



Ms Eleni Mavrou
Minister of Interior
Cyprus Presidency of the Council of the European Union

Brussels, 24 October 2012

Dear Ms Mavrou,

THE SYRIAN REFUGEE CRISIS AND THE ROLE OF THE EUROPEAN UNION

The political unrest which began in 2011 and has subsequently developed into an internal armed conflict in Syria has killed more than 24,800 people and forced hundreds of thousands to flee their homes. The UN estimates that 1.2m people have been displaced inside Syria.

Iraq, Jordan, Lebanon and Turkey, Syria's neighbours, have allowed large numbers of arrivals to enter and remain in their territory. According to UN Refugee Agency (UNHCR) statistics, in October 2012, the number of Syrians registered or awaiting registration as refugees in those countries has trebled over just three months to more than 350,000 people. Despite their continuing hospitality to those fleeing the violence since the refugee crisis began in 2011, the struggle of Syria's neighbours to cope with growing numbers of refugees makes it incumbent on the international community to share responsibility by providing as much support as possible. However, although some states have strongly condemned the massive human rights and humanitarian law violations in Syria, the international community, including the EU, has so far failed to act effectively to help those displaced in the region by the conflict beyond providing some desperately needed funds.

According to EUROSTAT, between January 2011 and August 2012, the EU, with Norway and Switzerland, received about 16,500 asylum applications from Syrians. While most EU countries appear to be processing, without undue delay, the small numbers of Syrian asylum-seekers' claims they have received and although international protection recognition rates appear to be high, treatment of Syrian asylum applicants varies considerably across the EU, creating an unequal situation where Syrian nationals in similar circumstances receive different levels of protection depending on which EU country they are in. More worrying is the fact that in some EU countries Syrian asylum-seekers experience serious difficulty in accessing the asylum system, while others are held in immigration detention centres for periods varying from weeks to months, despite the fact that they cannot be returned to Syria. We are also alarmed by reported incidents of Syrian nationals being turned away at the EU's external borders. Media reports suggest that more border police have been dispatched in a number of countries to increase security at external EU borders.

EU institutions and member states have acknowledged the scale and urgency of the refugee crisis affecting Syria's neighbours and have increased aid to countries in the region to meet growing humanitarian needs. However, they can and should do much more.

The EU and its member states must begin sharing responsibility and demonstrating support for the affected countries by facilitating access to protection in Europe for people fleeing Syria, which includes relaxing current visa restrictions and family reunification rules and issuing humanitarian visas through their embassies in neighbouring countries. Resettlement countries should also ensure that extra resettlement places for those fleeing Syria are provided in addition to existing annual resettlement

quotas. Also, given the nature of the continuing crisis, resettlement processing should be accelerated and procedures applied flexibly.

EU countries must also be ready to resettle non-Syrian nationals who were recognised as refugees and were awaiting resettlement out of Syria before the conflict. They are among those most at risk. Syria still hosts many refugees from countries including Afghanistan, Iraq, Palestine, Somalia, Sudan and Yemen. Non-Iraqi refugees, in particular, face protection risks during the current unrest because they lack documents and are visibly 'foreign'. Processing refugees for resettlement out of Syria is a challenge. UNHCR is appealing to countries to provide resettlement places for up to 500 non-Iraqi refugees in Syria and to consider resettling these refugees on a dossier basis.¹

Europe accepts about 6.7 per cent of worldwide resettlement cases. Only 14 EU countries currently offer resettlement to refugees who need durable solutions, totalling just over 4,000 places a year. Responding to UNHCR's urgent appeal would be an important way to demonstrate tangibly the EU's solidarity with the refugees and Syria's neighbours who have been shouldering most of the responsibility for refugee protection for Syrians and many others in the region and beyond.

Donor countries must also continue contributing generously to the UN Syria Regional Response Plan.² The UN, with its partners, has appealed for US\$ 487.9m to support the Syrian refugee operation. The appeal is approximately only 29 percent funded. With the onset of winter in neighbouring countries, the need to support the humanitarian appeal has become all the more urgent.

We call on the EU and its member states to focus their response to the Syria refugee crisis on:

Protection of Syrian asylum-seekers in Europe

EU countries must ensure access to protection and fair and effective asylum determination procedures to all Syrian asylum-seekers who arrive in the EU. As a bare minimum, fair treatment and protection should be ensured by:

- Adopting a common approach to Syrian refugee claimants based on a generous interpretation of the refugee definition and subsidiary protection and *non-refoulement* obligations to ensure that effective and equivalent protection is granted to Syrian refugees wherever they apply in the EU
- Waiving any obstacles to Syrians accessing protection in Europe, such as visa requirements and unnecessarily burdensome family reunification criteria and restrictions
- Accepting and examining the merits of subsequent applications for international protection from Syrian asylum-seekers who were already present in the EU and whose claims were rejected, given the country's radical change in circumstances since the onset of the conflict
- Through practical cooperation and capacity-building measures, helping EU countries whose asylum systems risk coming under strain owing to higher numbers of asylum-seekers from Syria
- Ensuring that no one is forcibly returned to Syria. Any return of failed asylum-seekers should only occur once the situation throughout Syria has stabilised and there are adequate conditions for a durable return

¹ UNHCR, Flash Appeal for 500 non-Iraqi refugees in Syria.

² Revised Syria Response Plan, 27 September 2012.

- Ensuring that Syrians are not returned to Syria's neighbours, which already host the majority of Syrian refugees and who do not have refugee laws ensuring refugee rights are protected
- Maintaining or granting legal status to Syrian asylum-seekers whose asylum claims have been rejected and affording them a dignified standard of living
- Abiding by the rulings of the Grand Chambers of the European Court of Human Rights and the European Court of Justice by maintaining suspension of all returns to Greece under the Dublin II regulation and assuming responsibility for examining such asylum applications by applying the sovereignty clause


Share responsibility for refugees in the region

Given the developing EU framework for resettlement, including the new financial opportunities, EU countries should:

- Establish and/or expand resettlement programmes to accommodate increased numbers of non-Iraqi refugees in Syria, in accordance with UNHCR's urgent appeal of 31 July 2012
- Speed up existing resettlement of Iraqi refugees who are or were in Syria and who are already in the resettlement process
- Offer emergency resettlement to the most vulnerable refugees fleeing Syria, as determined by UNHCR, including women at risk, children and adolescents, survivors of violence and torture, the elderly and refugees with urgent medical needs
- Donate generously to the UN's appeal for funding for the Syria Regional Response Plan

We hope the EU, as the most recent Nobel Peace Prize laureate, will set the example by helping those fleeing the atrocities of war and giving thorough consideration to our calls when discussing responses to the Syria crisis at the Justice & Home Affairs Council meeting on 25 October and other relevant meetings during your presidency.

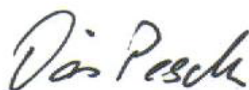
Yours sincerely,



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