Access to International Protection in the EU for People Fleeing Syria

We, the National Red Cross Societies of the Member States of the European Union and the International Federation of Red Cross and Red Crescent Societies, call on the European Union (EU) and its Member States to respect their international obligations under the 1951 Convention relating to the status of refugees and its 1967 Protocol and to ensure people fleeing Syria are provided with safe and effective legal avenues to the EU territory to exercise their right to apply for international protection.

To this effect, we make the following six recommendations to the EU and its Member States:

1. Ensure that people fleeing Syria have effective access to asylum procedures in the EU.
2. Consider visa applications from people fleeing Syria in a protection sensitive way.
3. Facilitate family unity in Europe for people fleeing Syria.
4. Offer emergency resettlement to the most vulnerable people fleeing Syria.
5. Review refugee status determination procedures and reception conditions for people fleeing Syria.
6. Do not return people to Syria and its neighbouring countries.

The aim of this position paper is to put forward recommendations to ensure that safe and effective legal avenues for persons fleeing Syria are put in place. It is imperative that the measures put forward in this document are seen as complementary forms of seeking protection that in no way constrain the right of asylum seekers to ask for international protection irrespective of the way they arrived in the EU. However, we also underline that these recommendations should apply to all persons fleeing armed conflict or persecution and are in need of international protection. Effective access to international protection is a fundamental right that must not be denied.

These recommendations do not intend to relieve the EU and its Member States from the responsibility of creating a fair and well-functioning Common European Asylum System.
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Background

Resolution 3 adopted at the 31st International Conference of the Red Cross Red Crescent calls upon States to ensure that procedures at international borders include adequate safeguards to guarantee the dignity and safety of all migrants and grant migrants appropriate international protection. Following this Resolution, the RCEU Office and its members have adopted two papers calling upon EU Member States to create legal avenues to access protection in the EU[2].

We urge EU Member States to adopt the following recommendations, in light of the severity of the Syrian crisis and the extreme conditions and vulnerabilities that people fleeing Syria face.

«Syria has become the great tragedy of this century – a disgraceful humanitarian calamity with suffering and displacement unparalleled in recent history”[1].”

1. António Guterres, United Nations High Commissioner for Refugees, 3 September 2013.

Our Recommendations

1. Ensure that people fleeing Syria have effective access to asylum procedures in the EU.

EU Member States should keep their borders open to people fleeing Syria and set up appropriate and effective legal avenues for potential asylum seekers so they can reach EU territory and lodge an asylum application in safety and dignity.

EU Member states must make sure that pushbacks, interdictions or other forms of denial of access to international protection do not take place at their borders. To this aim they should review their surveillance and border protection activities and mechanisms to ensure that these are respectful of refugees’ rights, needs and dignity. The EU and its Member States should implement safe and effective legal avenues to ensure access to protection in the EU for people fleeing Syria.

In line with their international obligations, all EU Member States must provide fair and effective asylum procedures for all peoples fleeing Syria and entering the EU who wish to apply for international protection. More needs to be done to provide effective access to the asylum system, improve the quality of asy-
Our call

The EU and its Member States should implement safe and effective legal avenues to ensure access to protection in the EU for people fleeing Syria.

1. Implement safe and effective legal avenues to ensure access to protection in the EU for people fleeing Syria.

   To achieve this goal, the EU and its Member States should:
   - Develop and clarify uniform legal standards, and to find long term solutions, including integration, for persons fleeing Syria.
   - Facilitate family unity in Europe for people fleeing Syria.
   - Offer emergency resettlement to the most vulnerable people fleeing Syria.

   The United Nations High Commissioner for Refugees (UNHCR) should be involved in the identification of those refugees needing to be resettled, with

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4. ibid.
5. According to the UNHCR, persons fleeing Syria who are seeking international protection are likely to fulfill the requirements of the definition of refugees contained in the 1951 Convention Relating to the Status of Refugees. See International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update II, 22nd of October 2013, UNHCR.

6. “In accordance with Article 31 of the 1951 Geneva Refugee Convention, illegal entry for the purpose of seeking international protection must not be penalised. Asking for international protection is a right, not a crime. The Red Cross is of the view that people seeking protection should not be detained, and urges states to refrain from using this measure. (...) We therefore urge EU decision makers, Member States to ensure that any national frameworks for asylum reception limit detention possibilities, in order to truly make this a measure of last resort.” RCEU, Letter of the Red Cross EU Office on the revised Directive laying down minimum standards for the reception of asylum seekers, 10 June 2013.

7. International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update II, 22nd of October 2013, UNHCR.