

# Call to action to expand legal and safe complementary pathways to respond to international protection needs

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1. We, civil society actors and networks promoting and defending human rights and the dignity of asylum seekers and refugees, call for expansion of legal and safe complementary pathways in response to international protection needs.
2. As presented in the UN Refugee Agency's annual Global Trends study in the World Refugee Day, 68.5 million people had been driven from their homes across the world at the end of 2017, of which 25.4 million are refugees and 3.1 million are asylum seekers. Despite the reduction of irregular arrivals in the European Union since the peak of arrivals in 2015<sup>1</sup>, international protection needs and the vulnerability of displaced populations are not decreasing. On the contrary, in its Projected Global Resettlement Needs 2019, UNHCR estimated that 1.4 million refugees will need access to resettlement, twice as many as in 2014<sup>2</sup>. In 2017, only 75,188 refugees were referred for resettlement, and 65,109 were actually resettled<sup>3</sup>. Moreover, whilst the European Commission has developed two resettlement programs since 2015, the United States, a traditional resettlement state, has drastically reduced its pledges.
3. The lack of safe and legal pathways for people in need of international protection leads them to engage in desperate and often deadly journeys<sup>4</sup>. The number of people dying in the Mediterranean Sea while attempting to reach the European coasts has increased at an alarming rate over the last few years. So far in 2018, more than 2000 people have lost their lives in the Mediterranean Sea, excluding those who have died along routes to and through North Africa, such as in the Sahara Desert or Libya<sup>5</sup>.
4. By unanimously adopting the New York Declaration for refugees and migrants at the General Assembly of the United Nations in September 2016, member states recognized the serious current needs and their shared responsibility to support the reception and accommodation of people in need of international protection. The forthcoming adoption of the Global Compact on Refugees by the end of 2018 will initiate a new reference framework for planning and monitoring government policies and practices on refugee and asylum, including ensuring expansion of safe and legal pathways. The three-year resettlement strategy will integrate complementary pathways for admission with a view to increasing significantly their availability and predictability. States are expected to make concrete pledges for the 2019 Global Refugee Forum, to facilitate effective access and procedures for family reunification, and to establish private or community-based sponsorship programs, humanitarian admission programs, educational opportunities for refugees, and labor mobility opportunities for refugees.
5. In a recent feasibility study, the European Commission encouraged European Union Member States to pursue legal pathways of admission for people in need of protection, such as humanitarian visas and private sponsorship. The European Union Agency for Fundamental Rights

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<sup>1</sup> Website of the Council of the European Union and the European Council, *EU migration policy*. See <https://www.consilium.europa.eu/en/policies/migratory-pressures/>, consulted on 16 November 2018.

<sup>2</sup> UNHCR, *Projected Global Resettlement Needs for 2019*, 25-26 June 2018.

<sup>3</sup> UNHCR, *Resettlement at a glance. 2017 in review*, 15 March 2018.

<sup>4</sup> UNHCR *Desperate journeys. Refugees and migrants arriving in Europe and at Europe's borders*, September 2018.

<sup>5</sup> IOM, *Missing Migrants. Tracking Deaths along Migratory Routes. Mediterranean Region*. Viewed on 24 October 2018. Available at: <https://missingmigrants.iom.int/region/mediterranean>

has recommended that the EU increase legal avenues to reach European territory using a combination of refugee-related schemes and more refugee-friendly regular mobility schemes<sup>6</sup>.

6. We, therefore, call on States to take steps to expand access and facilitate procedures to implement complementary pathways as a fourth durable solution<sup>7</sup> and protection possibility for people of concern.
7. The diversity of projects and initiatives implementing complementary pathways demonstrates the mobilization of civil society in all its forms – associations, universities, citizens, refugee communities, and companies – and the potential for complementary pathways to respond to protection needs, specifically:
  - a. Full implementation and enlargement of the right to family reunification guarantees the right of families to stay together and is a key support to the integration process for refugees in third countries. Recently, many European countries have limited access to family reunification through restrictive criteria for subsidiary protection beneficiaries, suspending family reunion programs, or reducing the window for filing an application. These obstacles must be removed and States should overcome practical and legal obstacles preventing or delaying the reunification of family members.
  - b. Broad implementation of refugee scholarship programs would allow refugees to pursue qualifications with financial support and therefore facilitate their integration and empowerment through education. Access to student visas should also be facilitated and clear support mechanisms should be developed for refugee students after graduation for professional integration. Universities have mobilized well to facilitate access to higher education for refugees and should be concretely supported by States.
  - c. Development of private or community-based sponsorships enables more successful integration of beneficiaries, enlarges the admission of protection beneficiaries (including broader family members) and increases public engagement. Multiple initiatives and projects have developed through the mobilization of citizens and communities. States should support and build with civil society a strong and sustainable sponsorship mechanism.
  - d. Issuance of humanitarian visas by embassies and consulates abroad enables people seeking protection to access Europe without having to risk their lives. In this regard, we support the request by European Parliament's Civil Liberties Committee to table a legislative proposal establishing a European Humanitarian Visa<sup>8</sup>.
  - e. Strengthening the labor mobility scheme is an alternative solution for refugees to rebuild their lives, capitalize on their skills and reinforce their empowerment.
8. We remind States that complementary pathways are a way to ensure protection and to demonstrate international solidarity and responsibility-sharing with major refugee-hosting countries, who put forth tremendous effort to respond to the needs of refugees and host 85% of the global refugee population<sup>9</sup>.
9. The development of complementary pathways must be achieved through a multi-stakeholder approach. The support of national governments is obviously indispensable; however, complementary pathways encourage the involvement of new and diverse actors, such as civil society, who have a fundamental role in their design and implementation, as well as local

<sup>6</sup> European Union Agency for Fundamental Rights, *Legal entry channels to the EU for persons in need of international protection: a toolbox*, 2015.

<sup>7</sup> The three durable solutions for refugees developed by UNHCR are local integration, voluntary repatriation, and resettlement.

<sup>8</sup> European Parliament, *Humanitarian visas to avoid refugees' deaths*, 10 October 2018, Press release. Available at: <http://www.europarl.europa.eu/news/en/press-room/20181008IPR15261/humanitarian-visas-to-avoid-refugees-deaths>

<sup>9</sup> UNHCR, *Global Trends. Forced Displacement in 2017*. 19 June 2018

communities, academic institutions, refugees, and companies. The commitment of local communities in particular is a key tool to enhancing refugee integration, notably where there are highly polarized opinions towards migrants and refugees.

10. Further, the implementation of complementary pathways is crucial in order to provide refugees with a fourth durable solution. However, it is necessary to consider them as an added value to routes that already exist. Such pathways shall neither undermine resettlement programs nor replace the possibility to request asylum on the territory or at borders, but rather to reinforce the international protection regime. We therefore urge States to create broader opportunities for asylum seekers through the progressive implementation of legal and safe complementary pathways that do not restrain the right to seek and enjoy asylum.
11. Finally, we urge national governments to build upon the successful complementary pathways already in place and to develop mechanisms that open new pathways for refugee protection. Not only will they contribute to developing alternative durable solutions for refugees, enlarging the scope of refugee policy to new actors, partnerships and practices, but they will “help refugees thrive, and not only survive”<sup>10</sup>.



<sup>10</sup> UNHCR, *Comprehensive Refugee Response Framework*. Available at: <http://www.unhcr.org/587dfb3b4>