

Non-paper on regional disembarkation arrangements

The European Council in its conclusions of 28-29 June invited the Council and the Commission to swiftly explore the concept of "regional disembarkation platforms", in close cooperation with relevant third countries, as well as the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM). The European Council has equally called for the establishment, on a voluntary basis, of "controlled centres" on EU territory with full EU support, in order to ensure a rapid and secure processing of migrants saved and disembarked in the EU.

This note presents a first assessment for establishing regional disembarkation arrangements, on the basis of the joint UNHCR and IOM "Proposal for a regional cooperative arrangement ensuring predictable disembarkation and subsequent processing of persons rescued-at-sea". The EU intends to play its full role in developing and implementing this approach, based on shared and complementary actions between Member States to the disembarkation of those who are saved in Search and Rescue operations, in line with EU and international obligations. To this effect, the "controlled centres" concept is being developed in parallel. The two concepts are fully interlinked and together they aim to ensure a truly shared regional responsibility on replying to the complex migration challenges.

The European values of solidarity, mutual trust and shared responsibility are at the core of this holistic approach.

1. Main objectives and principles

The establishment of regional disembarkation arrangements would fulfil two essential objectives:

- A. People rescued at sea are quickly disembarked in line with international law, in a place of safety that upholds respect for their rights including *non-refoulement*.
- B. Responsible post-disembarkation processes take place with the support of all concerned actors, and in cooperation with UNHCR and IOM, in order to offer differentiated solutions and reduce the risk of onward movement while avoiding pull factors.

For those in need of international protection durable solutions are to be found, including opportunities for resettlement. To avoid creating pull-factors, it should be ensured and clearly communicated that resettlement possibilities will not be available to all disembarked persons in need of international protection. Resettlement should remain only one of the possible solutions for such cases, and not limited to Europe. Those who are not entitled to international protection should, in principle, be returned based on the applicable existing national legal framework and in respect of international law whilst giving privilege to voluntary return solutions. Measures could be developed to prevent persons who have been returned from re-entering the third country in question. This could be supported through targeted communication, awareness campaigns and enhanced border management.

Region-wide action and responsibility of all countries in the Mediterranean is necessary to make disembarkation of people rescued at sea orderly and predictable, to reduce deaths at sea and to guarantee that those rescued are brought ashore swiftly in safe locations. As an important element of shared responsibility, trust-building and credibility, it is essential to ensure a genuine regional dimension to disembarkation, covering both the EU and third countries.

The first step towards establishing regional disembarkation arrangements is to ensure that international law is effectively implemented in the Mediterranean Sea. Currently, Search and Rescue (SAR) coordination and disembarkation is ensured only by a small number of States in the Mediterranean basin. To ensure predictable disembarkation, all Mediterranean States should be encouraged to complete the necessary steps, notably to ratify the International Convention on Search and Rescue, to declare a SAR region and to

establish Maritime Rescue Coordination Centres (MRCCs). Better coordination and cooperation in disembarkation could be ensured through standard operating procedures for disembarkation or regional arrangements for disembarkation among coastal States. These operating procedures or arrangements could be developed on a bilateral or multilateral basis, and they could be done under the auspices of the International Maritime Organisation (IMO).

UNHCR and IOM have outlined in their proposal a number of steps that would need to be undertaken when disembarkation takes place. First, after determining the place of disembarkation, those rescued at sea would be disembarked promptly and transported to reception facilities providing adequate, safe and dignified reception conditions. There, they would be registered, screened and receive assistance based on their specific needs. Points of reception should be established as far away as possible from points of irregular departure, in particular from sections of the coast where smugglers operate in order to reduce possibilities for re-departures and thereby reducing risks of pull factors. Furthermore, swift further processing of disembarked and registered migrants is necessary for the well-functioning of such arrangements.

In the case of third countries, UNHCR and IOM could, after disembarkation, provide support to quickly distinguish between irregular migrants and those in need of international protection, taking into account individual situations, and operating in full respect of international law. In all cases, a solution must be achieved within a reasonable time frame. Throughout the different steps, close cooperation between UNHCR, IOM, and host country authorities will be paramount.

2. Key principles in outreach to third countries

Three essential elements will need to be taken into consideration when reaching out to interested third countries to develop regional disembarkation arrangements:

- ✓ A coordinated outreach towards third countries would build on already existing partnerships and taking into account each specific political, legal, security and socio-economic situation, including respect for human rights and the framework and practices concerning asylum in the country. Involvement of the partner country upstream in the development of the concept in a spirit of partnership is key;
- ✓ Clear and consistent communication on the concept should be ensured, both within the EU Institutions, with Member States, and relevant partner organisations. In particular, it should be clearly explained that regional disembarkation arrangements represent a set of established procedures and rules stemming from existing international obligations to ensure safe and orderly disembarkation and post-disembarkation. Any misperceptions about the concept must be addressed through dialogue with partners;
- ✓ Finally, the outreach should include tailor-made and targeted packages building on already existing EU and Member States' support. The EU offer will be designed to the interest of third countries to cooperate and is to be closely coordinated with offers of Member States.

3. EU support

Through its financial instruments, the EU is already providing support to partners at bilateral or regional level in a number of areas, notably enhancing border management and SAR capabilities through capacity building, equipment and training as well as strengthening their asylum system, where applicable. It is also supporting the activities of IOM and UNHCR in third countries to expand protection space for refugees and asylum seekers and in providing protection and assistance to vulnerable migrants, including return and reintegration activities.

The EU is ready to provide more political, operational and financial support in view of establishing regional disembarkation arrangements in close cooperation with partner third countries, UNHCR and IOM.

To this effect, the EU could cover the costs of disembarkation and post-disembarkation activities or/and provide support in the following areas:

- ✓ Enhance border management through equipment, training and other forms of support to enhance the capacities of the relevant stakeholders responsible for securing borders and carrying out SAR;
- ✓ Development of communication networks to enhance situational awareness at sea;
- ✓ Reception facilities in line with adequate, safe and dignified conditions;
- ✓ Development of biometric registration, including training and equipment;
- ✓ Assistance to cover essential needs;
- ✓ Support in the identification of vulnerabilities, referrals, case processing, Refugee Status Determination;
- ✓ Support for returns, including Assisted Voluntary Returns/Voluntary Humanitarian Returns and Reintegration assistance;
- ✓ Support third countries in building up or strengthening their asylum system;
- ✓ Local solutions including local integration, temporary stay on compassionate grounds as well as applying for asylum in a third country, where applicable;
- ✓ Resettlement;
- ✓ Other protection pathways, such as humanitarian admission or private/community sponsorship programmes in close cooperation with EU Member States.

Under the current 2-year EU resettlement scheme, 20 Member States have made approximately 50,000 pledges. A part of these pledges could be used for resettlement in the context of regional disembarkation arrangements. At the same time, resettlement from other priority areas, including from other parts of the Central Mediterranean region should continue. Should additional pledges be needed, the Commission could launch a new pledging exercise for the specific purpose of gathering additional pledges for resettlement. In this case, the Commission will seek to make additional funding available within the current budgetary framework, along with reinforced and targeted engagement by the Member States.

Solutions should also include options for persons in need of international protection for whom legal pathways are not available. Those persons should have the possibility to benefit from local solutions in the third country in question. However, there may be situations of persons who are not able to benefit from resettlement or local solutions and who are not able to be returned (e.g. unaccompanied and separated children; victims of trafficking and/or gender-based violence) that would also need to be addressed.

4. Next steps

- ✓ Commission and EEAS together with UNHCR and IOM to continue refining the concept with EU Member States. The establishment of overall effective coordination arrangements to be assured by the Commission with participation of the aforementioned could be foreseen to this effect;
- ✓ EU Member States to share information with the Commission and EEAS on their existing arrangements and support with third countries in this area;
- ✓ Define outreaching strategy and common messages towards each potential partner country on the basis of discussion with interested EU Member States;
- ✓ Coordinated participation of concerned EU Member States at the meeting on 30 July of UNHCR and IOM in Geneva. A meeting to coordinate positions could be held before this meeting;
- ✓ Engaging with partners to develop actions based on possible EU support, taking into consideration key outcomes of the meeting on 30 July.