

A Union of Protection: Amnesty International's Agenda for Refugee Protection in Europe

In the first eight months of 2015, more than 350,000 people reached the EU in search of protection or a better life. More than 244,000 people have arrived on the Greek islands alone, almost 90% of whom have come from war-torn Syria, Afghanistan and Iraq. This unprecedented refugee flow is the inevitable result of the worst global refugee crisis since World War II, with around 19.5 million refugees globally, 80 % of whom are hosted in developing countries.

Rather than welcoming a fair proportion of the world's refugees, the leaders of the EU have mainly focused on border control, the building of fences and enlisting neighbouring countries as gatekeepers. Almost 2800 people have already lost their lives attempting to reach safety in Europe this year. Even when they reach Europe their hardships are far from over, as Amnesty International has documented in Greece, Hungary and elsewhere. This must not, and need not, continue. A concerted emergency response and a radical overhaul of the EU's failing asylum system are urgently needed. Amnesty International is therefore calling on EU leaders to:

1. **Prevent deaths on dangerous routes: provide more safe and legal routes for refugees to reach EU countries:** through a significant increase in resettlement places, humanitarian admissions, humanitarian visas and family reunification. This would reduce the number of refugees undertaking dangerous journeys, reduce the pressures on periphery EU states, ensure a fairer distribution of refugees globally and across EU member states and decrease the opportunities for smugglers to profit.

Amnesty International estimates that 1.38 million resettlement and humanitarian admission places will be required over the next two years; this is based on UNHCR's latest estimate that 1.15 million refugees currently need resettlement and the likely increase in this figure over that period. EU member states, making up the wealthiest political bloc, can and should offer at least 300,000 in resettlement and humanitarian admission places over the next two years for the most vulnerable refugees outside of the EU. This could be done through national programmes or a mandatory programme to be set up by the EU.

2. **Ensure access to territory for refugees arriving at the EU's external land borders** to reduce the need for refugees to take dangerous sea journeys. Those seeking asylum should be allowed to enter through official border crossings, regardless of whether they have valid travel documents, and maintaining sufficient, appropriately located, and secure border crossing points open for refugees.
3. **Relieve the immediate pressure on external border countries: Support and participate in an emergency relocation scheme.** As a temporary measure, the relocation proposal should be implemented immediately, and. For a sustainable solution, measures listed in this agenda, including more safe and legal routes to EU member states, a common asylum system with equal rights and entitlements across the EU, and freedom of movement for refugees, should be taken. Finally, any distribution scheme must take into consideration the needs and will of the people involved and should respect the right to family unity.
4. **Stop human rights violations at the external borders of the EU** by ending push-backs, ill-treatment and the excessive or unnecessary use of force and providing effective remedies to victims. Member states must ensure prompt, independent and thorough investigations into allegations of violations and hold those responsible to account. The European Commission, as the guardian of the treaties, should initiate infringement procedures against violations of the EU acquis.
5. **Significantly enhance the financial, technical and operational support to frontline EU member states for the reception of asylum seekers and the processing of asylum applications:** all EU and member states' asylum, migration and civil protection agencies should be immediately mobilized to support the reception services and processing of asylum claims at key entry points.

The development of any “hotspot” in frontline member states, as foreseen by the European Agenda on Migration, should focus on ensuring access to effective individual asylum procedures and providing adequate reception conditions for all asylum seekers. While ensuring refugees have access to their rights upon arrival, this would also help reduce irregular onward movements within the EU.

6. **Allow free movement for refugees in the EU:** revise EU legislation limiting freedom of movement of successful asylum seekers within the EU including by revising the Long-Term Residence Directive and establishing a system of mutual recognition of positive decisions on international protection. This would help prevent irregular secondary movements within the EU, facilitate family reunifications, increase prospects for integration and relieve the long-term pressures on external border countries.
7. **Guarantee the enforcement of reception and processing standards across Europe: ensure that the European Commission rigorously enforces the EU asylum acquis** with regard to the processing of asylum applications, the reception of asylum-seekers by EU member states to ensure their human rights compliance. Secondary irregular movements within the EU can only be prevented by establishing a uniform asylum system, which ensures equal standards across all EU reception, asylum and integration systems.
8. **Refrain from developing a list of “Safe Countries of Origin”:** as refugee status determination is a process based on individual circumstances, no country of origin can be labeled as “safe” in general terms. The application of a “safe country of origin” concept fundamentally undermines asylum seekers’ access to a fair and efficient asylum procedure, as it often results in an excessively high burden of proof being placed on applicants coming from countries considered “safe”. It may *a priori* preclude whole groups of asylum-seekers from refugee status and ultimately result in *refoulement*. It would imply discrimination among asylum-seekers on the basis of their nationality in breach of Article 3 of the 1951 Geneva Convention.
9. **Maintain search and rescue capacity along the main migration routes to the EU** commensurate with foreseeable departure trends: For so long as departures continue in such significant numbers in the Central Mediterranean, Amnesty International calls on European leaders to maintain the current level of deployment of naval and aerial assets as close to Libyan territorial waters as required to assist refugees and migrants in peril at sea promptly. Any operation designed to capture and dispose of smugglers’ vessels should not distract assets from the essential task of patrolling the high seas with a view to coming to the rescue of people in distress. European leaders should ensure that those who are rescued are disembarked to a place of safety with access to an effective asylum system to grant international protection to those who need it.
10. **Encourage and support countries of transit to develop rights compliant asylum and migration policies.** Cooperation agreements with third countries on migration should focus on the rights and needs of those concerned and seek to increase not reduce access to international protection when needed.
11. **Increase humanitarian assistance to refugee crises outside the EU:** United Nations (UN) humanitarian appeals that provide essential food, shelter, health and educational assistance to refugees and the communities that host them are severely underfunded. António Guterres, the UN High Commissioner for Refugees, warned this week that the global humanitarian community is “financially broke”. This lack of funding is having a serious impact on conditions for refugees in the Middle East and elsewhere.