



UNHCR calls for a European-wide protection response to the tragedies in the Mediterranean

There is an enormous displacement crisis right in Europe's neighborhood. There needs to be a European-wide protection response to the recent tragedies which have claimed so many lives of migrants and refugees fleeing war, persecution and violence. This response should be based on the fundamental European values of human rights, human dignity, solidarity, and respect for human life. Without this, such tragedies will continue unabated.

UNHCR welcomes that the European Union and its Member States will take urgent action to address continued boat movements and the tragic loss of life in the Mediterranean. The 10 Point Action Plan on Migration proposed by the EU Joint Foreign Affairs and Home Affairs Council on 20 April is an important step in this regard, but needs to be accompanied by additional measures, in line with UNHCR proposals¹ to Member States made within the framework of UNHCR's Central Mediterranean Sea Initiative and its action plan².

UNHCR urges the leaders of the European Union, meeting this Thursday 23 April 2015, to translate their announced commitments to immediate action.

Rescue at Sea

UNHCR welcomes that the first point in the 10 Point Action Plan includes a commitment to reinforcing the Frontex Joint Sea Operations – Triton and Poseidon – and extending their operational area. UNHCR hopes that the increase in assets will be substantial enough to amount to the robust search and rescue operation similar in capacity and scope to the previous Mare Nostrum operation. Search and rescue must be the top priority for these Frontex operations.

There is no empirical evidence that search and rescue operations constitute a 'pull-factor'. The numbers of arrivals in 2015 to date are considerably higher than for the same period in 2014, when the Mare Nostrum operation was in full swing.

¹ UNHCR, *UNHCR proposals to address current and future arrivals of asylum-seekers, refugees and migrants by sea to Europe*, March 2015, available at: <http://www.refworld.org/docid/55016ba14.html>.

² UNHCR, *Central Mediterranean Sea Initiative (CMSI): Action Plan*, March 2015, available at: <http://refworld.org/docid/5506a6ae4.html>

Responsibility-sharing

UNHCR also welcomes a number of the EU responsibility-sharing measures in the 10 Point Action Plan, namely, EASO's joint processing support to Italy and Greece and the reference to an emergency relocation mechanism. Greater efforts are needed, however, to strengthen EU intra-solidarity, including:

- *Full implementation of the Dublin Regulation:* UNHCR recommends that the Dublin Regulation be fully implemented, including through a proactive and effective use of all criteria, such as the unaccompanied children, family reunification, and discretionary clauses.
- *Providing additional support for Member States facing particular pressures, in addition to joint processing.* This could include assisting these Member States to establish streamlined fast-track procedures, such as accelerated procedures for manifestly-founded claims (Syrians as an example) ; support for identification of people rescued at sea (including but not limited to fingerprinting), and reinforcement of reception capacities without delay to meet EU reception standards.
- *Establishment of a concrete pilot relocation programme for Syrian refugees rescued at sea:* The pilot could usefully target Syrians rescued at sea and disembarked in Greece and Italy in an initial phase, as a means of balancing efforts between states of disembarkation, states of main destination and other MS. This will contribute to reduce the risk of trafficking and exploitation linked to current onward movements within the EU.
- *Support for integration of refugees in the EU:* All efforts should be made to ensure that solid national integration support programmes are developed, and that they receive the adequate resources and support they need.

Legal Means for Refugees to Seek Safety

Refugees are currently embarking on dangerous journeys through deserts and across seas, resorting to trafficking and smuggling rings because they have no alternative.

UNHCR welcomes the action in the 10 Point Plan relating to an EU-wide voluntary pilot project on resettlement, but is concerned that the numbers proposed fall short of the scale needed to be a legal alternative to risky voyages.

For the EU proposal to have a positive impact, it needs to be credible, in line with the JHA Council Conclusion of October 2014 on “Taking action to better manage migratory flows”³ and to result in a substantial number of additional resettlement places being offered. Preliminary figures indicate that EU Member States accounted for approximately 12% of global resettlement departures in 2014.

Moreover, in addition to a strong resettlement programme, Member States can agree to provide other legal avenues to such dangerous journeys for people in need of international protection, such as enhanced family reunification, private sponsorship schemes, and flexible visa arrangements, including for study and work purposes.

Return of Persons Not in Need of International Protection

UNHCR supports the action point to establish a new return programme for rapid return of irregular migrants not in need of international protection, and who cannot otherwise regularize their stay in the EU. In this context, effective humane returns need to take place in a safe, orderly manner and in full compliance with EU MS international and European human rights obligations.

Engagement with Countries of First Asylum and Transit

A more holistic approach would also call for enhancing engagement in a substantial manner with countries of first asylum, focusing, for example, on institution- and capacity-building and, in particular, supporting viable and well-functioning asylum systems which afford protection and diminish the need to seek it elsewhere. It is also crucial to ensure adequate support and funding is provided for refugee assistance programmes targeting livelihood and educational opportunities, especially for youth, as well as supporting communities hosting refugees.

UNHCR will step up its own efforts to assist States and persons of concern in close coordination with competent regional, national, governmental and non-governmental partners.

UNHCR,
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³ Council of the European Union, *Council Conclusions on “Taking action to better manage migratory flows”*, 10 October 2014, available at: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/145053.pdf.