

ECRE's view on the situation of Syrian refugees in the EU

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- Over 50 000 Syrian nationals sought asylum in the EU in 2013 and Syria became one the main countries of origin.
- Syrian applications registered the highest recognition rates granted by EU Member States with 90 % positive decisions for all types of international protection. Practices for assessing Syrian applications generally followed the negatively-evolving situation in Syria.
- The treatment of Syrian asylum applications is divergent across Europe and evolved over time.
- Some European countries recognised refugee status for Syrian asylum applicants in the majority of cases (27% of all positive decisions in the EU in 2013). At the same time other countries granted Syrians subsidiary protection (62 %) and 1% decisions were of humanitarian status.
- The recognition rates in Cyprus, Greece and Spain were of concern to us in 2013.
- ECRE considers that asylum applications from Syrians and stateless persons, who enjoyed protection in Syria, should be assessed on the presumption that they are likely to meet the refugee definition contained in the 1951 Convention Relating to the Status of Refugees. Where they do not meet the definition, they should be granted subsidiary protection.

Biggest challenges that Syrians face in Europe

- One of the main challenges Syrians face in Europe is reaching Europe's territory and finding protection there. The lack of safe legal channels to access Europe often forces people affected by the conflict in Syria to take life-threatening risks.
- In a number of European countries, such as **Bulgaria, Cyprus and Greece**, there are concerns relating to access to the territory of their states by those fleeing the Syrian conflict, as well as to their inability to register asylum applications, and to a lack of information provided about such an opportunity.
- Many Syrians prefer not to apply for protection in some of the countries, **fearing prolonged detention, push-backs or poor reception conditions**. Instead many of them prefer travelling to European countries with more efficient asylum systems or due to family ties.
- Push-backs of Syrian asylum-seekers from **Greek** sea and land borders, Bulgarian border to Turkey, as well as cases of severe ill-treatment occurred during some of these push-backs, present specific concern.
- Syrians arriving in the EU are often families, with children. In a number of Member States, including **Cyprus, Malta and Bulgaria**, concerns have been expressed over the lack of appropriate reception conditions, because national reception systems are in some cases better suited to individuals than to families, which constitute the majority of applications from Syria.

- Like for asylum seekers of other nationalities, the absence of a specific mechanism or procedure to identify vulnerable asylum seekers or special reception needs was reported in a number of the European countries, such as **Cyprus** and **Croatia**.

Last November we published an [Information Note on the situation of Syrians in Europe](#), where we registered some negative practices and were trying to highlight positive practices. Unfortunately, it was much easier for us to identify negative practices than positive ones. Even though in the public discourse there is more empathy with the Syrians than with the other groups of international protection seekers, some of this debate goes back to lack of financial means in potential host countries. However, we think that providing adequate protection is a good test to recently established CEAS and the situation of Syrians clearly illustrates its flaws and need for improvements. ECRE considers that only by improving protection standards, bringing them in compliance with international obligations of the European countries, and harmonizing them, those in need of protection could get dignified and fair treatment across Europe.

Moreover, we think that the EU MS and relevant European institutions assisting them should make their data and activities in relation to refugee protection more transparent and increase their coordination with human rights advocates, who could contribute to improved protection.

We have recently launched the campaign “Help Syria’s refugees” that gives a human face to problems faced by Syrian refugees through their stories and offers recommendations to national and European authorities on how protection could be improved. You could access this campaign and join it at <http://www.helpsyriasrefugees.eu/>

Our main messages to states:

- Grant Access to Protection through Embassies
 - Waive visa fees, apply flexible visa requirements in relation to proof of resources available, sponsorship and purpose of stay and remove airport transit visas for people fleeing the conflict.
 - Grant humanitarian visas to refugees fleeing the conflict to help them leave the region.
 - Give refugees the possibility to apply for international protection through the embassies in the neighbouring countries and to be granted an entry permit in case of positive response.
 - Offer other avenues for allowing people to leave the region safely and legally and enter European countries, such as work and student visas.
- Facilitate Family Reunification
 - Facilitate family reunification for people in the region who have family members living in Europe so that they can easily join their family. In particular, family reunification should be extended to beneficiaries of subsidiary protection on the same conditions as refugees where

it is not the case. States should apply a broader definition of family members to include non-nuclear family. Flexibility should be applied to the level of documentary requirements for proving family links and with regards to travel documents.

- Offer Resettlement and Humanitarian Admission Places
 - Increase the number of resettlement places by offering additional to the national resettlement quotas. Offer extra places through humanitarian admission programmes.
- Continue Suspending All Returns to Syria and Neighbouring Countries
 - Maintain moratoria on all returns of people to Syria to ensure that no person is returned to a place where they may risk persecution or being exposed to war and violence.
 - Refrain from returning people to countries already hosting large numbers of refugees from Syria or to any country where they may risk violations of their human rights.
- Respect the principle of non refoulement at Land, Airport and Sea Borders
 - Raise awareness of protection obligations amongst border officials and enhance training initiatives within and outside the context of FRONTEX joint operations.
 - Guarantee effective protection sensitive border management and include UNHCR and NGOs as key partners in border monitoring and training activities.
 - NGOs and legal practitioners must be given access to border areas so that they can provide legal counselling to those in need of international protection.
 - Take all possible measures to prevent push-backs at the external border and strongly condemn such practices at EU and international fora.
- Guarantee Prompt and Effective Access to Asylum Procedures
 - Guarantee that all refugees intercepted at the border, be granted access to fair asylum procedures and proper access to accommodation in line with EU asylum law.
 - Ensure a proactive application of family provisions in the Dublin Regulation in full respect for family life and the principle of family unity and apply the Regulation's discretionary clauses in the best interests of all asylum seekers including those fleeing the Syrian conflict, taking into account [country] obligations under international law and the humanitarian purpose of those clauses.
 - Refrain from penalising refugees for resorting to irregular entry which is contrary to Article 31 of the Refugee Convention.

Messages to the EU institutions:

The European Commission to:

- Develop European Commission guidelines on a common approach to humanitarian visas for protection reasons and to promote the use of the possibility to apply for international protection through EU embassies in third countries.
- Encourage Member States to make full use of funding opportunities for the resettlement of refugees from Syria as one of the common Union resettlement priorities under the Asylum and Migration Fund.
- Allocate emergency funding to address the situation of Syria's refugees within the EU and in the countries in the region where necessary and appropriate.
- Pursue infringement proceedings against the States that are found to be in breach of the EU asylum acquis and the EU Charter of Fundamental Rights, the Schengen Borders Code.

The Council and the European Parliament to:

- Support an EU moratorium on returning people to Syria to ensure that no person is returned to a place where they may risk persecution or being exposed to war and violence. People should not be returned to countries already hosting large numbers of refugees from Syria and to any country where they may risk violations of their human rights.
- Encourage the use of appropriate solidarity measures with EU Member States facing an increase in the number of asylum applications from Syria where necessary to ensure swift and effective access to protection for refugees arriving in the EU.

FRONTEX to:

- Ensure that joint operations on the Greek-Turkish and Bulgarian-Turkish borders are carried out in a protection sensitive manner in line with its fundamental rights strategy by raising awareness of international protection obligations amongst border officials and enhancing training initiatives, including through intensified cooperation with EASO, UNHCR and NGOs.
- Ensure that EUROSUR and other sophisticated surveillance technology at the EU's external borders is used for the purpose of saving lives and does not impede access to international protection in the EU to those fleeing persecution and conflict.

EASO to:

- Continue to enhance protection and reception capacities of EU Member States through targeted support measures in close cooperation with UNHCR and NGOs and engage in contingency planning as considered necessary.
- Continue to support Member States in ensuring swift and fair examination of protection needs of refugees including through pooling expertise in the field of COI and facilitating the provision of interpreters where necessary.