

The Refugee Crisis: A protection-based response

On Monday 14 September, Home Affairs ministers from across Europe will meet to discuss Europe's response to the refugee crisis. Ahead of this meeting, the Refugee Council urges MPs to call on the Prime Minister to commit to creating alternative legal routes for refugees to reach safety in the UK by:

- Voluntarily pledging tens of thousands of resettlement places in the UK to refugees around the world, bringing them directly and safely from the region to our shores.
- Proactively seeking to help families separated by forced displacement to reunite with their relatives already living in safety in the UK.
- Establishing other legal avenues for refugees to reach the UK, through humanitarian or asylum visas.

We also ask that the UK plays its part in sharing responsibility for refugees arriving in the EU by:

- Participating in the EU-wide relocation scheme.
- Making full use of the provisions contained in the Dublin III regulations to protect family unity.
- Suspending returns under the Dublin regulation (unless to reunite family members)

Neither the UK nor Europe as a continent can avoid the biggest global refugee crisis since World War II, nor should we attempt to. It is attempts to contain the crisis through the closing down of safe and legal routes for refugees that has in part caused the crisis on Europe's border. A plethora of border controls overseas effectively prevent refugees from reaching our shores, and with almost no legal avenues open to them, refugees are forced to take ever greater risks in their efforts to find a safe haven.

These border controls are forcing people to turn to unscrupulous smugglers in an attempt to reach safety, placing their lives at grave risk. There is a danger that efforts to dismantle smuggling networks without providing alternative routes to safety would, in the unlikely event they were successful, trap people in countries where they cannot get the protection they need, and where they may be at risk of further human rights abuses. Refugee women who are on the move in search of safety are particularly vulnerable to rape and sexual violence.

This is a Refugee Crisis

The International Organization for Migration says that 351,314 people have crossed the Mediterranean so far this year¹. 2,643 people are known to have lost their lives making the crossing in 2015. According to the UN Refugee Agency (UNHCR), the majority of men, women and children crossing are refugees, a conclusion based on the nationalities of those arriving in Europe. Over the first six months of 2015, 58% of arrivals were from Syria, Eritrea or Afghanistan. In 2014, the 28 Member States of the EU gave 95% of Syrian asylum seekers, 89% of Eritrean asylum seekers and 63% of Afghan asylum seekers, protection in the first instance.²

Some perspective is needed

It should be remembered that in the context of 60 million people forcibly displaced from their homes, the numbers seeking to enter Europe are comparatively low and the UK takes much lower numbers than some other EU Member States. Over the last year, Germany has received eight times as many asylum

¹ As of 1 September 2015. See <https://www.iom.int/infographics/missing-migrants-project-mediterranean-update-1-september-2015>

² UNHCR, July 2015, *The sea route to Europe: The Mediterranean passage in the age of refugees*. Available here: <http://www.unhcr.org/5592bd059.html>



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applications as the UK, Hungary three times, and Sweden, France and Italy all received at least double the number of applications.

The UK government should be playing a far more constructive role in responding to the crisis by, in particular, working with our EU partners to see how the UK could provide protection to a greater proportion of the world's refugees.

Refugee Council recommendations

The need to tackle the root causes of refugee flight has never been more apparent. However, in the meantime only the creation of alternative, legal routes for refugees to find safety in the UK and other EU states will begin to address the crisis by reducing the numbers forced to make dangerous journeys with smugglers. This can be done by:

Resettling significantly more refugees from around the world in response to the current crisis. The UN Refugee Agency UNHCR has identified around 960,000 refugees in need of resettlement worldwide, yet the UK resettles only 750 refugees a year through the Gateway Protection Programme and has only resettled 216 refugees from Syria since the start of the conflict. Sweden currently resettles 1,900 refugees every year, while Norway has offered to resettle 9,000 Syrian refugees³. On 4 September, in response to growing public pressure, the Prime Minister announced that the UK will resettle “thousands more” Syrian refugees. **While we await further details on this announcement, we reiterate that the UK's resettlement programmes should be offering tens of thousands of additional places to refugees around the world at this time.**

Making it easier for refugees to reunite with their relatives in the UK. Very few refugees with relatives in the UK would qualify for family reunion under existing regulations. Currently, only those with relatives who have been recognised as refugees are entitled to bring their families to the UK. Except in exceptional circumstances, this would only apply to spouses and dependent children under the age of 18. In practice, this is interpreted very rigidly and it is extremely difficult to join family if you are not a spouse or a dependant child.

For example, a Syrian father who has been granted asylum in the UK would be allowed to bring his wife and his younger children to join him. However his eldest child, an 18 year old daughter, would not ordinarily be allowed to travel with the family and they would be forced to leave her behind or pay smugglers to bring her to the UK.

Similarly, a Nigerian woman who has witnessed the death of her husband and children by Boko Haram and is desperate to find safety with her sister living in the UK would find it almost impossible to reach her, except by travelling illegally with the help of smugglers.

British citizens, or others who are legally resident, with family in danger in other countries, are not eligible to bring them to safety in the UK without a fee and strict conditions which in practice are prohibitive. The rules should be more flexible for those whose family members are obviously in danger.

Other safe and legal routes should be established such as humanitarian visas. A number of countries around the world offer humanitarian visas, enabling refugees to safely seek protection. Humanitarian visas allow those fleeing war and persecution to legally and safely travel to a country so that they can apply for asylum. Although processes vary, generally the individual approaches a potential host country's consular representation to say that they want to seek protection in that country. The consular representation that decides whether to issue a humanitarian visa based on a basic pre-screening exercise. Upon granting the visa, the individual can then travel to the host country where they then lodge an asylum application.

³ The total pledges of resettlement and other forms of protection for Syrian refugees can be found here: <http://www.unhcr.org/52b2febafc5.pdf>



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France and Brazil have both established such schemes in response to the Syrian crisis. As of February 2015, Brazil had issued over 7,000 humanitarian visa to Syrian refugees, while France had allowed 1,880 Syrian to travel on such a visa in order to apply for asylum in country.

Playing our part in the European response

A significant commitment to the establishment of safe and legal routes to Europe by a number of Member States would lead to a reduction in the numbers attempting to arrive by sea. Admission of refugees through legal channels such as resettlement, family reunion and humanitarian visas, would also allow for better planning and management. However, given the lack of safe and legal channels and the inevitable high numbers therefore taking irregular routes and arriving in Italy, Greece, and increasingly Hungary, **the UK government must acknowledge that a more equitable sharing of responsibility for refugees (including hosting them) is required within the EU.**

The Refugee Council is very disappointed the Government chose not to take part in the EU-wide relocation programme, particularly given its modest scale. Under the programme, the EU plans to relocate 40,000 persons from Italy and Greece in clear need of temporary protection to other member states. Given the numbers arriving at the EU's borders, the UK should, as a first step, be taking part in this programme.

The Government can also play a greater role by fully implementing the Dublin III regulations. The Dublin regulations aim to deal with the situation where an individual applies for asylum in one EU member state, but has previously made an application (or been present) in another. In such cases, the individual may be transferred to the first EU state. The Dublin regulations have been recast twice, and the most recent version, Dublin III, came into force on 1 January 2014. The Dublin III regulations state clearly that respect for family reunion and the principle of family unity should govern decisions about which country is responsible for deciding asylum applications. However, the publically available guidance used to determine Dublin cases has not been updated to reflect this change, and still refers to Dublin II.

The Dublin III regulations, in articles 16 and 17, also contain a discretionary power for the Government to bring together relatives including those dependant upon asylum applicants in the UK, where family or cultural considerations prompt a request for the UK to take responsibility for asylum requests made in other Member States. A generous use of this discretionary power would be a sensible way of showing solidarity with those countries experiencing most pressure. **We urge the Government to ensure that Dublin III is used to its full potential.**

It is clear that for the vast majority of refugees entering Europe, the UK is not their final destination. The number of people applying for asylum in the EU has increased by 65% in the last twelve months. In the UK, the increase has been just 7%. In solidarity with those countries receiving the highest numbers, **returns under the Dublin regulation should be suspended**, except for the purpose of reuniting families.

About the Refugee Council

The Refugee Council is a human rights charity, independent of government, working to ensure refugees are given the protection that they need, are treated with the respect and understanding that they are entitled to, and that they are assured the same rights, opportunities and responsibilities as other members of society.

The Refugee Council also provide secretariat support to the All Party Parliamentary Group on Refugees.

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