

Providing for Safe Passage to and through Europe Background and arguments

Europe is facing the consequences of the world's largest refugee crisis since the 2nd World war. Tens of thousands of refugees are fleeing from conflicts, wars and dictatorship to Europe. Christians all over Europe have been profoundly shocked and saddened by pictures of people drowning in the Mediterranean Sea or being found suffocated in trucks on their way to safer countries. On a daily basis, the plight of refugees is visible for example on the Greek islands, where they have to live in deplorable conditions, or at the land borders of various European countries where governments try to close borders to them. Many of the most vulnerable, among them families and children, have been driven to despair.

As a reaction various ecumenical organisations have in recent months adopted statements on the refugee crisis: the Conference of European Churches' governing board in its resolution *Do not forget to show hospitality to strangers* called in June 2015 for solidarity with boat people in the Mediterranean. In the same month, the World Council of Churches Executive Committee adopted a statement "*Responses to Migrant Crises*". More recently, the Action of Churches Together ACT Alliance EU Office spoke out on the refugee crisis.

The statements highlighted that churches in Europe should seek to contact their respective government with a plea for the refugees and their welcome in Europe.

The "**Safe Passage**" project coordinated by the Churches' Commission for Migrants in Europe has outlined a number of demands, and here we wish to explain further their rationale and provide additional arguments. They are reproduced in the following lines and explained in more detail. It is important to underline that the demands are **complementary** to each other and as described in the ecumenical recommendations for safe and legal pathways to Europe, provide for a "Toolbox" providing various instruments. The crisis is too big for one instrument alone being sufficient to reach solutions.

- Establishing and maintaining, preferably civilian, **search and rescue operations** at sea with a rather wide scope:

RATIONALE: The continued deaths in the Mediterranean are unacceptable. Experience has shown that the number of deaths in the Mediterranean can dramatically be reduced by adequately resourced search and rescue operations. The loss of life can in particular be avoided if the crews on ship doing search and rescue are adequately trained, as the rescue can be a complicated process.

Arguments:

Many private ships participate in rescue operations according to the International Law of the Sea, but require that they can take the persons to the next harbour. Italy has generously allowed landing at Italian shores over the past 2 years.

Successful search and rescue operations require good communication and cooperation between authorities and private actors. A civilian operation would require fewer resources, but commitment of the national authorities to cooperate.

It has been argued that search and rescue operations create a “pull effect”. However, when the Italian operation Mare Nostrum was ended at the end of 2014, an incredibly high number of deaths was the consequence; the number of refugees and migrants in despair has increased in the Middle East and North Africa, and in the absence of safe and legal routes, many decided to take the risky routes.

- **Reception conditions** for persons seeking protection, at least in line **with EU minimum standards**, and **access to asylum procedures**:

RATIONALE: There is a European framework for reception conditions – the EU directive providing for common standards which 28 countries have agreed to respect.¹ These standards represent the basic necessities which should be in place to guarantee refugees a dignified life. EU member states’ have been receiving EU money since 2000 to allow them to create such conditions. However, transposition has not been achieved by all Member States, and follow-up by the European Commission can only now start. It is therefore a question of respect of agreed rules to respect minimum standards rather than creating something new.

Arguments: Some politicians argue that providing better standards than other countries create a pull effect and secondary movement of asylum applicants. While the absence and non-application of EU standards can be attributed to some onward movement, there is no evidence that higher standards determine that refugees would want to go there.

Access to the asylum procedure is a key element of the Common European Asylum System. Yet, while e.g. in Greece the majority of refugees and migrants are registered upon arrival, it has been very difficult for large numbers to have even a first appointment at the Asylum Service. The referral between different authorities at national level, from Border Police to Asylum Services, often requires waiting times during which no services such as shelter, food, medical care are provided. In the current situation with high numbers, one can understand some delays, however, inaccessibility and unclear referrals have been observed before. This is where practice need to improve to be in line with European legislation.

- Considerable increase of places for the **resettlement of refugees** from different crisis regions to European countries:

RATIONALE: Resettlement is the process by which refugees from country A (e.g. Syria) who have fled to country B (e.g. Lebanon), but cannot stay there are settled on to country C (e.g. Denmark or US). This option is most important, as it will help most vulnerable refugees who are in camps without a chance to escape otherwise. Resettlement gives a chance to the most vulnerable refugees to rebuild their lives, and at the same time resettlement is an expression of solidarity with the countries which are hosting the majority of refugees in a crisis situation.

Arguments: The EU has agreed in 2012 to have an EU Refugee Resettlement Scheme and the European Commission provides for specific funding of national resettlement programmes. Already in 2014, the UN High Commissioner for Refugees had pleaded to resettle 10 % of Syrian refugees from neighbouring countries, at that time 370.000 persons. As pledges by the international community did not meet the targets, and funding for the hosting countries also did not meet

the needs, governments of some neighbouring countries have restricted the number of refugees. The situation has become rather tensed, therefore those refugees who can seek to leave. If numbers were sufficiently high to provide for realistic chances to be resettled, and if funding for hosting refugees in the region would at least cover a decent minimum, refugees might not feel obliged to look for alternatives themselves.

- **Suspension of visa requirements** for refugees from war areas and dictatorships like Syria and Eritrea:

RATIONALE: This would allow for those coming from the worst affected countries to directly travel to various destinations and apply for protection in Europe, using ordinary means of transport.

Arguments: While it is likely that more people would come, the majority would still stay in neighbouring countries for various reasons – their passports have expired already, they do not want to go far away but rather stay close to home, they fear a different culture and life. Lifting visa requirement would also provide opportunities for persons to go for study and work more easily. This would allow for an orderly arrival for a better overview of who is coming, as the persons would enter European countries legally. They would no longer be forced into the hands of smugglers and criminals, and they would save a lot of money which they could invest in their new beginning rather than paying smugglers.

In some countries (like Lebanon at the moment), even access to embassies is controlled by gangs making money out of the plight of people. Appointments for family reunification visa at EU embassies are apparently delayed for many months, even a year. Particularly family members would benefit from lifting visa requirements, even if they only came to visit and not to stay.

- **Humanitarian visa** for refugees from crisis regions:

RATIONALE: Not all refugees will come from countries from which resettlement or visa free travel is possible. Some will come from additional countries. Also individuals at risk could receive a visa to leave. For them it is important to obtain a legal title, which allows them to travel enter Europe legally. Their asylum application would be lodged and decided once they are in the EU.

Arguments: Some countries have used humanitarian visa extensively. A humanitarian visa could be issued for several reasons: leave a situation of high risk, but also undergo medical treatment in an other country. Christian organisations are advocating with the EU institutions to foresee a clause on humanitarian visa in the current revision of the Schengen Visa Code.

- More flexible and generous opportunities for **family reunification for refugees:**

RATIONALE: Families are often torn apart by war and conflict, often at a high cost for children and parents suffering under this separation. A generous family reunification policy would allow families to reunite, at fairly minimal costs as families will often take responsibility for each other's costs.

Arguments: The EU Family Reunification Directive foresees the right for family reunification for refugees for the core family. However, exceptions are still foreseen for persons under subsidiary protection. Not all EU member states handle family reunification of refugees with the speed, and wider scope which the directive would allow. Particularly in the current situation, allowing also cousins, uncles and aunts

to apply for their relatives to join them could alleviate the situation and provide for legal ways to find safety.

- **Mutual recognition of positive asylum decisions** within EU and Schengen member states:

RATIONALE: While negative asylum decisions and subsequent expulsion orders are valid throughout the EU plus Schengen countries Iceland, Norway, Switzerland, positive protection decisions are so far limited to one country until a long-term residence permit has been granted (for which a minimum legal residence of 5 years is required). A mutual recognition of protection status would make it possible for recognised refugees to move between EU member states, thus giving them a better chance to rebuild their lives.

Arguments: Freedom of movement is a fundamental value of the European Union. An approximation of rights, particularly for refugees, to those of EU citizens has been a declared aim of the EU when it started to map out an EU migration and asylum policy. In 2008, a proposal for the mutual recognition of asylum decisions was planned to complete the Common European Asylum System framework. This is still outstanding, and a missing piece in this policy area.

Rather than being unemployed in one country, refugees could find employment in another and move without risking their protection status.

- **Fair sharing of responsibility for refugee reception between EU member states**, inter alia relocation and reception of refugees from Greece and Italy to other EU member states.

RATIONALE: Solidarity between member states is essential for a fair distribution of responsibility between member states. This means that the responsibility for reception cannot be left to those states at the external EU border alone, nor to those receiving the majority of refugees and asylum applicants.

Arguments: As we have seen over the past 3 years, asylum systems particularly of Southern and some Eastern EU member states have not been able to deal with the increasing number of arrivals. To uphold an asylum system according to EU standards would be helped by a system of fair distribution and relocation. Whether this is a fixed distribution key or based on pledges by EU member states is secondary if a meaningful number of places for relocation can be achieved, and not merely a symbolic figure.

Relocation needs to take into consideration the preferences and often good reasons of refugees to want to go to a specific country: they might know the language, have studied or undergone training in a place, they may have friends willing to host them or offer them employment, or they may have a scholarship offer. It may not always be possible to match preferences, but wherever possible this ought to be done: this will increase the motivation of refugees to integrate, feel welcome, and to take their lives into their own hands, rather than depending on assistance.

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ⁱ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, which had to be transposed into national legislation by 21 July 2015