



16 March 2015

Dear European Leaders:

As organisations working directly with refugees and migrants in Europe, we ask European Union Member States present at the European Council meeting of 17th and 18th March 2016 to take the opportunity to come together in solidarity and conclude bold, unified and decisive policies to address the humanitarian crisis.

A response to the humanitarian crisis in Europe must build on the work of last year and squarely address the current, clear gaps in policy, whilst fully respecting the law and spirit of the EU's own legislation and the 1951 Refugee Convention.

2015 proved to bring difficult challenges for all working on the ground; Member State authorities, humanitarian agencies, non-governmental organizations, local populations and volunteers. It also provided us with some tremendous lessons to be learnt.

One such lesson has been that an approach to migration based on containment costs lives. Since 2014, 7493¹ people have lost their lives at sea, a large proportion of which have been children. Border blocks coupled with no legal routes of entry force people to turn to smugglers to seek refuge in the EU on increasingly dangerous routes. Unilateral, arbitrary border closures worsen the humanitarian crisis. Such closures undertaken in the last weeks have forced tens of thousands of people into confined areas often without access to the absolute basic needs: shelter, food, health care and water. This confinement also creates enormous difficulties for the humanitarian organisations to reach areas quickly and provide adequate supplies and protection services.

The decisions taken by the European Council on 7 March 2016 have perpetuated the confinement of people and discriminatory practices. Border management is essential but must be separated from the inadvisable and unattainable goal of reducing migration to zero. Border closures, coupled with a stark lack of legal routes, are not the answer to managing the arrival of refugees and migrants in Europe. People, not borders, are in urgent need of protection.

1. Missing Migrants Project, <http://missingmigrants.iom.int/mediterranean>

The current situation has also encountered numerous institutional barriers, both in terms of mandates and funding possibilities. We welcome the efforts of the Council and Commission to bridge these gaps by establishing new and innovative instruments to ensure adequate response in this time of public pressure and urgent humanitarian need. We appeal to you as European leaders to follow this up with political support. Funding in itself will not do it alone, it will also require political courage and will.

Europe has the capacity to manage this situation effectively and humanely. We therefore urge that at the upcoming European Council meeting, the following issues are addressed as a matter of urgency:

Create safe and legal routes. Policies that provide for a range of safe and legal channels for entry into the EU are an essential part of responsible and humane management of migration. We call on leaders to take a progressive approach to creating safer, more transparent, legal options, both temporary and permanent, for people on the move to Europe. As a matter of immediate urgency the EU must improve access to international protection for those fleeing conflict and persecution, including:

- Providing increased access to safe and legal routes for cross-border migration, including, for example, more flexible family reunification policies. Children should never be separated from their parents or primary caregivers unless this is in their best interest.
- Making new commitments to resettle refugees in need of protection. With refugee numbers at the highest level globally since 1995², EU countries must take immediate steps to resettle their fair share of the ten per cent most vulnerable cases identified by UNHCR.

Ensure safety at sea and at borders. Europe must maintain its search and rescue operations: saving lives should be the priority for all operations in the Mediterranean. The EU must also ensure these operations have the adequate capacity and mandate needed to ensure no further deaths at sea, and respect of the rights and dignity of those taken into European custody. Standards must be put in place to ensure that all current and future border operations are transparent and in line with international standards and European human rights law.

Provide sufficient and humane reception conditions for all people arriving in Europe. Currently reception capacity in many places in Europe are inadequate for meeting people's basic needs, ensuring their protection, and guaranteeing the respect of their rights. There is a lack of vital services including safe spaces, designated shelters and case management that takes into account the needs of vulnerable groups, including children. Ensuring that all people arriving at the EU's borders can access basic services, be protected from harm, and have their human rights guaranteed, including the right to claim asylum, is a collective responsibility that EU leaders must take immediate steps to meet.

Take action to protect the most vulnerable. Up to 58% of people travelling into and through Europe are currently women and children. Children on the move, travelling alone or with their families, are exposed to specific risks, which require special attention and action. Women and girls also have specific protection needs stemming from greater vulnerability to gender-based violence, targeted robberies, harassment and assault, sexual exploitation and abuse. Specific protection measures must

2. UNHCR Global Trends 2014

be built in to all policies and new proposals, and current systems must urgently be reviewed and adjusted accordingly.

Ensure all people arriving at the EU's borders have access to asylum procedures. According to law³, every migrant must be informed about their rights, including the right to ask for international protection, in a form and language that is easily comprehensible. The EU must take urgent steps to investigate and address the gaps in due process in national procedures and in 'hotspots' that have been identified⁴. Profiling of refugees at any border on the basis of nationality and any form of collective return, as foreseen at the latest EU Council, denies the right to an individual assessment of protection needs and constitutes a violation of international and EU law. Additionally, Iraqis, Afghans, and other nationalities will not benefit from the resettlement scheme proposed at the latest EU Council and do not have the right to claim long-term refugee protection in Turkey.

Protect the human rights and dignity of all people arriving in Europe regardless of status. For people who genuinely choose not to seek or who are found not to be eligible for asylum or other legal forms of entry, any returns process must still be respectful of their fundamental human rights and conducted only to countries where their safety can be assured. No one must be left to fall into undocumented status, a precarious condition with high vulnerability to abuse and exploitation, including at the hands of criminal networks. 10,000 children alone have disappeared since arriving in Europe; the EU must take urgent steps to ensure they are the last.

The EU has the means to manage the arrival of people humanely and with full respect to both EU and international law, and we urge EU leaders to re-establish the EU's collective position as a global humanitarian and human rights leader and live up to their moral and legal obligations. The stakes are too high to continue down a path that risks exacerbating the humanitarian situation: we need bold leadership for genuine, collective EU solutions based on the principle of solidarity and fair responsibility sharing, and the priority of the protection and human dignity of the people arriving at the shores of Europe today.

The international and national organizations who are signatories to this letter, are ready and able to continue to be part of those solutions.

Signed:

Lorenzo Trucco, President, **Associazione per gli Studi Giuridici sull'Immigrazione (ASGI)**

Naim Osmani, Executive Director, **Civil Rights Program Kosovo**

Agata Račan, President, **Croatian Law Centre**

Ann Mary Olsen, International Director, **Danish Refugee Council**

Leigh Daynes, Executive Director, **Doctors of the World UK**

Yonous Muhammadi, President, **Greek Forum of Refugees**

Vladimir Petronijević, Executive Director, **Group 484**

Jane Waterman, Executive Director and Senior Vice President Europe, **International Rescue Committee UK**

Emir Prčanović, Executive director, **Association Vasa prava BiH – Legal Aid Network**

3. Including the EU Directive on common procedures for granting international protection (2013/32/EU)

4. *Inter alia*: Consiglio Italiano Per I Rifugiati, Asylum Information Database: Italy Country Report, December 2015

Katarina Bervar Sternad, Director, **Legal-Informational Centre for NGOs in Slovenia**
Jasmina Mujezinović, Executive Director, **Local Democracy Foundation**
Martina Smilevska-Kcheva, President, **Macedonian Young Lawyers Association**
Martin Bandzak, Executive Director, **Magna**
Marie Aude Tavoso, President, **Medici per i Diritti Umani Onlus**
Evgenia Thanou, Director, **Medicines du Monde - Greece**
Jan Egeland, Secretary General, **Norwegian Refugee Council**
Winnie Byanyima, Executive Director, **Oxfam International**
Branislav Tichy, Director, **People in Peril Association**
Janti Soeripto, Chief Executive Officer, **Save the Children International**
Epaminondas Farmakis, Managing Director, **Solidarity Now**
Deirdre de Burca, Director, Advocacy and Justice for Children, **World Vision EUREP**