

Working Group 12:

Legal entry channels to the EU for those who need international protection

Background

In the absence of alternatives, many people in need of protection resort to smuggling networks in order to reach safety or join their families, putting their lives and their physical health at risk. Increasing the availability of legal avenues to reach the EU would allow at least some of those refugees who do not enjoy effective protection in the country where they are staying to reach safety without risking abuse and exploitation en route. Legal ways to reach the EU, such as resettlement or humanitarian admission programmes, provide those refugees most in need of protection with ways to reach safety. These include victims of torture, single heads of households, or women and children at risk.

In March 2014, FRA put forward 'a manual of options' for EU Member States to consider. This was intended to aid the development of more legal and safe pathways for people in need of international protection, thereby reducing their reliance on smuggling networks.

Objectives

The workshop looked to discuss how to make legal entry to the EU a viable alternative to resorting to smugglers, building on the priorities announced by the European Commission in March 2016. It aimed to provide fundamental rights perspectives on the creation of legal and safe entry channels into the EU for people in need of international protection. It also assessed the impact of the more extensive use of humanitarian visas and mobility schemes, along with more intensive attempts to achieve family reunification. Debates focused on resettlement, humanitarian admission, and family reunification. The workshop also explored how regular mobility schemes for students, researchers and workers could be used for refugees.

Speakers

- Iliana Savova Director, Bulgarian Helsinki Committee
- Roberta Metsola, Member of the European Parliament
- Judith Sargentini, Member of the European Parliament
- Dr Rabee Alferai, Syrian refugee living in Austria
- Laura Cristina Gornicioiu, Legal Affairs Unit, Directorate General Migration and Home Affairs, European Commission
- Corinne Wicher, Head of International tasks and Administration of EU Funds, Federal Office for Migration and Refugees, Germany
- Vincent Cochetel, Director of Bureau for Europe, UNHCR

Main messages

- 1) Access to legal entry channels for people in need of protection could be increased by:
 - Applying rules on family reunification equally to beneficiaries of subsidiary protection and international protection. This would help ensure family unity and better integration into the societies of Member States;
 - Using regular mobility schemes creatively (e.g. those related to work, study, or research) for people in need of protection by accelerating admission procedures;
 - Increasing EU funding for private sponsorships;
 - Making humanitarian visas available through consular representation and Schengen (mobile) application centres;
 - Making it possible for asylum applications to be submitted at embassies, consulates and mobile asylum application centres.
- 2) Minimum rights should be afforded to all, irrespective of legal status, and in compliance with core international human rights instruments.
- 3) An EU citizen initiative on legal pathways for entry into the EU should be launched to foster policy and legal avenues in this area.

Promising practices

- The humanitarian admission scheme in Germany consists of different (federal) programmes, with 42,000 refugees admitted during 2013-2015. One channel was based on the UNHCR screening of most vulnerable people, Germany.
- A programme allowing Syrians already living in Germany to sponsor the arrival of their relatives. Initiated in August-September 2013, it allowed for the admission of those who had extended family residing in Germany, as long as the Germany-based family members committed to covering transport expenses to Germany and the living costs of their relatives for the duration of their stay there (10,000 beneficiaries), several federal states, Germany.
- Successful private sponsorships. The Federation of Protestant Churches in Italy (FCEI), the Community of Sant'Egidio and the Tavola Valdese have launched a pilot project to open humanitarian corridors in Lebanon and Morocco (with Ethiopia soon to follow). The memorandum of understanding signed with the Ministry of Foreign Affairs and the Ministry of Interior will allow a thousand refugees to obtain a humanitarian visa, in accordance with the Schengen Visa Code. This will enable them to arrive in Italy safely and legally. After being welcomed there by the sponsoring organisations, the refugees can claim asylum, Italy.

Next steps:

- Member States should apply the rules on family reunification to beneficiaries of subsidiary protection and international protection equally, considering the importance of family reunification for integration processes.
- The European Commission should consider initiating legal action against Member States that apply conditions for admission which are not in line with the Family Reunification Directive.
- A broader debate on the use of mobility schemes, involving employers, should be promoted in recognition of the importance of integration into the labour market.
- More incentives for applying labour mobility schemes should be created, particularly with regard to vulnerable women in need of protection.
- Promising practices related to mobility schemes being used for people in need of protection should be exchanged.
- EU funding should be made available for private sponsorship.
- A tax reduction should be explored for those who contribute to private sponsorships.
- Person-to-person' initiatives should be promoted, while ensuring that security vetting is carried out by governments.
- In order to increase opportunities for submitting humanitarian visa or asylum applications, the following should be considered:
 - Setting up mobile application centres in countries of origin and transit;
 - Expanding consular representation arrangements.
- An EU citizens' initiative should be launched to promote EU action on legal ways for people in need of protection to access safety.
- Minimum binding resettlement quotas should be established for Member States;
- The definition of family in the context of humanitarian admission/resettlement should be broadened.
- Building partnerships with civil society should be integrated into the design of resettlement programmes.
- Minimum rights for migrants in the EU Member States should be ensured, irrespective of their legal status.
- Returns should be carried out in full compliance with appropriate safeguards.