Western European territory for persons in need of international protection.

Although some progress was made in advancing these objectives, the results were largely mitigated by the rising tide of right-wing anti-immigrant tendencies, accompanied

by a popular call for the tightening of immigration policies, during the recent election season. The Europe-wide media focus on immigration issues continued to paint a very negative image of asylum-seekers and refugees, while the consensus to adopt restrictive asylum measures made it difficult for UNHCR to elicit the sympathies of policy-makers and the population at large, for the institution of asylum.

## **EU Harmonisation**

UNHCR continued its liaison and lobbying efforts with the European Institutions, provided expert advice on the developing common asylum system, and shared with the Commission and Council its assessment of the developing asylum systems in applicant countries. The Office also contributed recommendations for discussions at the Seville European Council and for the Danish Presidency of the European Union, proposing ways in which the EU and the Office could co-operate to develop a comprehensive European migration management strategy that strengthens refugee protection.

In a letter to the Spanish EU President of the Seville Summit, UNHCR called for a further strengthening of the partnership between the EU and the Office, in order to find solutions for refugees caught up in the asylum/migration dilemma. UNHCR urged EU Member States to adopt proactive policies to deal with the migration problem at its roots and reiterated its readiness to work with the EU to address these issues. The need for adequate funding in order to deliver on commitments was also underlined.

## **Access to Asylum Procedures and Reception**

As States continued to seek ways and means of curtailing the entry of irregular migrants, among them refugees and asylum-seekers, UNHCR pursued its efforts to ensure that adequate safeguards for refugee protection are built into policy measures designed to keep out illegal migrants. In Austria, UNHCR carried out border monitoring missions combined with training for border

guards and officers involved in initial asylum status decisions.

The French authorities substantially increased the number of officials interviewing asylum-seekers in the reception areas of the Charles de Gaulle airport. This measure resulted in a substantial acceleration of the process. Asylum-seekers are now interviewed immediately after the application is lodged. Some NGOs were allowed to monitor the proceedings in the reception areas, and it is hoped that this will become common practice.

In Greece, recurrent problem areas included: denial of access to the territory and to the asylum procedure; inadequate and insufficient reception facilities for asylum-seekers; poor detention conditions; and inadequate subsistence support from the State for destitute asylum-seekers. Furthermore, the recent readmission agreement between Greece and Turkey raised concerns regarding the upholding of access to asylum procedures, and the principle of *non-refoulement* on both sides of the border. In this regard, the Greek Government has reassured UNHCR that the normative framework for refugee protection is guaranteed by the 1951 Convention, to which it is a party.

In Italy, the training of border police and other border control agents increased their awareness of the need to distinguish between immigrants and asylum-seekers and the specific conditions and treatment applicable to the latter. It also helped improve the capacity of NGOs to monitor admission practices and intervene in cases involving stowaways and boat arrivals. Under the National Asylum Programme (NAP), developed with UNHCR, a system was set up for receiving, assisting and protecting asylum-seekers, displaced persons and refugees. Structures were also set up for arranging integration or voluntary repatriation. UNHCR provided technical support for the effective functioning of the NAP Secretariat and its network.

In Norway, the Directorate of Immigration introduced the classification of asylum applications into three groups: manifestly unfounded claims, probably unfounded claims and probably well-founded claims. The first two categories go through an accelerated procedure, while the third category follows normal procedures. UNHCR expressed concern over this form of classification of asylum-seekers.

In the UK, although the authorities moved to improve conditions of detention and to end the detention of asylum-seekers in prisons, during the same period a decision was made to detain families in detention centres. The decision by the UK Government to place more asylum-seekers in accommodation centres, mostly located in rural areas, generated considerable controversy and anxiety amongst local communities where such centres are planned.

### **Strengthening Asylum Systems**

UNHCR lobbied the various asylum instances to maintain high standards in the different stages of the procedure, and provided written statements in precedent-setting cases. In Italy, UNHCR published a manual on the rights and obligations of refugees, designed as a training tool and practical guide for government officials and local administrators assisting refugees and asylum-seekers. Based on the 1951 Convention, the booklet provides a detailed overview of the relevant implementing norms at the national and regional levels.

In Spain, UNHCR sensitised the authorities to consider the specific protection needs of separated children, to follow up on minors' asylum applications and to ensure that their asylum claims are no longer frozen until they become of age. The authorities recently acknowledged the inadequacy of age assessment techniques for minors, and are expected to take action on the subject in the near future.

Having included the concept of 'best interest of the child' in its Aliens' Act, Sweden continued to set high standards in its policy

and practice regarding asylum-seeking children, and to ensure the provision of legal and social guardians for such children. Following reported problems facing separated children in reception centres, the new Minister of Immigration created a governmental committee in order to find urgent solutions to proper accommodation and care for these children. UNHCR's views were sought and given to the Government and agencies dealing with refugee children.

In the UK, UNHCR organised briefing sessions for policy-makers on the reception of asylum-seekers in Europe, and hosted a meeting to discuss the viability of an independent refugee board for the UK. Training activities in dispersal areas continued in association with ILPA. In addition, a series of general training sessions dealing with issues of credibility of asylum claims was launched with adjudicators of the Immigration Appellate Authority, and senior caseworkers with the Immigration and Nationality Directorate.

**Public Opinion: Promotion and Advocacy**  
UNHCR offices in the region organised or participated in training events in the academic, judicial and administrative contexts, to enhance the image of the Office and consolidate its position among government and non-government interlocutors, as the reliable and authoritative source of information and reference point for refugee-related legal advice. Presentations and lectures were delivered in universities, to NGOs and other groups.

On the occasion of World Refugee Day 2002, UNHCR offices in Western Europe, in collaboration with local partners and authorities, carried out various activities aimed at raising public awareness on asylum and refugee matters and promoting the work of UNHCR worldwide. In Norway, the High Commissioner presented the Nansen Award to the Norwegian Captain of MS Tampa. Major media events were organised, including a mock refugee camp in Oslo, and a special exhibition of refugee art, as well as lectures and panel debates in Stockholm,

Copenhagen, and Helsinki. The Danish version of the UNHCR Handbook on the determination of refugee status was also launched in Denmark.

World Refugee Day was also the occasion for many UNHCR offices in the region to celebrate the achievements of refugee women and take stock of progress made in implementing the High Commissioner's five commitments to refugee women. UNHCR Greece took initiatives to sensitise the public about refugee women's potential, including the creation of the Greek Women's Group and the signature of a co-operation agreement with the General Secretary for Equality. UNHCR received an award in honour of refugee mothers, from the Foundation for the Child and Family. UNHCR in Greece also launched an Internet website, including a page for on-line contributions.

In France, UNHCR and the Strasbourg-based International Institute for Human Rights (IIHR) jointly organised the fifth summer course on refugee law, attended by some fifty participants. In addition, a 500-page collection of articles by francophone experts on refugee and asylum law was published in France.

### **Partnership and Networking**

UNHCR continued its participation in CIREA, the EU forum for exchange of information and research on asylum policies and practices, regarding situations from selected countries of origin. The Office entered into discussions with the Commission regarding UNHCR's co-operation with a successor institution to CIREA after July 2002, to ensure UNHCR's input into policy dialogue and practical co-operation between Member States.

In the Nordic States, the institutionalisation of the broad-based Nordic-Baltic Co-ordinating Committee has strengthened UNHCR's existing partnerships in the region and also served to enhance support for UNHCR's programmes in the region and beyond. This has in turn revived the PARinAC process,

which is a highly useful forum for co-operation between Governments, NGOs and UNHCR in the Nordic countries.

UNHCR maintained its relations with the office of the Special Co-ordinator of the Stability Pact for the Balkans, through the secondment of two UNHCR staff members.

In Austria, UNHCR co-ordinated the smooth and uninterrupted transition of its collaboration with ACCORD (Austrian Centre for Country of Origin/Asylum Research and Documentation) to the Austrian Red Cross as its new implementing partner. UNHCR also continued its OSCE liaison work, attending and reporting on formal and informal discussions of the OSCE Permanent Council (PC). Delegations to the PC as well as counterparts at the OSCE Secretariat made increasing use of the know-how and information offered by UNHCR.

In order to encourage greater involvement of the UK academic community in asylum-related matters, UNHCR launched a Postgraduate Network Project with the Information Centre about Asylum and Refugees (ICAR). The project is aimed at identifying postgraduate students from a wide range of academic disciplines who are conducting research on asylum and related issues at UK universities.

Throughout Western Europe, UNHCR offices have supported the work of the fund raising services at HQ to increase financial contributions to the Office from governments and the private sector. In Italy, a Pavarotti & Friends for Angola concert was organised in May, featuring major Italian and international pop stars alongside Maestro Luciano Pavarotti and thirty Angolan refugee children. The event raised over USD 2 million to finance projects for Angolan refugees. The High Commissioner used the occasion to appoint Mr. Giorgio Armani, the Italian fashion designer, as UNHCR's new Goodwill Ambassador. For the fourth year in a row, Italians topped the list of UNHCR's private donors, providing

substantial funding to various UNHCR operations. In the Nordic countries, the Regional Office intensified fund raising efforts, maintaining close contacts with Nordic governments. For a second year, Statoil Norway signed an agreement donating NOK 1 million to UNHCR's operations worldwide.

**ACTIVITIES UNTIL 30 JUNE 2002**  
(Please refer to individual country chapters)

## **OUTLOOK FOR JULY- DECEMBER 2002**

The Tampere European Council succeeded in mapping out the political space within which to set up a common package of minimum asylum legislation and policy standards, by the Amsterdam Treaty's 2004 deadline. However, the difficult public debate on immigration and asylum in Europe seems to overshadow the commitment to uphold the right to seek asylum. Across the continent, a growing backlash against immigrants and asylum-seekers challenges the institution of asylum. The prevailing situation requires all governments throughout Europe to develop and defend a coherent asylum and migration agenda that will safeguard the international refugee protection regime, while responding to legitimate concerns.

In the context described above, UNHCR has put forward a number of specific proposals to the EU for such an agenda. These include: measures to restore the credibility of asylum systems, including effective systems for the return of unsuccessful refugee applicants; the implementation of integration policies for refugees and legal residents; addressing the root causes of population movements; developing the capacities of countries of first asylum; appropriate measures to reduce irregular movements of refugees and asylum-seekers; achieving durable solutions to refugee problems; and enhancing public debate and public information on asylum and migration. In the coming months, UNHCR will continue its discussion with

EU Governments on the implementation of these proposals and action plans.

A number of Western European governments, including France, Ireland, Italy and Norway are planning to, or are in the process of revising asylum-related laws. The French Government announced its intention to reform the asylum regime in France, with the aim of improving and expediting the refugee status determination

procedure. Ireland is undertaking a comprehensive amendment of its Refugee Act, and in Italy, the Government continued the review of a draft immigration law. Norway is also in the process of reviewing its Aliens Law and drafting a new legislation on the refugee definition. UNHCR is closely monitoring these activities, and will continue to provide position papers to the authorities concerned.

### Financial Data (USD)

Country / Activity	Annual Programme Budget			
	Initial Budget	Revised Budget	Total Funds Available	Obligation Level
Austria	1,467,182	1,516,939	681,900	681,900
Belgium	2,165,510	2,277,183	1,068,390	1,068,300
France	1,764,967	1,843,289	771,075	771,075
Germany	1,797,050	1,812,814	868,420	868,420
Greece	1,002,659	1,048,107	505,486	505,190
Ireland	370,959	372,459	171,000	171,000
Italy	1,327,771	1,324,686	630,440	630,440
Malta	204,700	193,499	93,650	93,650
Netherlands	252,037	258,356	101,300	101,300
Portugal	104,600	104,600	50,740	50,630
Spain	845,351	853,390	408,240	408,240
Sweden	1,096,625	1,110,698	506,550	506,550
Switzerland	680,007	668,287	454,229	285,800
United Kingdom	1,218,488	1,238,411	586,840	586,840
<b>TOTAL</b>	<b>14,297,906</b>	<b>14,622,718</b>	<b>6,898,260</b>	<b>6,729,335</b>