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Concluding Plenary Session: Towards Consensus on a long-term migration policy in 2017?

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When talking about displacement, it is key to keep the global context in mind. The vast majority of those displaced are not in the EU. They are in developing countries.

It is also key to frame the issue of displacement adequately. We are increasingly hearing protection issues being cast as migration issues. The latter are addressed from a migration management perspective, which often leads to discussions that do not include protection considerations. Specific solutions are required for people fleeing terrible circumstances. Such a protection-oriented approach was endorsed at the New York Summit in September last year.¹ EU Member States were all present in New York, and the EU strongly recalled the importance of finding solutions for refugees. UNHCR has been tasked to develop a Comprehensive Refugee Response Framework. It is important that we do keep a focus on the need for solutions for those in need of protection.

In order to try and advance this agenda, UNHCR has put forward concrete proposals. Those are outlined in the “**Better Protecting Refugees**” policy paper issued in December 2016.² The recommendations, which are comprehensive and pragmatic, are based on four main objectives:

First, UNHCR proposes **an EU that is more engaged externally**. The EU is already engaging beyond its borders in relation to people in situations of forced displacement. That work can be further built upon. In particular, it is key to further develop safe and legal pathways. This was one of the New York Declaration commitments but, surprisingly, the Malta Declaration of 3 February 2017³ does not mention such pathways. The Statement focused on addressing the situation along the Central Mediterranean route, in particular in Libya. However, without credible pathways for those in need of protection, the situation cannot be improved. In July 2015, EU Member States committed to resettle 22,000 refugees into the EU. The Commission’s 9th Report on Relocation and Resettlement⁴ indicates that about 14,000 people had been resettled as of 6 February 2017. This is a small number that must be increased.

Secondly, UNHCR’s proposals focus on **preparedness and contingency planning**. Proper contingency planning needs to be in place in EU countries so that the Union and its Member States can respond to refugee situations more effectively. This includes having stand-by arrangements in place.

Thirdly, UNHCR’s recommendations focus on **establishing a well-managed Common European Asylum System (CEAS)**. This would involve accelerated procedures for certain caseloads, the prioritization of family reunion and a specific child protection approach for children. In the context of

¹ United Nations General Assembly, New York Declaration for Refugees and Migrants, 13 September 2016, available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1

² UNHCR, *Better Protecting Refugees in the EU and Globally*, December 2016, available at: <http://www.refworld.org/docid/58385d4e4.html>.

³ European Council, *Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route*, 3 February 2017, available at: <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/>

⁴ European Commission, *Ninth report on relocation and resettlement*, 8 February 2017, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170208_ninth_report_on_relocation_and_resettlement_en.pdf

the reform of the CEAS, great focus has been placed on the application of the safe third country concepts. In UNHCR's views, this concept can only be envisaged as part of serious responsibility-sharing efforts. The safe third country concepts should not be used simply to shift responsibility outside of the EU. If the safe third country concept is to be used, there must be well-established safeguards. Those include the existence of quality and functioning asylum systems, and the possibility to have access to durable solutions, in any country deemed safe. Another of these safeguards is the guarantee of the existence of a meaningful connection between asylum-seekers and any country they would be returned to under the safe third country concepts. This is for rational reasons and to ensure that the consequences of the application of the safe third country concepts are sustainable: Persons not in need of international protection who return voluntarily or who are returned need to be supported so that they can reintegrate into their country of origin.

Finally, the fourth element of UNHCR's proposals is ***an EU that focuses on integration***. Many countries in the EU do not spend any of their AMIF funding on integration. Some *de facto* behave as transit countries. We need to make sure that all EU Member States are spending on integration and investing so that solutions can be found.