



24th November 2015.

Ref.: Call to offer safe and legal routes for refugees.
(Translation from Dutch)

Dear Messrs Dijkhof and Koenders, dear Ms Ploumen,

Europe finds itself confronting large numbers of refugees, many more than it has seen for a long time. These refugees can only find protection, in increasing measure, by travelling extremely dangerous routes. In doing so, they are obliged to cross borders illegally, for which they have recourse to human traffickers. The influx of refugees is creating a chaotic situation at the external borders of Europe, security concerns and uncertainty. In response, the countries in Europe are erecting ever more barriers (legal, technological and physical), against their arrival and are trying to reach agreements with countries of origin and/or countries of transit aiming at making the journey to Europe even more unfeasible. This constitutes a vicious circle that encourages irregular migration along dangerous routes, with considerable humanitarian consequences. The unrest, present in Europe, seems to lead to states forgetting that refugees have a right to protection and that this right can only be guaranteed if every state contributes to its realisation instead of transferring responsibility elsewhere.

The undersigned eleven organisation call on the Netherlands government to break this vicious circle and to contribute to serious efforts to offer refugees **safe, legal routes to Europe**. Up till now, this has hardly been done. Safe and legal routes are an important element to resolve the problems mentioned in relation to the present refugee situation. The government can no longer permit itself to ignore these problems. It is high time that safe and legal routes are seen as a priority for Dutch and European refugee policy. This can be done, according to our organisations, by:

- **Amplifying possibilities for legal and safe passage;**
- **Advocating in Europe for prioritising safe and legal routes for refugees in the EU-migration agenda and for participation in these initiatives by all member-states.**
- **Assuming responsibility in ensuring that, also outside Europe, more is done to offer safe and legal routes and to stronger international cooperation in this endeavour.**

What are 'safe and legal' routes?

Different instruments can be understood to contribute to safe and legal routes. An important instrument that already exists for many years is the resettlement programme of the UN Refugee Organisation UNHCR. In this, refugees in the region are selected by UNHCR according to certain (vulnerability) criteria and presented to countries outside the region to be allowed to resettle. This programme is not being used enough. UNHCR has concluded that at the global level, more than 1 million refugees should be eligible for resettlement. On a yearly basis, only a mere fraction of that number is being realised, some 70-80.000 people. The Netherlands is contributing annually 500 places, of which 250 were reserved last year for Syrian refugees.

Also, UNHCR is calling on the international community to enable other legal routes for refugees, such as designing a humanitarian access-programme. By ensuring that such a programme is aimed at specific, predetermined groups of

refugees it can contribute to faster resettlement. Various European countries such as Germany, Austria Switzerland and Great Britain are already implementing such programmes. Also, UNHCR is advocating for humanitarian visa to make it possible for individual refugees to travel, increasing possibilities for family reunification, offering scholarships and study-visa for student-refugees from the region.

International cooperation under pressure.

International solidarity is a precondition for effective global protection for refugees. It concerns in this case, solidarity in burden-sharing of costs for refugee-reception but also practical sharing of responsibilities by offering those refugees who cannot find sufficient refuge or protection in their region the chance for resettlement elsewhere. This kind of solidarity is under increasing pressure, between EU member-states but also between rich countries and the mostly poor regions where the majority of refugees is arriving.

At the present time, the UN's emergency assistance budget for 2015 for aid to Syrian refugees is only covered up to 51% of needs. Therefore, budget-deficits for emergency aid are increasing. Instead of receiving refugees leaving the region, many countries are shifting responsibility to others and closing their borders. The urgency to tackle this problem is greater than ever.

Chaos at Europe's borders.

Changing the present way of tackling the problem also from Europe's perspective is more important than ever. The emphasis on border-control makes it difficult for refugees to find safe and legal passage and has, paradoxically, caused more chaos at Europe's outer borders. Controlling entrance has been weakened. At the same time, it is clear that refugees will continue to arrive. Part of the solution must be found in scaling-up possibilities for safe and legal routes for refugees and closer European cooperation. That will not only make it unnecessary for refugees to undertake the extremely dangerous crossing, but also offer the Europeans more security because refugees will be screened before leaving for Europe.

Paramount importance of safe and legal routes.

Based on the various fields of expertise within the undersigned organisations, we see a broad range of aspects where safe and legal routes can contribute to improve the management of the present international refugee issues. Offering safe and legal passage is, first of all, a humanitarian instrument. The UNHCR resettlement scheme offers protection to vulnerable refugees who cannot be protected in the region, because of locally untreatable health problems, or because they are not safe in the region (e.g. minority groups, LHBT or (political) human rights activists) or because of the composition of the family-group (e.g. women heads of household with children).

Offering safe and legal passage is, in many countries, also a **precondition for organising protection in the region**. The cabinet has committed itself to offering refugees 'in the region' a perspective for their future. Taking into account the present pressures on the regions, this would appear to be utopian. This not only applies to the refugees, but also in increasing measure for the local population, which has to share the often meagre resources with large groups of refugees.

To create a sustainable and viable situation, with access to adequate health services, education and work-opportunities, countries in the region need to be relieved of some of the burden. That could be done by offering a substantial number of refugees the possibility of settling elsewhere. By offering refugees safe and legal routes also creates some better perspective for the local population facing arrival a large numbers of refugees.

Offering safe and legal routes is, in some situations, an indispensable instrument for **conflict-prevention and a guarantee for stability**. The Lebanon is the best example for such a situation. Political and social relations are seriously stressed by the large influx of refugees. The risk for not only the refugees leaving the country but also for the Lebanese fleeing is serious.

The present situation which forces refugees to come to Europe in irregular and unsafe ways, is contributing to the emergence of an enormous industry of human trafficking. The cabinet aims at undermining the 'business model' of the traffickers. The most effective way is to end the need for refugees to use the services of these smugglers. Resettlement-opportunities, or a visa and air-passage, costing a fraction of what these traffickers demand, are the best guarantee for reaching this goal.

Using instruments for safe and legal routes strategically would, if used at a sufficient scale, contribute to lessening the number refugees presenting themselves spontaneously and therefore unsupervised at the borders. If refugees are eligible for resettlement or a visa, they are less likely to choose an irregular route. This would relieve the situation at the external borders and make it more **manageable**. By investing in safe, legal routes, some of the refugees will enter Europe in an organised way, which would allow improved reception and settlement. Safe and legal routes, as already indicated, would improve security by screening more refugees before arrival and improve capacities at the external borders for registration and screening.

The Netherlands in a key-position.

Next to the imperative to include in its own policy safe and legal routes, our organisations also note that the Netherlands will be in a key-position to organise the debate on such measures at the European and international level. In the first place during the Dutch EU-presidency which falls to the Netherlands during the first six months of 2016. During this presidency, the European Commission will present a proposal for a common European

resettlement-scheme. The Netherlands will lead the negotiations on this proposal. At the moment, there is only an EU-programme for resettlement in which member-states can participate on a voluntary basis. The very modest aim of reaching 20.000 resettlements by the end of 2016 has not yet been fulfilled by the member-states. The proposal of the Commission should ensure, in the view of our organisations, that member-states participate on a larger scale and with much-proved coordination, in the UNHCR resettlement-programme. Also, by adding prominently to the Commission-agenda a debate on safe and legal routes, the Netherlands can play an important role. At the international level, until June of 2016, the Netherlands will preside over the **Annual Tripartite Consultations on Resettlement** in which countries of resettlement and the UNHCR define agreements on improving cooperation. Countries also avail themselves of the Consultation to offer new commitments on the number of places for resettlement. Also, various international conferences are to be organised, among them the recently announced international conference on the Syrian crisis and the World Humanitarian Summit in May of 2016. Here, the Netherlands as an important donor for humanitarian programmes, can assume a stimulating role to reinforce the global effort for safe and legal passage and coordination. These conferences especially offer opportunities for reaching a substantive international approach. It is, obviously, not assumed that the Netherlands or even the EU can solve all the problems. Playing a waiting game to see what others will be doing is not an option. We therefore call on the Netherlands to play, also internationally, an important leading role.

An indispensable step.

Offering refugees safe and legal passage is, given the elements noted above, a necessary and even inevitable step to find sustainable and coherent solutions for the international refugee issue. It is therefore high time for the cabinet to work to such an end at the national, European and international levels. Concerns in our own country about the reception of refugees cannot be ignored. However, a serious effort to reach safe and legal routes can contribute to managing adequately refugee-reception in the Netherlands and restoring the sense of security which so many Dutch feel the need of at the moment.

Cordially,

Amnesty International;
Doctors of the World;
Human Rights Watch;
Justice and Peace;
KerkinActie/Churches in Action;
Oxfam-Novib;
Partos;
PAX;
University Assistance Foundation;
Vluchtelingenwerk Nederland/Refugee Foundation of the Netherlands.