



SAFE PASSAGES TO EUROPE

In order to apply for asylum and protection in Europe, asylum seekers and refugees often have no choice but to choose for irregular and dangerous ways to reach European territory. This leaves people vulnerable for extortion and bribes and endangers their lives. This factsheet provides an overview of measures the European Union and its member states can implement to ensure safe ways for these people to reach European territory and adhere to their right to apply for asylum.

Due to war, conflicts and oppression, people seek shelter in other regions or countries. Europe is currently facing an increased influx of asylum seekers and refugees from its neighbourhood. As signatory of various refugee conventions, Europe should provide help to those in need of international obligations. Measures such as border control, carrier fees and visa regulations have given **asylum seekers and refugees** no choice but to opt for irregular and often dangerous ways of travelling to Europe in an effort to seek asylum. Justice and Peace Netherlands (hereafter Justice and Peace) is of the opinion that Europe should provide more safe and alternative ways for these people, so no more lives will be lost on the way.

On May 13, 2015, the European Commission (hereafter the Commission) presented the European Agenda on Migration¹. The document proposes a variety of approaches to provide asylum seekers and refugees with safe routes to Europe, amongst others through resettlement programmes. Justice and Peace applauds the current actions undertaken but still sees room for improvement to ensure sufficient assistance for asylum seekers and refugees. This document provides suggestions for legal migration routes to Europe, based on the current plans², and contains both short- and long-term recommendations for the different actors involved in this discussion.

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¹ European Commission, *Managing migration better in all aspects: A European Agenda on Migration*, 13 May 2015.

² see European Commission, *European Commission makes progress on Agenda on Migration*, 27 May 2015 and European Council, *European Council meeting (25 and 26 June 2015)- Conclusions*, 26 June 2015.

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There are multiple possibilities to facilitate legal and safe ways for asylum seekers and refugees to reach the EU. Some of these possibilities are already described in the proposals of the Commission, but there are many more to explore. The suggestions below describe several possibilities that are currently being discussed by the Commission and Member States, highlighting opportunities for improvement as well as some new ideas to make the journey of current and future asylum seekers and refugees to the EU more sustainable, safe and humane.

- Resettlement³

The **resettlement program** applies to persons in need of protection residing in a third country. This program proposed by the Commission concerns 20,000 people in need of international protection who will be relocated to EU member states. The resettlement program is on a voluntary basis and involves the assistance of the UNHCR and EASO to properly execute the undertaking. For this program the EU has made funding available to cover the costs.

Justice and Peace expresses the need for all member states to contribute in this program, to show their solidarity towards these people in need of protection. In comparison to countries in the region, such as Turkey and Lebanon, Europe has to cope with only a fraction of the asylum seekers and refugees. Certainly, European member states cannot welcome everyone but more can be done to host and protect them; it is important that this task is **equally divided** amongst the different European member states. Previous practices have shown that NGO's can contribute a great deal in these types of programs⁴.

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³ European Council, *European Council meeting (25 and 26 June 2015)- Conclusions*, 26 June 2015.

⁴ An example of such an initiative is the resettlement program by the Finnish Red Cross. See [document](#)

• Humanitarian visa

The availability of humanitarian visas is included in the Visa Code¹, in which it is mentioned that visas can be given on humanitarian grounds if other visa requirements cannot be met². However, there is no special procedure to apply for a humanitarian visa and it is mainly up to the member state to consider visa requests on humanitarian grounds. The Visa Code is currently being **reviewed**, whereby the possibility of the use of external service providers and the representation through another EU member state present in a third country has been included in the recast³.

Justice and Peace sees the recast of the Visa Code as a great opportunity to include further regulation on a special procedure for humanitarian visas. In doing so, member states have **clear guidelines** on when to provide third country nationals with humanitarian visas and thereby provide a safe, regulated way to Europe for asylum seekers and refugees. Based on the current regulations, member states can already provide humanitarian visas to those in need of international protection, since the issuing of visas remains dependent on the competency of member states⁴.

• Family reunification

The possibility of **family reunification** is already available in different EU member states⁵, but could be further improved, solving **legal and practical obstacles**, to speed up the process. Faster processing can avoid family members from using human smugglers to reach Europe in an unsafe manner. It is important that member states ensure a smooth procedure for these people so that they can be brought to Europe and be reunited with their family⁶.

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1 Visa Code, (EC) No 810/2009, 13 July 2009.

2 Ibid, Art. 19(4).

3 European Commission, 2014/0094(COD), 1 April 2014. The recast visa code is currently being reviewed by the European council and still needs to be agreed upon by the European council and the European parliament.

4 According to research conducted for the LIBE committee of the European Parliament, 16 member states give or have given out some type of humanitarian visa (national, Schengen or a LTV Schengen visa). See European Parliament, *Humanitarian visas: option or obligation?*, September 2014, p. 7.

5 An example is the family reunification program in Switzerland for Syrian asylum seekers from 2013. In this program, visa regulations were eased and applied to (non-core) relatives of Syrians in Switzerland. See "Note on Syrian Asylum Seekers and Refugees in Europe", November 2013, p. 39-41.

6 UNHCR, *Refugee Family Reunification*, February 2012.

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RECOMMENDATIONS

Justice and Peace recommends the following actors to consider the points made below in order to collectively pursue a sustainable, humane solution for asylum seekers and refugees to reach Europe in a safe manner.

TO EU COMMISSION AND MEMBER STATES:

- Take active part in the resettlement program to ensure a safe and legal path to Europe for the most vulnerable asylum seekers and refugees that are still residing in third countries and do what is in their abilities to contribute to this program.
- Emphasise the need to consider language and professional skills and possible family members in the EU when deciding on the member state where the asylum seekers and refugees will be resettled to.
- Use the regulations under the Visa Code to provide humanitarian visas to asylum seekers and refugees and explore further possibilities for a wider use of humanitarian visas and clearer regulations on this matter.
- Ensure a smooth and quick procedure for family reunification, fixing any legal and practical obstacles that are currently occurring.
- Ensure proper implementation and execution of the CEAS instruments⁷ so that asylum seekers and refugees can have a proper reception and procedure in all member states, in line with the European standards.

TO THE EUROPEAN PARLIAMENT:

- Emphasise the need to consider language and professional skills and possible family members in the EU when deciding on the member state where the asylum seekers and refugees will be resettled to.
- Use the recast Visa Code to explore further possibilities for a wider use of humanitarian visas and clearer regulations on this matter.

TO NGO'S:

- Explore possibilities for participation as NGO in resettlement schemes and family reunification programs. Previous practices provide examples in which NGO's contributed a great deal in resettlement and family reunification programmes.

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7 Common European Asylum System: Directive 2013/32/EU, directive 2013/33/EU, directive 2011/95/EU, regulation (EU) No 604/2013 and regulation (EU) No603/2013.

