



NORWEGIAN  
REFUGEE COUNCIL

POSITION PAPER: EU MIGRATION AND ASYLUM PACT AND ITS IMPACT ON VULNERABLE POPULATIONS

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The EU Migration and Asylum Pact launched on 23 September 2020 relies heavily on the Global Compact for Safe, Orderly and Regular Migration, but is less ambitious on protection, non-discrimination, and inclusion.

The Norwegian Refugee Council (NRC) has operations in many countries of origin, transit and destination for refugees, migrants, and asylum-seekers, including Afghanistan, Syria, Somalia, and Libya. In Greece, NORCAP experts are providing technical support to national institutions with regards to identification and registration of refugees, migrants and asylum-seekers to ensure increased capacity, due process and enhanced protection standards for vulnerable people on the move.

**POSITION 1:** The Pact gives **insufficient guarantees that the rights and dignity** of people on the move are respected and protected. This includes protection from arbitrary deprivation of liberty, access to basic services, access to information, counselling, and legal advice in all stages of their journey. The EU needs to redistribute responsibility for asylum among member states and include real vulnerability criteria in pre-screening procedures.

**POSITION 2:** With its emphasis on border management and promotion of returns as the preferred durable solution, the **Pact mainly focusses on deterrence**. When Europe is pushing people back from its borders, it *de facto* denies them from their basic right to seek international protection and **breaches the spirit of the Refugee Convention**. The **Pact identifies returns as a priority but fails to clarify what constitutes a 'safe country'** or conditions to which people can be returned. The EU must establish clear criteria, in line with international law and reflecting changing conditions, to help inform safe returns procedures.

**POSITION 3:** The promotion of efficient and fast asylum procedures is welcomed, as are more lenient criteria for family reunification. **Entry countries' uneven burden leads to limited capacity among relevant authorities**, and incapacity to facilitate **sufficient information, counselling, and legal advice for refugees, migrants and asylum seekers, which again jeopardises due process** and the appropriate management of individual cases and would replicate current challenges in current hotspots.

**POSITION 4:** As the full implementation of the Pact remains **months or years away**, the EU needs to prioritise concrete actions to **alleviate the suffering in current hotspots**. The Pact aims to set up a **crisis mechanism** to respond to situations such as Moria. **The temporary emergency measures** adopted in response to Covid-19 have fast-tracked processes and eased strict regulations **should become permanent**, including access to basic services, fast-track regularization and provision of documentation, and/or the regularization of essential workers.

**POSITION 5:** The Pact notes that “each Member State, without exception, must contribute in solidarity,” but has chosen the **lowest common denominator** rather than establishing a **robust framework for international protection and responsibility-sharing**. It is **unfortunate that resettlement**, as a key

element of international solidarity, remains **optional** for governments, while the EU seeks to develop a European model of **community or private sponsorship** to take in vulnerable people on the move.<sup>1</sup>

**POSITION 6:** EU member states, as well as the UK, Norway, and Switzerland, need to proactively **implement all possible solidarity measures** starting now. These countries should seek to balance the distribution of responsibilities between entry countries along the Mediterranean, and destination countries such as Germany and those in Northern Europe. Entry states should be supported to uphold dignified reception standards, instead of urged to step up their border controls measures.

**POSITION 7:** The Pact rightly notes that the approach to migration needs to be **holistic**. This should include, on an equal footing, all **durable solutions** options and avoid an emphasis on returns. Creative and lasting **programmatic solutions** addressing the conditions in **countries of origin, transit, and reception**, based on equal partnership and expertise from actors on the ground, need to be identified, funded, and implemented. Actions to reduce **community tension and discrimination must** be included more prominently.

**POSITION 8:** The Pact seeks to establish an independent mechanism to **monitor fundamental rights** and aims to better monitor and fight smuggling and human trafficking. Such a mechanism must reflect the complex factors contributing to risk for people on the move and **include relevant non-security actors on the ground**. It should also be open to receive referrals from third parties, such as humanitarian actors so that human rights abuses can be addressed. In the case of returns, they need to include informed monitoring of the **situation in return countries**.

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<sup>1</sup> The 2020-2021 resettlement **target of some 29,500 people by 14 member states and the UK** represents approximately **one additional person per 15,000 people** in the EU, if fully implemented, while the global resettlement need is **1.4 million people**, as estimated by UNHCR.