

## Amnesty International UK—Supplementary Written Evidence (PMS0012)

### Introduction:

1. This further submission addresses two matters which arose at the July 2015 oral evidence session at which Steve Symonds gave evidence for Amnesty International UK (AIUK):
  - people moving between situations of being smuggled and of being trafficked
  - safe and legal routes
2. By way of brief update: By 14 August, 264,500 refugees and other migrants had crossed the Mediterranean to the EU this year.<sup>1</sup> Syrians remained by far the single largest group by nationality (more than one third). Afghans and Eritreans were the next largest. With Sudanese, Somalis and Iraqis, these nationalities constituted around two thirds or more of those arriving across the sea.
3. For comparison, the ten countries hosting the largest refugee populations at end 2014 were Turkey (1.59 million), Pakistan (1.51 million), Lebanon (1.19 million), Iran (982,000), Ethiopia (659,500), Jordan (654,100), Kenya (551,400), Chad (452,900), Uganda (385,500) and China (301,000).<sup>2</sup> These figures do not include the 5.1 million Palestinian refugees registered with the UN Relief and Works Agency (UNRWA), who fall outwith UNHCR's remit. There are around 450,000 such refugees in Lebanon and over 2 million in Jordan.<sup>3</sup>

### People moving between situations of being smuggled and of being trafficked

4. In response to a question from the Baroness Massey of Darwen, it was explained that people may move between these distinct situations. On Monday, 27 July 2015, *London Evening Standard* published an article entitled 'A migrant boy's escape from hell'.<sup>4</sup> That article describes the experiences of a 15 years old Nigerian boy (named for the purposes of the article, Solomon), and despite sketchy details appears illustrative.
5. On the face of what is described, this boy's journey includes periods of being smuggled and periods of being trafficked. It appears that during his journey (or at least part of it) to Libya, he was smuggled. At some point he was sold in Libya to a 'work camp', where he was enslaved. Were he transported at any point – whether into or within Libya – for the purpose of being sold, that would constitute human trafficking. His journey across the Mediterranean, having escaped his enslavement, appears to have been facilitated by people smugglers.

### Safe and legal routes

6. At the close of the oral evidence session, the Baroness Janke asked if we could provide further written evidence in respect of safe and legal routes. What follows identifies some of the options for providing such routes.

---

<sup>1</sup> <http://www.unhcr.org/55d3098d6.html>

<sup>2</sup> UNHCR, *Global Trends: Forced Displacement in 2014*, June 2015, available at <http://unhcr.org/556725e69.html>

<sup>3</sup> <http://www.unrwa.org/where-we-work>

<sup>4</sup> <http://www.pressreader.com/uk/london-evening-standard-west-end-final-b/20150727/281870117140154/TextView>

7. The general position, which applies to the great majority of those who wish to and those who do claim (and receive) asylum in the EU, is that they must get to the EU in order to make a claim for asylum; and there are no safe and legal routes permitting them to do that. This situation is compounded by the application of visa requirements (i.e. the need to obtain advance permission for lawful travel to the EU) to all of the main countries of refugees' origin. This – coupled with the extension of external border policing and related third country cooperation<sup>5</sup> – means that the great majority of refugees who seek and attain asylum in the EU are compelled to make clandestine and often dangerous journeys in order to do so.
8. One way to extend safe and legal routes would be to increase **resettlement** places. Resettlement programmes are generally operated in concert with UNHCR, and tend to involve annual quotas set by individual participating countries as to places to be filled. They provide a route for a refugee (i.e. someone at risk of persecution who has already fled his or her country of origin) to resettle (relocate) from an often precarious situation in a third country to a more durable situation in the country of resettlement. Individual Member States give indications as to the numbers of places they are willing to offer, and any other criteria they wish to apply, and UNHCR makes referrals of refugees – individuals or families – which the Member State then considers. If accepting the referral, the individual or family will be resettled in the Member State with no requirement to enter the asylum system there. Thus, resettlement allows for effective integration from the point of arrival.
9. Within the EU, resettlement places are generally very few in number. The leading EU/EEA Member States are the Nordic countries. The US, Canada and Australia each provide far more resettlement places than EU Member States.<sup>6</sup> These countries have also been more generous than most EU countries – the exceptions being Germany and the Nordic countries – in response to the separate matter of resettlement of Syrian refugees from the region.<sup>7</sup>
10. Another option would be to broaden the scope of **refugee family reunion** e.g. to include extended family members. Essentially, refugee family reunion permits a refugee in a Member State to be joined by his or her family member. As operated in the Member States, this is generally restricted to partners and children; or in the case of child refugees to parents – but note the UK does not formally recognise a child refugee's entitlement to refugee family reunion with a parent.<sup>8</sup> Refugee family reunion may assist the integration of the refugee who is being joined by his or her family member, and conversely the arrival of that family member to a place where he or she is joining someone may assist his or her integration.
11. These first two options would constitute extensions of existing routes. Most other options would open up new routes within existing immigration control systems. One alternative

---

<sup>5</sup> Relevant measures include carrier sanctions, deployment of immigration liaison officers at ports of departure, financial and other support/encouragement to third countries to enhance border control systems, the work of FRONTEX at EU borders, and unlawful forced 'push backs' at borders or at sea (e.g. what was described in the oral evidence session by David Mepham of Human Rights Watch in relation to *Case of Hirsi, Jamaa & Ors v Italy* [2012] ECHR 1845, Grand Chamber.

<sup>6</sup> In 2014, the USA, Canada and Australia set themselves targets to achieve 70,000, 13,900 and 11,000 places respectively. The Nordic countries were by far the most generous European nations as regards resettlement, with Sweden, Norway and Finland adopting targets of 1,900, 1,620 and 1,050 places respectively. The UK target was 750. More information is available at: <http://www.unhcr.org/4a2ccf4c6.html>

<sup>7</sup> More information is available at <http://www.unhcr.org/52b2febafc5.html>

<sup>8</sup> Thus Appendix FM of the immigration rules includes refugees for the purposes of their being joined by partners and children, but not their being joined by parents. UK Visas and Immigration asylum process guidance on 'Family reunion' expressly excludes parents of child refugees in the UK from eligibility.

would be to **remove visa requirements** (e.g. in relation to countries in particular crisis), thereby permitting someone to travel and claim asylum on arrival. This would only assist those with access to travel documentation – e.g. a passport. Removal of visa requirements would not in itself permit entry, but would enable lawful travel to a potential country of asylum.

12. Another option would be to introduce some form of **protected entry procedure**. This is a means by which someone can apply for and be granted permission in advance to travel and enter a potential country of asylum. There are various possible types of such a procedure. These range from granting a visa permitting travel for the purpose of making an asylum claim on arrival, to fully assessing and recognising a person's refugee status (or other protection needs) prior to permitting travel.
13. No EU country currently operates a protected entry procedure. Austria, Denmark and the Netherlands abandoned their procedures in the early 2000's. In 2012, the Swiss Federal Assembly approved amendment of the Asylum Act to abolish the option of applying for asylum in Switzerland from outside the country. However, it remains possible to apply for a visa at a Swiss diplomatic mission for travel to Switzerland on asylum grounds.<sup>9</sup> A challenge in respect of protected entry procedures – particularly where these are based on conclusive determination of the applicant's refugee status prior to travel – is to maintain standards of procedural fairness and substantive decision-making. Concerns surround such matters as access to legal assistance, interpretation and translation services, and remedies for flawed decision-making; and capacity and quality of decision-making.
14. As reflected at the evidence session, we strongly support the development of safe and legal routes. However, in doing so, we have not adopted a policy position favouring any one measure over others. There are several reasons for this. There would likely be value in developing all or several of the outlined possibilities rather than treating these as if mutually exclusive. We would want to assess the detail of any particular proposal that may be forthcoming – to ensure there was appropriate attention to procedural safeguards and quality of substantive outcomes. Subject to the adequacy of procedural safeguards and quality assurance, we remain open to any proposals the European Commission and Member States may develop in relation to one or more options.
15. As emphasised in our oral evidence to the Committee, the provision of safe and legal routes is required as part of a holistic approach to a global refugee crisis. It is not an alternative either to supporting refugees in third countries or the need for individual assessment of those arriving in the EU and presenting asylum claims via other routes. Rather the adoption of safe and legal routes is a key means to reducing both the need for refugees to make unsafe journeys and the demand for people smugglers. It is also a means to manifesting real and effective solidarity with generally much poorer, third countries currently hosting very much larger refugee populations; and – in tandem with humanitarian assistance to refugees in those countries – to enhancing their capacity to support the refugee populations they host.
16. The Directorate-General for Internal Policies of the European Parliament has recently published *Enhancing the Common European Asylum System and alternatives to Dublin*, which includes further discussion of safe and legal routes in chapter 1.<sup>10</sup> The Committee may find that discussion of assistance.

---

<sup>9</sup> [https://www.bfm.admin.ch/bfm/en/home/asyl/asylverfahren/asylgesuch/asylgesuch\\_aus\\_ausland.html](https://www.bfm.admin.ch/bfm/en/home/asyl/asylverfahren/asylgesuch/asylgesuch_aus_ausland.html)

1 September 2015

---

<sup>10</sup> See [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/519234/IPOL\\_STU\(2015\)519234\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/519234/IPOL_STU(2015)519234_EN.pdf)