

# For accessible complementary pathways to provide additional, protective and durable solutions to international protection needs

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On the 17<sup>th</sup> and 18<sup>th</sup> of December 2019, the first Global Refugee Forum will gather a wide range of actors to announce concrete contributions and pledges in order to reach the objectives of the Global Compact on Refugees adopted by UN Member States in December 2018. It represents an important opportunity for States, as international and regional organizations, local authorities, civil society organizations, academics and private sector to reinforce their commitment to enhance protection for refugees worldwide and to share responsibility for welcoming and supporting refugees in inclusive host societies. One of the four Compact's objectives and States' commitments is to expand access to third country solutions by increasing resettlement programs and develop access to complementary legal pathways. According to UNHCR, 1.44 million people are in need of resettlement in 2020 and the number of people forcibly displaced has reached a new record of 70.8 million persons. Expanding access to safe and legal pathways to third countries is urgently needed to support host countries facing large numbers of refugees and expand protection space for refugees. Very limited and inaccessible legal pathways result in people in need of international protection engaging in risky and deadly journeys. Added to this, the current rescue and disembarkation crisis in the Mediterranean Sea is highly alarming and critically questioning the access to asylum right in Europe.

In order to reach the Compact's goal, States are called to ensure that complementary pathways for admission to third countries *"are made available on a more systematic, organized, sustainable and gender-responsive basis, that they contain appropriate protection safeguards, and that the number of countries offering these opportunities is expanded overall"*. Based on our experiences and expertise in complementary pathways, our organizations share the following concerns and recommendations which are closely linked and connected to guarantee durable solutions for refugees.

## Expanding the protection space through additional complementary pathways in full respect with international law

Complementary legal pathways shall be developed in addition to existing States' commitments to respect full access to asylum right for all persons in need of international protection. Such pathways shall neither undermine resettlement programs nor replace the possibility to request asylum on the territory or at borders. They should offer additional opportunities for persons in need of international protection to provide legal stay in a third country where their protection needs are met, enable refugees to access their rights and reinforce the international protection regime. Therefore, we call on States to

promote a comprehensive and rights-based approach of legal pathways and asylum policies to respond to international protection needs. This should include the strengthening and the expansion of resettlement and complementary pathways programs, a full access to asylum right for all persons in need of international protection and a full implementation of the search and rescue obligation under international law.

The additionality principle should also be respected among complementary pathways as the development of one complementary pathway should not restrict the access or undermine the expansion of another one.

The full access and implementation of family reunification procedures guarantees the right to family unity of refugees and is a key support to integration process for refugees in third countries. If several States have expanded their resettlement programs and/or other complementary pathways, obstacles and restrictions to family reunification have also increased, impeding many refugees and beneficiaries of subsidiary protection from accessing their rights. These restrictions must be removed, and we urge States and all stakeholders to overcome practical, bureaucratic and legal obstacles preventing or delaying the reunification of family members which violates the refugees' rights.

The development of humanitarian admission programs in countries of transit or origin should not impede individual requests for humanitarian visa by persons in need of protection. They should be examined in a fair and transparent manner without any discrimination by authorities.

The development of private or community-based sponsorships demonstrates an extensive potential to better integrate beneficiaries and open additional opportunities to protection needs including members of extended family. States and multi-stakeholders actors should support and build with civil society protective and sustainable sponsorship mechanisms without replacing the governmental reception systems.

Funding and technical support should be reinforced in order to offer an equal opportunity to develop new programs, reinforce and capitalize on extensive initiatives. Legal counselling for persons of concern should be reinforced in countries of destination, transit and origin. Capacity building and trainings on complementary pathways should be expanded for all stakeholders supporting asylum seekers and refugees, including civil society organizations, sponsoring groups, volunteers, national and local authorities, private sector, and academics. Partnerships among these actors should be further explored through multi-stakeholder platforms and skill-based sponsorships. Moreover, the involvement of the academic community and the private sector to boost training and labor opportunities and to uphold refugees' empowerment opens additional opportunities and should be promoted and supported at national, regional and international level.

### **Providing accessible complementary legal pathways**

Complementary pathways should be fully accessible to persons in need of international protection including the removal of administrative and legal obstacles by States to procedures. Recently, many European countries have limited access to family reunification through restrictive criteria for subsidiary

protection beneficiaries, suspending family reunion programs, or reducing the window for filing an application. Instead of restricting access to family reunification, we call on States to reinforce their capacities and resources in the consular and central authorities to ensure a better access to procedures and deliver qualitative information and support to families. Moreover, as different governmental bodies can be involved in the procedure, requested criteria can also change along the process questioning the clarity and the transparency of the procedure. Clearer and transparent procedures should be established by States and competent authorities to facilitate access and processing of the application as well as harmonized validation process when different bodies are involved.

Humanitarian visa criteria remain also very unclear in many countries and left to the discretion of the States. In this regard, the request by European Parliament's Civil Liberties Committee (LIBE) to table a legislative proposal establishing a European Humanitarian Visa is strongly supported.

Civil documentation requested in procedures are often extremely difficult to access. The procedures are long and can considerably impact the persons of concern, especially vulnerable people as women at risk of violence and children. Procedures should be fast tracked and facilitated for these vulnerable situations, especially in case of family reunification and humanitarian visa procedures.

Geographical obstacles are also important as consulates and embassies are not easily accessible for persons of concern, and can require them to travel to neighboring countries to access consular authorities, sometimes several times, which can be dangerous in instable and conflict zones and result in additional costs.

Accessibility also includes an appropriate and qualitative information sharing to persons of concerns and trained staff in public authorities. The lack of knowledge and qualitative information on procedures by persons of concern but also by consulates' staff are impeding access to complementary pathways procedures. States should reinforce the training of public authorities on complementary pathways and protection issues.

In addition, refugees with academic backgrounds struggle to access information on study opportunities and procedures as well as options to valorize their skills. Academic organizations have reinforced their capacities in supporting and welcoming asylum seekers and refugees. States should support this mobilization and work closely with UNHCR and civil society organizations to reinforce recognition mechanisms of academic background and study levels of refugees, and to facilitate their application in universities and access to higher education opportunities through scholarship programs. Better identification of university background and professional skills in refugee related databases would also reinforce access to labor opportunities.

Finally, funding challenges remain an important obstacles for many persons of concerns who have to face important costs including travels to consulates, visa fees, financial guarantees to get a visa, and additional costs to access specific complementary pathways. Developing partnerships with new actors such as the private sector or through community sponsorship can be a way to overcome these obstacles without forgetting the responsibility of States to ensure access to these procedures and to not condition access to support from a sponsor or private actor.

## **Upholding protective and durable solutions through complementary pathways**

The development of complementary legal pathways must uphold the right to asylum and fundamental rights of asylum seekers and beneficiaries of international protection. As stressed in the Compact on Refugees, complementary pathways should contain protection safeguards and provide durable solutions for refugees. Organizations implementing complementary pathways and States should ensure transparent and fair identification processes. Non-discriminatory and based on objective criteria, these pathways have to take into account the specific situation and needs of refugees. Beneficiaries have to access a legal status and documentation in the country of destination, and be supported to reach a durable solution. Moreover, persons in need of protection should not be requested to contact authorities from their country of origin or to go back to their country of origin in order to obtain civil and personal documents or after the end of the temporary legal status.

Ensuring protection oriented complementary pathways also includes providing services to refugees from the identification, evaluation, and preparation to departure, reception and long-term integration needs. Specific needs and vulnerable situations should be identified in all complementary pathways and programs should include appropriate responses and support including legal counselling, social support and cultural mediation. Capacities and activities should be expanded to address correctly psycho-social needs and ensure their accessibility in all complementary pathways programs, and especially when involving community sponsorship. Pre-departure and post-arrival orientations are key for beneficiaries as well as for hosting communities, and therefore tailored information should be provided in all complementary pathways including on refugees' rights and reception conditions. In order to better respond to these needs, refugees led organizations and beneficiaries should be included in the elaboration and in the delivery of support activities.

The involvement of communities and local authorities in the support of refugees is a key tool to implement complementary pathways and create an inclusive hosting society and should be developed in full respect and in addition to the professional caseworkers' role. Training and capacity building activities should be expanded to strengthen existing mobilization and share experiences and practices to enlarge programs and create new mobilizations. Professional social workers, group of citizens and communities should work in complementarity and in addition to institutional services to ensure access to beneficiaries' rights.

## **Ensuring transparent and accountable complementary pathways**

States should be accountable and transparent regarding complementary pathways implemented at national level. The lack of clarity and transparency in the criteria applied to different complementary pathways and in the responsibility sharing among each administrative body impede access for persons of concerns, extend the processing time, and weaken the accountability of authorities in the decision making process. Clear distinction should also be respected between legal pathways to ensure additional opportunities and transparent procedures.

Appropriate communication methods and tailored information sharing should be provided in a timely and transparent manner to facilitate access to complementary pathways and ensure an accountable program for beneficiaries. This also aims at making refugees fully aware and ensuring they are informed about procedures, conditions, and requirements related to the complementary pathway so they can take informed decisions. By being at the center of the process, aware and prepared to the complementary pathway program, refugees' empowerment is also reinforced.

Moreover, in order to ensure that complementary pathways are developed and implemented in addition to resettlement, it is critical that States report clear and segregated data according to each complementary pathways mechanism as part of the monitoring indicators elaborated to follow-up the implementation of the Global Compact on Refugees.

More globally, a more systematic approach on data collection on legal pathways should be developed by States in close partnership with all stakeholders involved in complementary pathways. Many different complementary pathways programs have been developed around the world leading to extensive lessons learned and experiences. Academic community could provide a strong support in research, data collection and mapping. Exchanges of practices and capitalization of these projects are key to go forward and expand such pathways. Cross-cutting discussions and capacity building platforms gathering all kind of complementary pathways and stakeholders at national, European and international levels are needed to monitor, strengthen and expand new opportunities for refugees to access protective and sustainable complementary pathways.

## List of signatories

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