



Refugees try to keep warm by a fire on the shore of Lesbos in February 2016. Credit: Pablo Tosco/Oxfam Internón

# A SAFE HAVEN?

## Britain’s role in protecting people on the move

Across Europe, people who have fled human rights violations, conflict, violence and hardship are living in inhumane conditions, and thousands have drowned trying to reach the continent. The current humanitarian crisis is the result of political failure. The dominant response, based on deterrence and containment, is causing enormous suffering to some of the world’s most vulnerable people. While the UK government has been a leader in providing assistance to countries hosting large numbers of refugees, it has fallen short of its moral responsibility to provide safe routes to protection for people seeking refuge in the UK, and has failed to advocate for an approach that protects the rights of all people on the move.



# INTRODUCTION

The world's richest continent is failing some of the world's most vulnerable people. In the last two years, European governments have been unable or unwilling to agree a common humane response to people seeking refuge. This has resulted in the tragic loss of thousands of lives in the Mediterranean, a deplorable humanitarian situation in Europe, and women, men and children embarking on long and hazardous journeys through the continent.

The current humanitarian crisis in Europe is ultimately the result of political failure. While the response from European Union (EU) Member States has been mixed, the overriding imperative appears to be one of deterrence. The deal that was struck between the EU and Turkey on 18 March is the latest example of that approach. That deal is doubly flawed – it is both immoral and impractical. On a practical level, it is likely to be counter-productive, as history suggests that when one migration route is closed down, another one opens up and people are pushed even further into the hands of smugglers. People who are desperate, with ever narrowing choices, will take huge risks to reach a safe haven. At a principled level, the deal risks undermining basic moral and legal obligations. It also sets a dangerous precedent: what message does it send to the world, including those countries with large refugee populations, that wealthy Europe, a continent that has traditionally championed human rights, appears so quick to erode them?

For its part, the UK has been a leader in providing vital assistance to support refugees in countries such as Lebanon and Jordan. But it has fallen short of welcoming its fair share of refugees.<sup>3</sup> Delivering aid does not absolve the UK of its moral responsibility to offer a safe haven. The UK government must recognize that, to realize shared responsibility to the world's refugees, it needs to combine effective aid with a far more welcoming approach to refugees, including actively hosting them. While welcoming and integrating refugees requires resources and investment, refugees make significant, positive contributions to their host communities.<sup>4</sup> The UK government must also advocate for an approach that ensures the protection and the basic human rights of all people on the move, regardless of their legal status.

This briefing provides an overview of what the UK should do to deliver on its responsibility to respond to global displacement.

The briefing first describes the principles underlying shared responsibility and then provides recommendations for action. Section 1 calls for the expansion of safe and legal routes. Section 2 examines reception conditions in Europe. Section 3 describes ways to improve humanitarian responses in Europe. Section 4 describes the need for fair, efficient and humane asylum procedures. Section 5 looks at how to improve conditions in countries hosting large numbers of refugees, and section 6 outlines the drivers of displacement. All the elements together form a

*'If I had stayed in Iraq they would have killed me for marrying someone of a different sect. I had to leave quick. I'll go anywhere to live in peace, to escape from there.'*

Sami, 29 from Iraq, interviewed in Serbia in October 2014

*Since the Syria conflict began in March 2011, the UK has granted asylum to 5,845 Syrians. A further 1,337 have been resettled in the UK through the Vulnerable Persons Relocation Scheme.<sup>1</sup> This means that the UK has provided protection to just 0.15% of the estimated 4.8m Syrian refugees, and that – of the 555,485 Syrians who have applied for asylum in the EU in the last five years – just 1.6% have applied in the UK.<sup>2</sup>*

comprehensive approach, and thus cannot be traded off against each other.

This briefing note is written based on the status quo with the UK as a member of the EU. While some of the details could change if the UK was to leave the EU, the principles behind the recommendations hold, irrespective of whether the UK is a member of the EU or not. The briefing was written by 13 agencies<sup>5</sup> working in the countries from which people are fleeing, such as Syria, Iraq and Afghanistan, and in countries across sub-Saharan Africa, as well as in Europe, including the UK.

## SHARED RESPONSIBILITY

In 2016, the number of people displaced as a result of persecution, conflict, violence or human rights violations around the world is more than at any time since the Second World War – estimated at over 60 million.<sup>7</sup> While a staggering 86 percent of the world's refugees were hosted by developing countries by the end of 2014,<sup>8</sup> there has been an increase in irregular migration to Europe, with over a million people arriving in 2015, which represents approximately 0.2 percent of the EU's population.

Given the magnitude of global displacement, it is clear that there is no single or easy solution. Rather, governments within Europe and across the world need to develop a coordinated response that is:

- **Humane and rights-based**, whereby everyone is treated with dignity, and has their fundamental rights respected and protected without discrimination, in line with international human rights, refugee and EU law.
- **Comprehensive and conducted in the spirit of genuine solidarity and with a commitment to shared responsibility**, whereby governments work together and respond to the needs of people on the move, including by hosting them.
- **Enabling of a dignified future for people who are displaced**, by ensuring their right to work and education.
- **Focused on preventing and resolving the crises that drive displacement as well as reacting to their effects.**

Significant advances can be made in 2016. In September, the UN Summit on Addressing Large Movements of Refugees and Migrants, and a summit to be convened by US President Obama, will both offer opportunities for new commitments at the international level. We hope the UK government will take a lead role on the world stage by shaping a new framework that actively welcomes people forced to seek safety in another country and ensures protection of all people on the move.

*The number of asylum claims made in the UK remains relatively low. In 2015, Germany and Hungary received over half of all applications made in the EU, while the UK dealt with just 3.1% of arrivals (38,370).<sup>6</sup>*

# 1 EXPAND SAFE AND LEGAL ROUTES TO THE UK

European governments, including the UK government, must recognize that the lack of legal channels to protection in Europe is forcing people to travel dangerously and irregularly – often with smugglers. Expanding safe and legal routes to Europe and within Europe would help save lives, protect refugees' futures and result in fewer people being forced to travel irregularly. States must focus on safe, organized routes to refuge without conditions.

The UK government should reconsider its policy on visa requirements for nationals from countries of origin of prima facie refugees,<sup>11</sup> and should advocate for other European states to do the same. It is a cruel paradox that, for example, a Syrian student would have been granted a student visa more readily before the outbreak of the conflict in Syria than after it.<sup>12</sup> This is because visa applications are routinely refused if the authorities believe there is an intention to claim asylum upon arrival. Furthermore, visa requirements are imposed to control the number of people claiming asylum. For example, in March 2015 changes were made to the immigration rules to remove the 'transit without visa' exemption for Syrians with a visa for entry to the USA. This was done explicitly for the purpose of preventing Syrians from claiming asylum in the UK.<sup>13</sup>

Visa requirements should never be used as a mechanism to curb the arrival of refugees and asylum seekers. To use visas in this way undermines the right to seek asylum and threatens the international protection system. In emergency situations, the international community should simultaneously suspend visa requirements for people affected, in a spirit of responsibility sharing and for determined periods of time for affected nationals. While visa requirements exist, European governments, including that of the UK, urgently need to develop and increase safe and legal routes to their territories, including via resettlement, humanitarian visas and expanded application of family reunification schemes.

The expansion of legal channels to protection would have the added advantage of undermining the smuggling networks by decreasing demand for their service. This would likely reduce the number of people moving through Europe irregularly, and therefore increase the manageability of the movement of people to and within Europe. Most importantly, it would protect lives: the lack of safe and legal routes has caused much of the suffering we see in Europe today.

*In 2010, before war broke out in Syria, the UK approved 70% of visas for Syrian nationals; by 2015, this had dropped to 40%.<sup>9</sup>*

*Syrians rescued by the Phoenix, a search and rescue vessel operated by Migrant Offshore Aid Station and formerly staffed by several members of MSF, had asked for help in different countries before making the sea crossing. A young Syrian man said he had asked for asylum in 13 embassies while he was in Egypt at the beginning of 2015 (including Germany, UK, Sweden, France and US). All of them rejected his request.<sup>10</sup>*

**We call on the UK government to:**

1. Commit to resettle in the UK a fair and proportionate share of the world's most vulnerable refugees, and advocate for other countries to do the same. The US government's call to double the global number of resettlement and humanitarian admissions at the summit in September is a first step.
2. Make it easier for families separated by forced displacement to reunite with their family members in the UK by:
  - Making legal aid available for family reunion applications and appeals.
  - Making the family reunion submission process safer for applicants, by allowing the sponsor in the UK to submit the application on their behalf.<sup>15</sup>
  - Broadening the definition of family for the purposes of refugee family reunion to allow adult refugees in the UK to be reunited with their parents, siblings and adult children. The rules should also be amended so that unaccompanied children found to be in need of international protection can bring family members to the UK. British citizens or others ordinarily resident in the UK should also be able to sponsor family members that are persons of concern to UNHCR, under the same terms as set out in refugee family reunion policy.
  - Recognizing relationships in which applicants are dependent on sponsors for their survival and wellbeing, including where such relationships depart from conventional family structures.
  - Ensuring that the relevant team in the Home Office is sufficiently resourced to swiftly process family reunification applications.
3. Develop and implement a humanitarian visa scheme, such as those in Argentina, Brazil, France, Italy, Sweden and Switzerland.<sup>16</sup> To be able to claim asylum in a country, a person has to be physically present in that country. Humanitarian visas would allow people to travel to the UK legally to claim asylum without having to put their lives at risk. Visas should be issued in the country of departure or in transit countries.
4. Recognize that a more equitable sharing of responsibility for refugees (including hosting) is required within Europe, and seek to redress the balance by:
  - Suspending returns to other European countries under the Dublin III Regulation except for the purposes of family reunification.<sup>17</sup> The Dublin Regulation establishes the criteria and mechanism for determining the member state responsible for examining an asylum application.
  - Making full use of the provisions contained in the Dublin III Regulation to protect family unity, including a compassionate and generous response to requests to transfer to the UK under Article 17 (discretionary clause).

*The number in need of resettlement increases year on year. The number of globally available resettlement places continues to be dwarfed by need.*

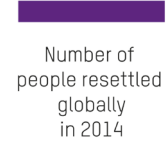
**Resettlement globally and in the UK, 2014<sup>14</sup>**

**960,000**



Global number of people in need of resettlement in 2014

**73,000**



Number of people resettled globally in 2014

**787**



Number of people resettled in the UK in 2014

- Ensuring that border and transit countries are properly resourced to process requests to reunite with family members in the UK under Dublin III.
- Acknowledging the structural flaws of the Dublin system in allocating responsibility for examining asylum applications and supporting a complete overhaul of the Dublin system, including its underlying principles. A responsibility allocation system must be preference-based, rooted in respect for fundamental rights and based on incentives rather than coercion.

5. Advocating that those recognized as being in need of protection by EU Member States enjoy freedom of movement in the EU. Such an approach would reduce the numbers that feel compelled to continue their journey through Europe before claiming asylum.

## 2 ENSURE HUMANE RECEPTION CONDITIONS

As long as people continue to arrive irregularly by sea, saving lives must be of the highest priority. The UK must support and advocate for the EU's search and rescue missions to be continued. The UK has previously contributed through Operation Weald (launched in May 2015), and thereby saved thousands of lives.<sup>18</sup> Such engagement must continue and be expanded.

In contrast, operations such as the NATO mission in the Aegean aimed at destroying smuggling networks or recent announcements to deploy UK naval ships in the Mediterranean may put lives more at risk by diverting attention and resources from search and rescue missions. Moreover, evidence shows that efforts to dismantle the smuggling networks, without the creation of safe and legal routes to reduce demand, are likely to be ineffective, and simply lead to the creation of new – possibly more dangerous – routes.<sup>20</sup>

Responding to people arriving irregularly in countries such as Greece is an EU-wide responsibility. Reception conditions for people in border countries are wholly inadequate, and additional support from EU Member States is required. Many reception centres lack adequate and safe infrastructure, such as sleeping arrangements, sanitation facilities (in particular for women), medical services, food and the capacity to effectively identify the most vulnerable.

Effective reception systems should include expeditious access to registration procedures and information, as well as essential health and protection services, including psychosocial support. EU Member States must ensure proper implementation of the directives and regulations of the Common European Asylum System. The way that the hotspots approach – which deployed EU personnel in Italy and Greece to reinforce the processing of people arriving<sup>21</sup> – is implemented raises significant concerns.

In Italy, where NGOs are not allowed to operate in facilities where the hotspots approach is used, there have been accounts of unclear

*'There are some people who are using travelling agents – but you can say human smugglers. These people take some money and they lead you to the border. Sometimes we are afraid of them. They beat people on the way, they are very harsh people. They can harm you, even kill you. But you have to follow them if you want to go ahead. I crossed some borders on my own, using my own ways, but sometimes the 'travelling agents' would imprison me [and] I followed their ways.'*

Zada, 26-year-old man from Afghanistan, interviewed in Serbia in November 2015

*Research conducted by the International Organization for Migration indicated that Europe is the world's most dangerous destination for 'irregular' migrants, with the Mediterranean taking the lives of 3,770 in 2015.<sup>19</sup>*

procedures, de facto detention and police officers taking decisions regarding eligibility for international protection, which has deprived people of the right to claim asylum, apparently on the basis of nationality.<sup>22</sup> In Greece, since the EU-Turkey deal, the hotspots approach has effectively turned reception centres into detention centres, which has caused numerous humanitarian agencies to withdraw from the centres in Greece.<sup>23</sup> These practices are unacceptable and contrary to international law.

Even prior to the EU-Turkey deal, the current registration processes made it especially difficult to identify people in need of specialized protection, such as vulnerable women and men, children (especially those travelling alone) and torture survivors. These problems have been compounded since the deal came into force, with people in Greece arbitrarily detained without information on their rights.

The UK government should work collaboratively with other European governments to support a humane response to the arrival of refugees that prioritizes saving lives, respecting the rights of people and preventing sexual and gender-based violence. To this effect, it should:

1. Ensure that there are adequate search and rescue operations in the Mediterranean and Aegean which prioritize saving lives at sea, and that refugees and migrants are delivered to a recognized safe country. This will include ensuring that all agencies involved in search and rescue have had adequate training to humanely receive people who have made traumatic journeys.<sup>24</sup>
2. Raise any breaches of the EU Reception and Procedures Directives with the European Commission and support the Commission to raise standards across EU Member States, in particular by:
  - Calling for the hotspots approach to be strictly monitored and regulated by national legislators to protect human rights and dignity, and ensure access to fair and efficient asylum procedures;
  - Demanding an end to arbitrary detention in centres operating the hotspots approach;
  - Supporting the adequate preparation of response and contingency plans in border and transit countries, ensuring that a coordinated cross-border reception strategy is in place that involves registration centres, reception facilities and services to humanely support people in line with international and EU law;
  - Working with other EU governments to ensure that reception systems and registration facilities provide each person with information about their rights, including the right to ask for international protection and appeal procedures;
  - Ensuring that all arrivals have immediate access to vulnerability assessments and essential healthcare, including for psychosocial needs, and protection services provided by qualified and experienced personnel – including at disembarkation points for those arriving by sea;

*On Lesbos, some people receive an information leaflet that says that they can be held until the completion of 'relevant procedures' and that they can ask for a 'clear and full explanation of your rights' and 'come into contact with your lawyer'. But those that we spoke to said that when they asked for asylum in Greece they were simply told to go away.*

Information gathered in an NGO needs assessment on Lesbos in March 2016



- Supporting the European Commission to submit a report on compliance with EU Reception and Procedures Directives for scrutiny by the European Parliament.
3. Work towards ensuring that any future policy development prioritizes saving lives, responding humanely to new arrivals and making the Common European Asylum System more focused on protection.

### 3 IMPROVE THE HUMANITARIAN RESPONSE IN EUROPE

While the measures above are vital to support people when they first arrive in Europe, people are in need of support and protection as they continue their journey. Saving lives and providing humanitarian assistance to people in need, regardless of their legal status, must be a priority for governments around the world. While we have seen a welcome increase in financial support for the humanitarian response in Europe, the decisions taken by some European governments in response to the movement of people on their borders have exacerbated human suffering and made it more difficult for humanitarian agencies to help those in need.

Arbitrary border closures cause untold suffering. People trapped at borders will take greater risks, and are more likely to put their lives into the hands of smugglers. They are more vulnerable to disease, family separation and human rights abuses. People who have exhausted their resources may be at higher risk of being subjected to gender-based violence and exploitation as they continue their journey through Europe. In this situation, children and women are left extremely vulnerable, and accounts of exploitation along the journey to and within Europe are manifold.

Discrimination based on nationality is a real concern at different stages of the migratory route. For instance, earlier this year, nationals other than Syrians and Iraqis were at risk of being pushed back at the borders of Austria, Hungary, Slovenia, Serbia, Croatia and the former Yugoslav Republic of Macedonia, and there have been reports of Syrians being granted passage based on their specific towns of origin and/or their choice of destination countries.<sup>25</sup> Those of other nationalities have been prevented from moving on.

Increased military involvement in managing the response, as in Greece, and the creation of 'closed reception centres' which are de facto detention centres, are of great concern. It is particularly inhumane that people who have fled war and conflict find themselves confined in a camp run by the military. This approach further contributes to stigmatizing people who seek refuge as a security threat rather than responding in a humane way that upholds their dignity and human rights. In this regard, the UK government's announcement that it is donating military equipment to reinforce Bulgaria's border guards – who are alleged to have abused people travelling through their territory – is troubling.<sup>26</sup>

*'If you open my heart, the inside will be black. We have been treated like animals during the journey. We don't deserve this.'*

Ahmad, 65, from Syria, interviewed in Greece in February 2016



The UK has a demonstrable track record in supporting humanitarian assistance and advocating for humanitarian standards to be upheld. It should make use of DFID's expertise to contribute to an improved humanitarian response in Europe. Together with other European governments, the UK should:

1. Advise on the provision of humanitarian assistance, and reassert the importance of independence to humanitarian action in accordance with the European Consensus on Humanitarian Aid.
2. Advocate against increased militarization of the response in Europe, and cease providing military equipment until the UK government can conclude with confidence that there is no risk that equipment will be used to commit or facilitate human rights abuses.
3. Work with other European governments to avoid border closures that exacerbate humanitarian crises.
4. Ensure that family unity, including cases outside of conventional family structures, is respected and protected at all times. This will include supporting and financing Family Tracing and Reunification<sup>27</sup> programmes.
5. Support a pan-European network of protection-focused agencies to assist with the identification and protection of vulnerable cases.
6. Ensure compliance with the EU Gender Action Plan 2016–20 by providing services to survivors of gender-based violence in humanitarian settings, and with the International Development (Gender Equality) Act 2014 by providing and funding assistance that takes account of gender-related differences in people's needs.
7. Work with the EU and European governments to make funding commitments swiftly available, making full use of the expertise and skill of the EU Humanitarian Aid and Civil Protection departments (ECHO), and aid agencies on the ground. Funding for humanitarian response within the EU should be drawn from EU internal funding rather than existing and future humanitarian or development aid.

*'The needs of the refugees are now actually higher, because previously, they were just hurrying to go through as soon as possible, now we see a lot of people who are sick, hungry, who have been travelling off-road and through the woods for days and are hungry, thirsty and terrified. We greet them after they've spent many days without any assistance or information.'*

IRC partner in Serbia, February 2016

## 4 ENSURE ACCESS TO FAIR, EFFICIENT AND HUMANE ASYLUM PROCEDURES

Everyone has the right to claim asylum, and should have access to fair and humane procedures to determine their eligibility for international protection wherever it is sought. The measures aimed at containing asylum seekers in Greece and ultimately in countries neighbouring the EU is extremely alarming and risks undermining the right to asylum as laid down in Article 18 of the EU Charter of Fundamental Rights and the 1951 Refugee Convention, as well as the principle of *non-refoulement*,<sup>28</sup> which is the cornerstone of international refugee and human rights law.

Asylum claims must be considered on a case-by-case basis notwithstanding the recognition of *prima facie*<sup>29</sup> refugees. While EU leaders suggest that the recently concluded EU-Turkey deal will uphold

the right to claim asylum and ensure that individual claims are assessed, there is a real risk that this right will only exist on paper and not in reality. The establishment of safe and legal routes must never be used as justification for undermining the right to claim asylum of people who are forced to travel irregularly in search of protection.

EU Member States have agreed directives on the identification and treatment of asylum seekers and refugees. The current experience of people seeking protection in Europe does not reflect these. People seeking asylum need to be confident that in the countries in which they find themselves:

1. Claims are determined by trained and professional, responsible authorities.<sup>31</sup> All asylum seekers should have access to independent information, advice and high quality interpretation and translation.
2. People seeking protection have access to publicly funded and quality legal representation at all stages of the asylum procedure, and the right to appeal an asylum decision and to remain in the country until this has been determined.
3. People seeking protection have immediate and continuous access to social and welfare support services, including specialist health, psychosocial and protection services provided by qualified and experienced personnel.
4. Those found to be in need of protection are supported to rebuild their lives with dignity, including equal access to the labour market, housing and any public services they need.
5. Those found not to be in need of protection are returned only after a fair and thorough examination of their application, taking all humanitarian circumstances into consideration and in a safe, dignified and humane way.

The UK government should:

1. Advocate for, and support the implementation of, the above in all European countries, so that people do not feel compelled to continue their journey in order to access protection. It should work with expert agencies towards ensuring that the UK asylum system meets these standards;
2. Reject any solution that involves refusing asylum applications and effecting returns on the basis of the safe third country concept with respect to a third country that has not ratified and does not observe the provisions of the 1951 Refugee Convention and the 1967 Protocol, or maintains any geographical limitation to the 1951 Refugee Convention. All individual cases must be examined to ensure there is no risk of chain *non-refoulement*,<sup>32</sup> as rooted in international refugee law.
3. Advocate that refugees arriving irregularly in Europe are afforded the same treatment as refugees arriving through safe and legal routes and are able to exercise their rights under international law.
4. Advocate for more countries to ratify the 1951 Refugee Convention and the 1967 Protocol with no geographical limitations.

*According to the UNHCR, 88% of the people who crossed the Mediterranean Sea in 2015 were from the top ten countries refugees come from, including Syria (45%), Afghanistan (25%) and Iraq (16%).<sup>30</sup>*

*'I saw death in every step of the journey. I was certain I was going to die. The sea was wild and dark. I don't want to remember anything else.'*

Reem, 20, from Syria, interviewed in Greece in February 2016

## 5 IMPROVE CONDITIONS IN HOSTING COUNTRIES

While the most prevalent image of displacement in Europe is of people undertaking perilous journeys over land and sea, the experience of both internal and cross-border displacement for millions of people is better characterized by immobility: people trapped in limbo or waiting for return or resettlement, unable to properly integrate into a host country's society. UNHCR estimates that the average length of a refugee situation is almost 20 years.<sup>33</sup> The important long-term goal of 'durable solutions' for displaced people (i.e. voluntary return, resettlement or integration) must not mask their need to live in dignity today.

The majority of refugees stay within their region: the current top ten refugee-hosting countries are Turkey, Pakistan, Lebanon, Iran, Ethiopia, Jordan, Kenya, Uganda, Chad and Sudan.<sup>34</sup> Given this global imbalance, wealthy countries such as the UK should provide financial and technical support to states hosting large numbers of displaced people. Enabling people to provide for themselves – by involving them in planning support and ensuring education for what otherwise may become lost generations – must be part of any support provided to countries hosting refugees.

While this support is needed, maintaining a distinction between 'mobility' and 'displacement' is vital to considerations of how Official Development Assistance (ODA) is disbursed. While mobility and displacement are both elements of migration, only the latter is a genuine problem to be 'tackled' through humanitarian and development support. Indeed, migration may be positively linked to development, rather than being an issue that development helps to 'solve'.<sup>35</sup> European states should never use ODA as a bargaining chip to obtain agreements or concessions regarding border control, re-admission or other strategic interests, as this would go against key commitments signed under the Paris, Accra and Busan development effectiveness agreements.<sup>36</sup>

The UK government should therefore not aim to reduce mobility, but focus on poverty eradication. ODA is also under threat by current discussions in the OECD Development Assistance Committee (DAC)<sup>37</sup> on whether and for how long support to refugees in donor countries should be covered by ODA. After its achievement of the 0.7 percent target for ODA, the UK has an important role to play in defending its main purpose of poverty eradication.

*'It was very difficult because we didn't plan to come here. We just started running. We didn't bring anything with us, we had to walk on foot, it took us eight days.'*

Rebecca Chol, from South Sudan, interviewed in Ethiopia in 2015

To support countries, and the ability of displaced people to shape their own futures, the UK government should:

1. Provide for a strategic, multi-year and sustained response that strengthens long-term recovery and resilience, and supports social cohesion. This includes prioritizing development grants over loans, and includes capacity building for local civil society groups and implementing agencies as well as involvement of both displaced and host communities.
2. Support governments' public services to ensure that they are affordable and of sufficient quality for displaced populations and host communities alike.
3. Work with governments to guarantee the 'right to work' for refugees and asylum seekers, as well as their access to education based on context-specific gender analysis. Following on from this, it should codify relevant commitments at the summits in September.
4. Ensure that DFID country strategies do not specifically aim to reduce mobility nor direct ODA to countries based on whether they are a 'source' of migration.
5. Protect ODA against attempts to cover the cost of resettling and hosting refugees in donor countries in ongoing OECD DAC discussions.
6. Play a strong role in preparations for the successor to the ACP-EU Cotonou Agreement<sup>38</sup> in ensuring that the Agreement's provisions to protect migrants and support poverty eradication are sustained, and that the successor agreement includes stronger reference to State Parties' commitments under the 1951 Refugee Convention and the 1967 Protocol.

*'My main hope is that my children should attend formal education so that when peace prevails and we go back home, they will be the leaders. I'm working hard to see to it that they become good leaders.'*

Fateh Yusuf, from South Sudan, interviewed in Uganda in 2015

## 6 ADDRESS DRIVERS OF DISPLACEMENT

People migrate for many reasons, including seeking better educational or career opportunities. However, many are forced to migrate to survive – because of war, conflict and persecution or due to disasters, environmental pressures and poverty.

The global challenge relating to displacement is not simply how the world responds, including to people whose circumstances change while they are on the move, but how it prevents displacement in the future. Though complex and challenging, the UK's headline goals to address the drivers of displacement should be to work together with other donors, governments and civil society to:

1. Invest in strengthening human rights protection, protecting humanitarian space and preventing violations of international humanitarian law (IHL), i.e. refrain from providing military support to countries committing human rights violations and promote prevention of, and accountability for, torture and other serious human rights abuses.

2. Ensure that its support to third countries does not exacerbate but prevents political, social, cultural and economic exclusion and marginalization.
3. Promote conflict prevention and peace processes that ensure meaningful participation by women, children, youth and faith leaders, and commit diplomatic and political muscle to solving conflicts and ending persecution.
4. Increase support for humanitarian appeals, and work to ensure other states step up their responses.
5. Support disaster risk management and climate change adaptation plans, including early action against risks identified by communities.
6. Implement action plans that support the realization of the Sustainable Development Goals<sup>39</sup> and the ending of extreme poverty by 2030.

## CONCLUSION

Given its scale, it is clear that no single approach or government will be able to address the global displacement crisis. However, the current UK response based on deterrence and containment is misguided and inadequate, particularly in its failure to share responsibility for more of the world's most vulnerable people.

The risk of undermining internationally agreed principles and providing other countries with an excuse to do so are an important reason for the UK to develop and advocate for a more comprehensive response that protects the human rights and dignity of all people on the move. The global Summits in September provide a critical opportunity for the UK to show leadership and support new ways of responding humanely and effectively to forced displacement and migration.

As this briefing demonstrates, this requires the UK government to work collaboratively with others and implement a series of actions in the short, medium and long term to:

- Welcome significantly more refugees to the UK, through the expansion of safe and legal routes to protection in the UK.
- Improve the humanitarian response in Europe, including humane reception conditions in border and transit countries.
- Ensure access to a fair, effective and humane asylum system wherever protection is sought.
- Improve conditions in countries hosting large numbers of displaced people, including upholding the right to work and to an education.
- Redouble efforts to tackle the diverse drivers of forced displacement.

# NOTES

All links last accessed April 2016.

- 1 Home Office Immigration Statistics. (2015). October to December 2015, Asylum vol. 2, table as 02 q. Retrieved from: <https://www.gov.uk/government/publications/immigration>
- 2 Taken from Eurostat. (n.d.), *Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data*. Retrieved from: <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>
- 3 The term 'refugee' describes people who are outside their countries of origin and are legally entitled to international protection. In this paper, we use the term to cover both refugees who meet the definition under the 1951 Convention on the Status of Refugees ('Convention refugees') and 'subsidiary protection beneficiaries' under EU and international human rights law. A Convention refugee is someone who 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.' A subsidiary protection beneficiary is someone who is not a Convention refugee but who may not be returned to their countries as she faces 'serious harm' if returned, namely the death penalty or execution; torture, inhuman or degrading treatment; and some individual risks from indiscriminate violence in conflict. Some people may be excluded from these statuses, for instance war criminals and those who have perpetrated genocide. However, no one may be returned to face torture, inhuman or degrading treatment, as this prohibition is absolute in international human rights law. While governments often use the term 'refugee' to refer only to those who have been recognized as such after an asylum procedure, in international law refugee status is declaratory, so 'refugees' are refugees 'as soon as they fulfil the criteria in the definition.
- 4 Many studies on the impact of refugees on host communities have been conducted in the developing world, which hosts a far larger proportion of the world's refugees than developed countries. See for instance research on the refugee population in Uganda, which found that refugees often make a positive contribution to the host state economy as traders, consumers and business owners. A. Betts, L. Bloom, J. Kaplan, and N. Omata (2014) *Refugee Economics: Rethinking Popular Assumptions*. Retrieved from: <http://www.rsc.ox.ac.uk/files/publications/other/refugee-economies-2014.pdf>
- 5 These agencies are part of a working group of international humanitarian, international human rights, and domestic refugee assistance/rights organizations that are working on some aspect of the crisis. The group meets regularly to share information on latest developments and pursue joint advocacy initiatives and is co-chaired by the International Rescue Committee and the British Refugee Council.
- 6 Eurostat. (2016, March 4). *Record number of over 1.2 million first time asylum seekers registered in 2015*. Retrieved from: <http://epp.eurostat.ec.europa.eu/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6>
- 7 UNHCR. (2015). *2015 likely to break records for forced displacement*. Retrieved from <http://www.unhcr.org/5672c2576.html>. The majority of displaced people, over 38m, are internally displaced, so have not crossed a border. Women and girls make up at least half of any refugee or internally displaced population and in 2014, half of all refugees were children. UNHCR. (2014). *Statistical Yearbook*. Retrieved from: <http://www.unhcr.org/566584fc9.html>
- 8 UNHCR (2014) *Global Trends Forced Displacement in 2014*. Retrieved from: [http://www.unhcr.org/556725e69.html#\\_ga=1.239895939.1626293007.1456905113](http://www.unhcr.org/556725e69.html#_ga=1.239895939.1626293007.1456905113)
- 9 H. Grant (2015, March 11) *UK closing doors to Syrian migrants, lawyers say. The Guardian*. Retrieved from: <http://www.theguardian.com/uk-news/2015/mar/11/syrian-refugees-uk-visa-asylum-seekers-visa>
- 10 For more information, see <http://www.msf.org/european-refugee-crisis>
- 11 A prima facie approach means the recognition by a State or UNHCR of refugee status on the basis of readily apparent, objective circumstances in the country of origin or, in the case of stateless asylum seekers, their country of former habitual residence. A prima facie approach acknowledges that those fleeing these circumstances are at risk of harm that brings them within the applicable refugee definition. UNHCR. (2015). *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status*. Retrieved from: <http://www.unhcr.org/558a62299.html>

- 12 See Immigration Statistics for details of the decline of study visas granted to Syrians since 2009. Retrieved from <https://www.gov.uk/government/statistics/immigration-statistics-july-to-september-2015-data-tables>”
- 13 This change took effect without the usual 21 days’ notice ‘in order to prevent the potential for a significant influx of citizens and nationals of Syria travelling to the United Kingdom during the notice period to claim asylum’. See paragraph 3.2 of the explanatory notes in *Statement of changes in immigration rules*: Retrieved from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/413118/48244\\_HC\\_1116.pdf?utm\\_content=bufferedc21&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer..](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/413118/48244_HC_1116.pdf?utm_content=bufferedc21&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer..)
- 14 This is calculated by comparing the global figures published by UNHCR in *UNHCR Projected Global Resettlement Needs 2015* retrieved from: <http://www.unhcr.org/543408c4fda.html> with Home Office Immigration statistics analysed here: [https://www.refugeecouncil.org.uk/assets/0003/6286/Asylum\\_Statistics\\_Annual\\_Trends\\_Nov\\_2015.pdf](https://www.refugeecouncil.org.uk/assets/0003/6286/Asylum_Statistics_Annual_Trends_Nov_2015.pdf)
- 15 Current rules require family members to submit an application to the nearest British consulate, which may involve dangerous journeys in areas of armed conflict. Such a concession was made for Somali families living in camps in Ethiopia and Kenya in 1988–1994.
- 16 UNHCR. (2016). *High-level meeting on global responsibility sharing through pathways for admission of Syrian refugees*. Background note. Retrieved from: <http://www.unhcr.org/56a628619.html>
- 17 The UK is fully bound by EU regulation 604/2013, commonly referred to as the ‘Dublin III regulation’. This contains many more opportunities for family members to request that they are transferred to other Member States (or countries that are signatories to the regulation) in order to be together and have their asylum claims dealt with by the same authorities
- 18 In its six week deployment, the HMS Bulwark rescued nearly 5,000 people between Libya and Sicily. See: Royal Navy. (2015, July 9) *HMS Bulwark home from Mediterranean search and rescue mission*. Retrieved from: <http://www.royalnavy.mod.uk/news-and-latest-activity/news/2015/july/09/150709-bulwark-home>
- 19 International Organization for Migration. (2016). *Missing Migrants Project*. Retrieved from: <http://missingmigrants.iom.int/latest-global-figures>
- 20 L. Achilli. (2015). *The smuggler: hero of felon?* Migration Policy Centre Policy Briefs 2015/10. Retrieved from: <http://cadmus.eui.eu/handle/1814/36296>
- 21 The hotspot approach functions through deployment of Migration Management Support Teams with staff from several EU Agencies: Frontex (EU Border Agency), EASO (European Asylum Support Office), Europol (EU Police Cooperation Agency) and Eurojust (EU Judicial Cooperation Agency). Each country identifies the “hotspots” where there is need for additional capacity to process arrivals. Hotspot tasks include: identification and finger-printing; first screening (interviews) to identify people who want to claim asylum and people not in need of international protection, who can be immediately returned; debriefing interviews to collect information on smuggling/trafficking networks; support in collecting and processing asylum claims; coordination of return activities; and interpretation services. European Commission. (2015). *European Agenda for Migration*. Retrieved from: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf)
- 22 ECRE Asylum Information Database. (2015). *AIDA Update on Italy: New rules on procedure and reception under asylum reform and concerns on “hotspots”*. Retrieved from: [www.asylumineurope.org/news/22-12-2015/aida-update-italy-new-rules-procedure-and-reception-under-asylum-reform-and-concerns#sthash.UiEFK86s.dpuf](http://www.asylumineurope.org/news/22-12-2015/aida-update-italy-new-rules-procedure-and-reception-under-asylum-reform-and-concerns#sthash.UiEFK86s.dpuf)
- 23 Action Aid, MSF, Save the Children, NRC and Oxfam have suspended their operations apart from specific protection activities, in reception centres that are operating on the hotspot approach on the island of Lesbos and Chios in Greece which have, since the EU-Turkey deal, turned into closed detention centres. IRC informed the Greek coastguard they would not offer transportation to the hotspot in Lesbos.
- 24 The Hellenic Coast Guard in Greece has had to depend on donations from NGOs and volunteers to be able to provide emergency care, dry clothing and blankets as well as food and water.
- 25 Oxfam staff at the Tabanovce camp in the Former Yugoslav Republic of Macedonia have been told that more and more restrictive and discriminatory rules have been introduced throughout March 2016. This includes usage of translators whose job it is to



- determine accents and even ask questions such as, 'Do you know this restaurant, this shop, are you really from the town you say you're from?' Arbitrary rules are turned into even more arbitrary decisions by border guards and translators; now even these rules and regulations have ceased to matter, as the borders are closed to everyone.  
Retrieved from: <https://www.oxfamireland.org/blog/tragedy-in-macedonia>
- 26 The UK government announced in March 2016 that it will donate 40 Defender Tithonus Land Rovers (worth a total of £443,000) to Bulgaria to support the latter's border control. Bulgarian authorities have been accused of abusing people travelling through Bulgaria and violations such as extortion, robbery, physical violence, threats of deportation and police dog attacks have been documented by Oxfam and Amnesty International.  
Retrieved from: <http://www.oxfam.org.uk/media-centre/press-releases/2015/11/refugees-crossing-into-europe-tell-of-abuse-at-hands-of-bulgarian-police> and <https://www.amnesty.org/en/documents/eur15/3058/2015/en/>
- 27 Family Tracing and Reunification is aimed at restoring contact between family members separated as a result of contemporary conflicts and disasters. In the case of the current situation in Europe, this recommendation relates to families being separated during their journey through Europe.
- 28 *Non-refoulement* is a cornerstone of international refugee and human rights law and protects people from being returned to a country where they have reason to fear persecution.
- 29 See endnote 10.
- 30 UNHCR. (2015, December 30). *Over one million sea arrivals reach Europe in 2015*. Retrieved from: <http://www.unhcr.org/5683d0b56.html>
- 31 While there is no common standard, the European Asylum Curriculum which is recommended should provide guidance.
- 32 The prohibition of *non-refoulement* also includes what is referred to as chain *non-refoulement*, which is when a country returns an asylum-seeker to an allegedly 'safe' third country, which then returns the asylum-seeker to an unsafe country.
- 33 A. Betts, G. Loescher and J. Milner. (2012). *UNHCR: The Politics and Practice of Refugee Protection. Second edition*. London: Routledge. Page 89.
- 34 In 2010, UNHCR found that 83 percent of refugees stay in their region of origin, in most cases just fleeing to neighbouring countries. UNHCR. (2008). *Western Europe: Cradle of Modern Asylum Systems*. Retrieved from: [http://www.unhcr.org.uk/fileadmin/user\\_upload/docs/UNHCR-Cradle-leaflet-screen.pdf](http://www.unhcr.org.uk/fileadmin/user_upload/docs/UNHCR-Cradle-leaflet-screen.pdf).
- A list of major refugee hosting countries can be found in UNHCR. (2015). *UNHCR: Mid-Year Trends 2015*. Retrieved from: [https://s3.amazonaws.com/unhcrsharedmedia/2015/2015-midyear-trends-report/2015-12-18\\_MYT\\_web.pdf](https://s3.amazonaws.com/unhcrsharedmedia/2015/2015-midyear-trends-report/2015-12-18_MYT_web.pdf)
- 35 UNDP. (2009). *Human Development Report 2009. Overcoming barriers: Human mobility and development*. Page 73.
- 36 In the run-up to the EU-Africa Summit on Migration in Malta in November 2015, Oxfam warned about making aid conditional on cooperation over border control. For more information, please see Oxfam's position paper for the summit: Oxfam. (2015). *EU-Africa Cooperation on Mobility, Displacement, and Migration*. Retrieved from: [https://www.oxfam.org/sites/www.oxfam.org/files/file\\_attachments/oxfam\\_position\\_paper\\_for\\_eu-africa\\_migration\\_summit.pdf](https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/oxfam_position_paper_for_eu-africa_migration_summit.pdf)
- 37 The OECD Development Assistance Committee (DAC) brings together the world's main donors and is defining and monitoring global standards in key areas of development. As part of this, it is defining what specific expenditure constitutes Official Development Assistance (ODA) and can therefore be counted towards a country's ODA budget.
- 38 The Cotonou Agreement has been the framework for the EU's relations with 70 countries from Africa, the Caribbean and the Pacific (ACP) since 2000. Article 13 and the Preamble of the 2010 version of Cotonou include commitments related to migration but lacks strong wording to make explicit reference to States' obligations under the 1951 Refugee Convention and its Protocol.
- 39 The Sustainable Development Goals are a set of 17 goals of the 2030 Agenda for Sustainable Development which was adopted by world leaders in September 2015. These universal goals, which succeed the Millennium Development Goals, should guide countries' efforts to end all forms of poverty, fight inequalities and tackle climate change in the next fifteen years.



© Oxfam GB April 2016

This paper was written by Josephine Liebl (Oxfam GB), Anna Musgrave (British Refugee Council) and Rachel Maranto (IRC). Oxfam acknowledges the assistance of Sophie Powell (Christian Aid), Francisco Yermo (Action Aid UK), Jacob Beswick (Refugee Action), Sarah Pickwick (World Vision UK), Johan Eldebo (World Vision UK), Natalie Roberts (MSF UK), Sile Reynolds (Freedom from Torture) and Cathryn Costello (University of Oxford Refugee Studies Centre) as well as colleagues from Oxfam, British Refugee Council and IRC. It is part of a series of papers written to inform public debate on development and humanitarian policy issues.

For further information on the issues raised in this paper please email [jl Liebl@oxfam.org.uk](mailto:jl Liebl@oxfam.org.uk)

For further information on the NGO Refugee Crisis Working Group, please email [Anna.Musgrave@RefugeeCouncil.org.uk](mailto:Anna.Musgrave@RefugeeCouncil.org.uk) and [Rachel.Maranto@rescue-uk.org](mailto:Rachel.Maranto@rescue-uk.org)

This publication is copyright but the text may be used free of charge for the purposes of advocacy, campaigning, education, and research, provided that the source is acknowledged in full. The copyright holder requests that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for re-use in other publications, or for translation or adaptation, permission must be secured and a fee may be charged. E-mail [policyandpractice@oxfam.org.uk](mailto:policyandpractice@oxfam.org.uk)

The information in this publication is correct at the time of going to press.

Published by Oxfam GB under ISBN 978-0-85598-717-6 in April 2016.  
Oxfam GB, Oxfam House, John Smith Drive, Cowley, Oxford, OX4 2JY, UK.

