EUROPEAN COUNCIL ON REFUGEES AND EXILES

ANNUAL GENERAL MEETING
14-16 OCTOBER 2009
MADRID, SPAIN

REPORT

TABLE OF CONTENT

Agenda **4**

Plenary Discussions **6**

- The Stockholm Programme: Next steps in building a CEAS 6
- Priorities for the Swedish, Spanish and Belgian Presidencies of the EU': 6
- Update on EU policy developments 9
- Presentation of Refugees United 12
- Access to protection and the externalisation of asylum policy 13
- Key note speech 16
- Update on human rights and NGOs activities in Russia 17
- ECRE priorities and planning for 2010 18

Workshops **19**

Open Core Groups: **19**

- Access 19
- External Dimension 20
- Asylum Systems 22
- Resettlement 24

Thematic workshops **26**

- Sustainable Return 26
- Refugees United: Technology in humanitarian assistance 27
- Protection regimes not regulated by common EU standards 29
- Responsibility sharing 30
- Mainstreaming of refugees' integration 34
- Identification of vulnerable asylum seekers – CARE Full and MAPP projects 35
- Lobbying national governments 37

Governance **40**

Report back from Regional Groups **42**

Evaluation Forms Report **43**

AGENDA

WEDNESDAY 14 OCTOBER 2009

14h00-14h15 Introduction and welcome, *by Sally Daghlian, ECRE Chair*

14h15-15h45 Panel discussion: The Stockholm Programme: Next steps in building a CEAS - Priorities for the Swedish, Spanish and Belgian Presidencies of the EU':
With Minna Ljunggren, Swedish State secretary for Migration and Asylum Policy;
Julián Prieto Hergueta, Sub-Director General for Asylum and Director of the Asylum and Refugees Office, Spanish Interior Ministry;
Annick Goeminne, political advisor, Belgian Ministry for Migration and Asylum;
Bjarte Vandvik, ECRE Secretary General

15h45-16h30 Coffee break

16h30-16h50 Update on EU policy developments by ECRE Secretariat

16h50-17h30 Presentation of Refugees United (an NGO that provides refugees with an anonymous forum to reconnect with missing family and friends) *by Christopher and David Mikkelsen and Tomas Krag* and testimony from a refugee helped by Refugees United's founders

17h30-18h30 Film screening "Like a man on earth" *by Riccardo Biadene, Andrea Segre, Dagmawi Yimer (documentary)*[1] (optional)

19h00 Welcome reception

THURSDAY 15 OCTOBER

9h00-10h30 Working groups session
1. Refugees United
2. Open Core Group on Access
3. Protection regimes not regulated by common EU standards
4. Responsibility Sharing

10h30-11h15 Coffee break

11h15-13h15 Panel discussion: Access to protection and the externalisation of asylum policy:
With Ilkka Laitinen, Executive Director, Frontex;
Judith Kumin, Director of UNHCR Europe Bureau;
Jean-Louis De Brouwer, acting Deputy Director General, DG Justice, Freedom and Security, European Commission;
Christopher Hein, Italian Refugee Council Director

13h15-14h30 Lunch

14h30- 16h00 Working groups session
1. Open Core Group on Asylum system
2. Open Core Group on Resettlement
3. Mainstreaming of refugees' integration
4. Responsibility Sharing

[1] A film which documents the experiences of refugees trying to enter Europe (including their harsh treatment in transit countries such as Libya) and the impact of EU migration management policies.

16h00-16h45 Coffee break

16h45-18h15 Working groups session:
1. Identification of Vulnerable Asylum Seekers
2. Open Core Group on the External Dimension
3. Readmission Agreements and Sustainable Return
4. Lobbying National Governments

21.00 Social evening

FRIDAY 16 OCTOBER

9h00-10h00 Meetings in regional groups:
- Evaluation of working together as regions -considering ways to coordinate joint action in the future- and as core groups
- Identify a regional focus

10h00-10h45 Key note speech *by Juan Fernando Lopez Aguilar, Chairman, Committee on Civil Liberties, Justice and Home Affairs, European Parliament*
Intervention *by Bjarte Vandvik, ECRE Secretary general*

10h45-11h30 Coffee break

ECRE GENERAL ASSEMBLY

11h30-13h00 Governance
- Report on activities and impact 2008/9 *by Bjarte Vandvik, ECRE Secretary General*
- Financial report (audit 2008 and budget 2010) *by Beat Meiner, ECRE treasurer*
- Revised Articles of Association ECRE AISBL *by Sally Daghlian, ECRE Chair*
- Elections to Board (former Executive Committee)
- Validation and Presentation of ECRE new chair

13h00- 14h Lunch

14h00-14h15 Update on human rights and NGOs activities in Russia*, by Olga Tseylina, Memorial*

14h15-14h45*:* Report back from regional meetings

14h45-15h15 ECRE priorities and planning for 2010 *by Martin Watson, Head of Advocacy and Communication*

15h15-15h30 Closing note *by Sally Daghlian, ECRE Chair*

PLENARY DISCUSSIONS

The Stockholm Programme: Next steps in building a CEAS Priorities for the Swedish, Spanish and Belgian Presidencies of the EU':

Chair: Sally Daghlian, ECRE Chair

- **Minna Ljunggren**, Swedish State secretary for Migration and Asylum Policy
- **Julián Prieto Hergueta**, Sub-Director General for Asylum and Director of the Asylum and Refugees Office, Spanish Interior Ministry
- **Annick Goeminne**, political advisor, Belgian Ministry for Migration and Asylum
- **Bjarte Vandvik**, ECRE Secretary General

Minna Ljunggren (Sweden)

Challenges and priorities for the Swedish Presidency:

- **Assessment of protection criteria (Qualification Directive)** in the EU Member States (MS): Geneva Convention, ECHR, EU asylum acquis, Immigration Pact. Opinion of Swedish Presidency: consensus MS to go forward
- **Equivalent reception conditions**: MS agree that CEAS needs to be developed. Much remains to be done. Need to strengthen practical cooperation between MS, training officials, exchange information between MS, etc.
- **Solidarity mechanisms**: Dublin is useful, not a responsibility mechanism in itself. Also, ERF is a means to financial solidarity. The pilot project in Malta: learning tool. In addition, strengthen cooperation with countries of origin or countries of transfer.
- **Access to protection**: difficult -> access depends on practices of people smugglers etc.
- **EU Resettlement programme**: to give protection to refugees and to relieve the burden of some MS.

Julián Prieto Hergueta (Spain)

- General principles during Spanish Presidency: depends on results of Swedish Presidency. Spain will build further on CEAS: recast Qualification Directive and Asylum Procedures Directive. Also, new Commission will be in place shortly: Spanish Presidency will take this into account. Spain concluded new asylum legislation to cooperate on EU level.

Annick Goeminne (Belgium)

By 2012: common rules for everyone, everywhere. How can the CEAS be established: draft Stockholm Programme (expected 15/10/2009). Building blocks are in place: keep the political will alive. Belgian Presidency ambitions:

- **Legislation**: high protection standards need to be guaranteed following the Geneva Convention and UNHCR guidelines. There is a need for a single uniform refugee and subsidiary protection status.
- **Practical cooperation**: European Asylum Curriculum (EAC), projects on country of origin information,

European Asylum Support Office (EASO): cooperation between governments and NGO's.

- **Solidarity**: external solidarity: e.g. resettlement -> MS adhere to this, build on expertise NGO's. Belgian Presidency supports internal solidarity in combination with the respect for the EU asylum acquis. Solidarity can be achieved financially (review of ERF), ad hoc (inter-EU relocation: e.g. pilot project Malta), and in a legislative manner.

Bjarte Vandvik (ECRE)

When negotiating on the Stockholm Programme, ambitions cannot be low concerning asylum issues. For ECRE, the ambition for the EU can be nothing less than the creation of a protection system, which is a model for the rest of the world and is effectively protecting those who need it.

- **A strong legislative framework** at EU level based on international refugee and human rights law : the first phase has not achieved the harmonisation of asylum instruments (protection gaps). Both legislative instruments and practical cooperation are needed to make the CEAS coherent and consistent
- **Practical cooperation through the EASO that engages with NGO's** : must serve the purpose of improving the quality of the asylum systems and NGOs need to have a meaningful role in the EASO
- **Responsibility sharing, not burden-shifting :** Lack of concrete solidarity cannot be used as an excuse to justify policies that result in human rights violations (ex: pushbacks). Solidarity mechanism must be based on a positive impact on access to protection and strengthening national asylum systems.
  The EU Resettlement programme: step in right direction, but EU MS must engage with significant numbers and take up their responsibility
- **Access to protection in Europe :** Border controls must be more protection sensitive. Obstacles on access can be resolved by: resettlement, border monitoring, training of border guards and the feasibility of protected entry procedures can also be explored. External processing should not be a way to export the MS responsibilities to countries outside the EU.

Q&A

Questions by Keith Best, Immigration Advisory Service (IAS), U.K.:

1. Does the Swedish Presidency recognise the anger and indifference of some MS, especially regarding the unwillingness of countries such as Greece, U.K. etc, to implement and respect EU legislation and to take the establishment of a CEAS forward?
2. Regarding the coordination in EASO: who will decide what the criteria will be?
3. Regarding access to protection in Europe: e.g. Mauritania: police diverts asylum seekers, cannot reach the EU. Concerning access: resettlement is not the answer. There is a need for a system to cooperate with third countries to help asylum seekers in countries of origin and transfer.

Reply by Minna Ljunggren (Sweden):

1. Moving a long way towards a CEAS. Swedish Presidency has great hope.
2. Need common legislation, but also implementation by MS. EASO will be important tool for this: need for practical cooperation in order to implement EU legislation better. There are no quick fixes, not easy to be accepted in 27 MS.
3. Resettlement is one of the answers to access. The situation in the Mediterranean shows that there are more ways needed to access Europe.

Question by Keith Best, (IAS), U.K.:
What is Spain doing about people who cannot reach Europe?

Reply by Julián Prieto Hergueta (Spain):
There is a need for capacity building in third countries, cooperation with transit countries, etc. Also, the EASO will be an important instrument to achieve practical cooperation between MS.

Question by Leonard Terlitsky, Hebrew Immigrant Aid Society (HIAS):
Regarding the EASO, how will the work go with this agency in practice?

Question by Gemma Juma, British Refugee Council (BRC):
Regarding implementation of first phase instruments: what's the point of moving forward with more legislation when human rights are breached (e.g. push backs to Libya, etc)? Will the MS initiate legal action against other MS or will the Commission take legal action?

Reply by Annick Goeminne (Belgium):

Answer to HIAS: Regarding EASO: cooperation between NGO's and governments will hopefully be inspired by the European Asylum Curriculum (EAC). It would also be nice if it would be compulsory to send government representatives to EAC or EASO. Suggestion: Belgium can perhaps organise a high-level conference with NGO's present in second half of 2010 perhaps.
Also, the EASO will be a coordinating office, have no illusions on this matter. EurAsyl has reached its limits and EASO will take over EurAsyl in order to be more effective and to create more harmonisation.

Answer to BRC: It is difficult for MS to point the finger at each other. The Commission is the guardian of the Treaties and they gathered resources to start an infringement procedure against Greece. Also, the Commission asked Italy for an explanation. In addition, in the future, we will see much more preliminary questions posed to the European Court of Justice (ECJ) concerning asylum issues when the Lisbon Treaty will come into force. Then the ECJ will have an important role in dealing with asylum and migration.

Reply by Minna Ljunggren (Sweden):

Answer to BRC: implementation will be key in the next years. Who will safeguard it -> role of the Commission. There are lots of instruments available, they just need to be used.
In addition, it is too early to establish that EAC needs to be compulsory.

Concluding remarks by Bjarte Vandvik

- We acknowledge that it is difficult for MS to criticise other MS. However, it needs to be done! MS criticise other MS over all sorts of subjects: on fiscal, agricultural and many more issues. However, on asylum issues, MS remain silent and everyone starts to 'shuffle their papers and look the other way'.
- Regarding EAC: take this forward, make it compulsory.
- Civil society gives support on positive work done by the MS and the high level conference next year, which was suggested by Annick Goeminne, is welcomed.

Update on EU policy developments

Anne Peeters, Policy and Advocacy Officer, ECRE

Stockholm Programme

- In June 2009, the European Commission published its communication "An area of Freedom, Security and Justice serving the citizen"
- Commission's views on the EU's priorities in the field of justice and home affairs (JHA), including asylum. (chapter 4 and 5)
- Communication will be used as basis for the adoption in December 2009 of the Stockholm Programme.
- The European Parliament is preparing their Parliamentary Resolution (own-initiative report) on the communication: only an advisory power
- Stockholm Programme expected to be adopted by the end of this year. The Commission will then propose an action plan setting out concrete measures and making the agenda for 2010-2014.

Dublin Regulation:

- In December 2008, the Commission published a proposal for the recast of the Dublin Regulation
- Aim is to make the system more efficient and raise the level of protection for asylum seekers. The most important changes are:
  1) Scope extended to include applicants for (and beneficiaries of) subsidiary protection
  2) Several measures to improve efficiency of the system, such as clear deadlines
  3) Legal safeguards for persons falling under Dublin Regulation:
     a) The content, form and the timing for providing information to applicants specified in greater detail (adoption common information leaflet)
     b) The right to appeal against a transfer decision, suspensive effect of appeal, are laid down.
     c) Extra safeguard against detention
     d) Several provisions areclarified to guarantee respect for effective access to the asylum procedure.
  4) Family Unity
     a) Right to family reunification extended to include persons enjoying subsidiary protection
     b) Reunification of dependent relatives made compulsory
     c) Definition of 'family members' extended for minors
     d) The sovereignty and humanitarian clauses are merged into "discretionary clauses".
  5) Suspension of Dublin Transfers
- Proposal to be decided under the co-decision procedure (the European Parliament and the Council have to come to a mutual agreement on the final text, EP does not merely have an advisory role).
- EP adopted a first reading report in May 2009. The EP agrees with most of the amendments proposed by the Commission The most remarkable suggestion by the EP is the creation of binding solidarity mechanisms by the end of 2011. These mechanisms could include secondment of staff to other Member States experiencing particular pressures or EU intra-relocation.
- No agreement so far in the Council. The major stumbling blocks are safeguards on detention, suspension of transfers, suspensive effect of appeal and the expansion of family reunification rules especially for minors.
- European Court on Human Rights (ECHR): Significant increase in the number of Rule 39 (interim measures) requests made in different EU MS to stop Dublin transfers to mainly Greece (but also Malta and Italy). The ECHR has been granting these interim measures in a number of cases especially where it concerns unaccompanied minors or other vulnerable people.

Reception Conditions Directive:

- In December 2008, the European Commission published their proposal for the recast of the Reception Conditions Directive. Main aim of the proposal is to ensure higher standards of protection
- Key points:
  1) Ensure detention is used only in exceptional cases and introduce conditions taking into consideration specific situation of vulnerable persons. Legal safeguards to ensure detention is not arbitrary and

guarantees that children are not to be detained unless it is in their own interest (and unaccompanied minors shall never be detained);
2) Mechanisms at national level to identify special needs
3) guarantee an adequate level of material reception conditions,
4) facilitate access to the labour market within 6 months.

- Proposal also to be decided under the co-decision procedure and also in May 2009 the EP adopted their first reading report. On detention the EP suggested combination of the rules in the current Directive and the amendments proposed by the EC. The EP also rejected an amendment that the level of reception conditions would be determined depending on level of social assistance provided to nationals.
- No agreement in the Council. The major stumbling blocks are safeguards on detention, access to the labour market, mechanism to identify vulnerable groups and the level of material reception conditions.

European Asylum Support Office (EASO) & Practical Cooperation

- In February 2009, the European Commission adopted a proposal for the establishment of a European Asylum Support Office: operational agency to coordinate and step up cooperation on asylum between Member States, helping to harmonise different national practices.
  1) Office will support Member States to implement more consistent and fairer asylum policy, through identification of good practices, trainings, improving access to information on countries of origin...
  2) Coordination of support teams made up of national experts: deployed at request of MS faced with a mass influx of asylum seekers.
  3) Provide scientific and technical assistance for the development of asylum policy and legislation.
- Office will be an agency, independent European body. The Commission and the Member States will represented on the Management Board, the Office's governing body. The Office will work closely with the authorities responsible for asylum in the Member States and with UNHCR (will be a non-voting member on the management board). There will also be a Consultative Forum for dialogue with civil society organisations.
- Co-decision procedure: EP adopted its first reading agreement in May 2009. The EP took over several of ECRE's recommendations including affording NGOs and the EP a bigger role in the functioning of the EASO. EP has also given UNHCR guidelines a prominent role. The EP has also included provisions making solidarity mechanisms binding for MS.
- The Council has also come to an agreement. Non-voting seat on the management board for UNHCR is maintained as well as a Consultative Forum (but under the supervision and coordination of the Executive Committee). The Council did not agree with most amendments of the EP. Discussions between the EP rapporteur and the Council are continuing at the moment.
- It is expected that the EP and Council will reach an agreement soon and the proposal can be adopted by the end of this year so the EC can start setting up the Office mid-2010.

Qualification & Asylum Procedures Directive:

- The European Commission will likely issue proposals for the recast of QD & APD on 21 October.
- The QD proposal should focus on:
  1) Simplifying decision-making procedures and measures preventing abuse
  2) Streamlining procedures for granting rights,
  3) Ensuring coherence with the standards developed and in the jurisprudences of the European Court of Justice and the European Court of Human Rights.
- The APD proposal will focus on:
  1) Improving coherence between EU asylum instruments
  2) Simplifying procedural notions and devices
  3) Improving the quality of asylum decision making
- The UNHCR is conducted a large research project looking at the implementation of several provisions in the APD in most of the EU MS. The findings are expected in Spring 2010.

Resettlement:

- On 2 September 2009 the Commission presented its proposal for a joint EU Resettlement programme:
  1) involve more MS in resettlement
  2) Provide orderly access to EU MS

- The proposal consists of a communication to the European Parliament and the Council introducing the Programme and of a proposed amendment to the European Refugee Fund (ERF):
  1) Setting, annually, of EU-wide common resettlement priorities, established by a Commission decision.
  2) To decide on the priorities, establishment of a resettlement expert group which meets on a regular basis and consists of MS and other stakeholders such as UNHCR, IOM and NGOs.
- The Council will probably adopt the joint EU resettlement programme at the end of this year. The EP is only involved under co-decision with regards to amendments to ERF.

Access/external processing

- Pushbacks Italy-Libya: UNHCR, ECRE and several NGOs including the Italian Refugee Council have condemned these push-backs. European Commission has not publicly condemned these push-backs. The Commission has asked the Italian government for clarification and is now considering the information provided.
- On 21 September 2009, Human Rights Watch published a report on the push-backs by the Italian authorities of immigrants back to Libya: "Pushed back, Pushed around".
- The situation led to increased calls to strengthen the role of Frontex. A proposal to strengthen Frontex's mandate will likely be presented in 2010.
- Debate on external processing: Many ideas being proposed to set-up 'reception centres' in Libya where asylum claims can be assessed and people granted refugee status could possibly be resettled to the EU. UNHCR has made it clear that they will not get involved in external processing but welcome efforts to improve the asylum system in Libya and improve conditions in detention centres.

Lisbon Treaty & ECJ

- Following the Irish positive referendum, only the Czech Republic has to sign it.
- the new Treaty will merge the First Pillar and the Third Pillar on Freedom, Security and Justice matters
- Legal basis for a "common policy on asylum, subsidiary protection and temporary protection". That would include a uniform status of asylum for third-country nationals valid throughout the Union; a uniform status of subsidiary protection for third-country nationals; a common system of temporary protection for displaced persons in the event of a massive inflow; common procedures for granting and withdrawing uniform asylum or subsidiary protection status;
- Entry into force of the Fundamental Rights Charter, which will have the same value as the Treaties.
- Possibility for accession of the EU to the ECHR.
- Extension of the competence of the European Court of Justice. Under new Article 267, preliminary references will for the first time be possible from all national courts and tribunals on questions relating to asylum, among others, and not just from courts of final appeal. Court rulings are having and will so increasingly in the future have an influence on the interpretation of EU asylum legislation. In February 2009, the ECJ gave an important judgment in the Elgafaji case dealing with the interpretation of Art.15C (Subsidiary protection) in the QD. Other important cases are pending such as preliminary questions asked about the cessation and exclusion clauses in the QD.

Presentation of Refugees United

- **Christopher Mikkelsen,** co-founder
- **David Mikkelsen Troensegaard,** co founder
- **Tomas Krag,** CTO

Mission: Finding lost family

Help refugees in their search for lost family or friends: by providing a secure anonym online research tool for refugees, asylum seekers and internally displaced persons. It aims to allow refugees direct access to each other.

The origin of Refugees United

Refugees United was born in 2005 after the founders, David and Christopher T. Mikkelsen met a young Afghan refugee named Mansour; a man desperately seeking his siblings and parents lost to him at the age of 12.

To this day, only one of Mansour's brothers has been located. He was found in Russia after extraordinary efforts. In light of this overwhelming journey, the hardships refugees had to endure in search of family became clear to the founders.
David and Christopher developed the idea of a refugee search engine after helping Mansour and travelling with him to relocate his missing family. They both left their jobs to found and develop Refugees United and they still work full-time with the administration and furthering of the organization.

Description of the online tool

The service is meant to be simple and free of charge. The person looking for his family/friends decides which information to put online and provides elements allowing family/ close friends to identify him/ her (date of birth, place of birth, rank in the family, others elements).
It is possible eg to fill out several email addresses in the profile, so the aid worker receives info too and can further help the asylum seeker.

Anonymity/ safety of the Search Engine

Much of the time and resources of RU goes into assuring that the search engine is secure and safe and to assure that asylum seekers and refugees are fully aware of the possible consequences of divulging information. The search and registration is done entirely under family-known traits, so that family members may recognize the profile, but not others. They can contact the writer of the profile through the website, who can then decide to further engage in a mail correspondence.

Partners and collaborators of RU

RU has managed to have NGOs- as well as many corporate partners. One of their main partners is Google, who advises them on IT-issues.

We need your help

The success of Refugees United depends on the amount of profiles on the search engine: the more profiles, the higher the chance that two people can reconnect.
Hence RU works with various companies and NGO's to inform asylum seekers and refugees about their tool. An important partner is of course UNHCR.

Access to protection and the externalisation of asylum policy

Chair: Marta Pardavi, Hungarian Helsinki Committee

- **Ilkka Laitinen**, Executive Director, Frontex;
- **Judith Kumin**, Director of UNHCR Europe Bureau;
- **Jean-Louis De Brouwer**, acting Deputy Director General, DG Justice, Freedom and Security, European Commission;
- **Christopher Hein**, Italian Refugee Council Director

Judith Kumin (UNHCR)

Access in a global perspective:

- The majority of refugees are hosted in the developing world. She is uncomfortable with the notions of *Country of Origin* and *Country of Transit* suggesting that the only countries of destination are in the North.
- Access is not simply a European Issue (e.g.: Australia, US, Thailand).

UNHCR's concerns are as follow:

- Migration control measures lack refugee protection safeguards.
- Reluctance of some states to recognize their international legal obligations apply wherever they operate.
- Unilateral shifting of responsibility to other states for asylum seekers and irregular migrants.
- Barrier to entry force people to take riskier routes.

Four reflections:

- The current rush to address new forms of forced displacement (e.g: Climate change) carries with it the risk that the attention to the protection needs of refugees in the sense of the Geneva Convention 1951 will diminish.
- It is especially in the current context (economic crisis/focus on irregular migration), that efforts to safeguard principles of Refugee Protection need to be strengthened.
- Supervision of extra territorial migration control measures: challenges re: rule of law.
- A strengthened effort of international collaboration/responsibility sharing is needed.

EU Regional Protection Programmes are welcome but should be better coordinated at the policy and programmatic level. Resettlement is not an alternative to asylum but a complement to it. Conclusion: there is a need for transparent and open discussions with third countries.

Jean Louis de Brouwer (European Commission)

There is an urgent need for solutions. Therefore, the Commission is developing a *comprehensive approach to protection*:

- Protection inside and outside the EU
- Complementary actions: and also address the root causes: increase the level of protection in regions, where it is most needed.
- **Common European Asylum System:** need to build the CEAS as quickly as possible.
- **External dimension**: *RPPs*: The Commission will not wait for a full evaluation of the RPPs: need to move ahead quickly (Maghreb). *Resettlement:* in the course of next year a modest EU resettlement programme will be put in place.
- **Protected Entry Procedures (PEPs):** the discussion about PEPS remains very vague. The Commission is very keen on going forward with this and with external processing in general.
- **Irregular Migration:** we need to address it in a comprehensive manner, and ensure protection needs. A

close cooperation between the EASO and Frontex is part of the solution.

The discussion in the Council will have to move ahead quickly. The Commission is engaged with discussions in the Member states and needs some help from NGOs to find solutions.

Ilkka Laitinen (Frontex)

- **Frontex is not a law maker**. The responsibility of border controls lies within Member States. Frontex is in charge of *coordination*. The modus operandi is decided by Member States and Frontex does not lead operations.
- **Balance between Fundamental rights and border controls**: the respect of fundamental rights is not an alternative to effective border controls: there is now a close cooperation with the FRA. However this is a slow process.
- **Modus Operandi at sea**: as a rule it is a maritime rescue operation: the maritime law is interpreted very differently by member states: who has the responsibility in the Search and Rescue area, and who determines the nearest safe port?
- **Cooperation with NGOS**: Face to face dialogue: no "pointing finger" approach. There is a partnership with UNHCR for 2 years now.
- **The future of Frontex** is not yet well defined.

Christopher Hein (CIR)

There are **3 basic dilemmas**:

1) Now about 90 % of entries are illegal. It was not the case before: change due to harsher visa policies.
2) Open the borders? To whom? Under what way?
3) The Geneva Convention does not address clearly the issue of access to protection.

Dilemma: we have to contest the Italian situation but not say that people should end in the hands of smugglers, and we do not want to go back to a situation where people die at sea. CIR is asking for a reflection on the Protected Entry Procedures.

Reactions of the panellists to what has been said

Judith Kumin (UNHCR):

- **PEPs** is a seductive idea because resettlement is very discretionary and some Member States use their discretion to provide a visa in persons in danger (high profile cases).
- Maybe we should think at **European processing centers** in Europe? (e.g. for people rescued at sea).

Jean-Louis de Brouwer (European Commission):

- **Irregular migration**: there is only one answer to the concern that asylum is used as a back door for irregular migration: setting up fair and efficient asylum systems, where people not deserving protection are told so in a few months.
- **External Processing**: the Commssion would like to restart such a debate. One possible solution could be- setting up, in collaboration with the UNHCR, facilities where asylum claims would be examined, and, if successful, the refugee would be then resettled to the EU. This is what Turkey is asking for now in the framework of the negotiation of a readmission agreement.
- **Any other solutions?** The Emergency Transit Centre in Romania could be a prototype for a solution.
- Member States are not ready for **joint processing**. In some cases this is due to the national constitutions of the member states.

Ilkka Laitinen (Frontex)

- Importance of **capacity building and trainings of border guards**, especially on human rights issues.
- There are some **legal issues** to be solved: e.g.: Search and Rescue Area. This is an international law issue.
- Coast guards' primary objective is to save lives. But it is also important to monitor their work.

Christopher Hein (CIR)

Entering the EU legally with a protection visa is very different from UK's proposal on external processing.
According to the Danish Human Rights Institute, PEPs could include a subjective right of persons to enter the PEPs. It is not impossible to put in place such a procedure, also with an appeal mechanism. Of course, the person

will not be present in the country, but this is better than risking its life crossing the border.

Q&A

Questions:

Helsinki Citizens Assembly (Turkey): EU and Turkey are discussing readmission agreement. Will there be guarantees in case an asylum claim is processed in Turkey? Who will be responsible? Will there be a remedy? Will people be detained? Under which legal basis?

Immigration Advisory Service (UK): How are resettlement and external processing linked to returns?

Pharos (NL): Directed to Ilkka Laitinen: Frontex has informal means to be transparent, what are they?

ECRE : (1) Reference was made to the Asylum seekers rights in the EU, why is nobody speaking up?
(2) Situation that happened 7 years ago: a tanker picked up a few Afghans close to Australia. Australia refused to take them on the ground that it would be a pull factor: and stopped the way with warships. The EU complained. Where is the EU now?

Memorial (RU): What happens to refugees in Ukraine?

Tineke Strik (Dutch Senate) Readmission agreements are linked by Jean-Louis de Brouwer to Processing centers in Turkey. But a readmission agreement is applied only once a person accesses the asylum procedure in the Member state. A big risk of RA is that it will create a bigger pressure on neighboring states, which will then send people back.

Pro Asyl (DE): Why does the Commission does not speak out about Frontex? Infringements?

Answers:

J-L de Brouwer (European Commission):

- **Turkey**: We are about to bring Greece to Court but the standards in EU legislation are so low that we are not sure we are going to make it.
- **Italy**: the non-refoulement principle (but not EU legislation) is applicable at High Sea. The Commission wrote to the Italian Government, which, implicitly, accepted the Commission's arguments. The Commission is currently examining Italian answers.
- **Readmission Agreement**: RA cannot be seen as an end of its own. It is part of the migration cooperation with the partner country. E.g.: Morroco.

Ilkka Laitinen (Frontex):

- **Monitoring**: Frontex performs risk analysis: Assessment and Analysis of how Member States are performing their duties. Frontex takes it step by step. Cases where things went wrong are communicated to the Borders Authorities and Frontex requests information. This information can be used in an infringement procedure. However, Frontex is not a judge.
- **Capacity Building and Twinning**: European Asylum Curriculum. Long term investment: goes step by step.
- The **role of Frontex** is currently being assessed. The Budget of Frontex has increased.

Judith Kumin (UNHCR):
The Readmission Agreements are useful tools to provide sustainable returns to Countries of Origin. They are also increasingly used to send people back to intermediate countries, where they are in limbo and finally they come back to the EU → RA should only be used for the nationals of the partner country.

Christopher Hein (CIR):
People pushed back by Italy are in need of protection (Italy's position is that none of them has made a claim for international protection).

Key note speech

Juan Fernando Lopez Aguilar,
Chairman, Committee on Civil Liberties, Justice and Home Affairs, European Parliament

- Time for the LIBE Committee to act and take things very seriously:
  - The Lisbon Treaty will change things, ie: no more first and third pillar but everything will be placed under one header (police, security, migration etc all together). All topics will therefore also be decided under the co-decision procedure; the EU can accede to the ECHR.
  - The EP has an important role to play. The LIBE Committee will strive to ensure fundamental rights remain high on the agenda. The combination of the Lisbon treaty and the Stockholm Programme is the right roadmap to take. EP has to gain authority and gain the capacity to demand certain things from the Council and put pressure on the Commission. For example the EP is closely monitoring the implementation of the EU Returns Directive. The EU must stick to its International commitments, including full compliance with the 1951 Refugee Convention and respect for the fundamental rights of asylum seekers.
  - Several difficult issues to tackle such as the situation of unaccompanied minors and detention. Recognition rates across Europe also differ because of different standards. It is important to solve that imbalance but how?

- Ensuring access to asylum is very important.
  - But not easy to properly identify all asylum seekers amongst "mixed flows" and making all authorities aware of their rights.
  - Right to life and right to seek asylum should be respected in all cases especially during border control operations.
  - Support to strengthen Frontex particularly its protection capacity. Frontex is relatively new and its budget is increasing. The Agency receives a lot of criticism but they merely take care of the coordination between Member States. Frontex must receive enough resources/money to carry out its tasks and be credible and effective. For me, Frontex is a life saving organisation.

- Solidarity is a new concept and not easy to manage.
  - Much resistance from individual Member States. MS have different perspectives and that makes burden sharing complicated. E.g. Sweden takes a completely different approach now than Italy.
  - EASO will be very important as well as the increasing role of the ECJ in interpreting EU asylum laws.

- Spanish government is very committed towards respecting fundamental rights. The Spanish government made some difficult choices in the past such as the regularisation process, but they stood by their decisions.
- Condemnation of the recent actions of the Italian government: push-backs to Libya unacceptable and highly incompatible with the 1951 Convention and with EU standards. Many asylum seekers are trying to reach Italy, most of them coming from sub-Saharan Africa. The boats heading for Spain are mostly economic migrants so the situation for both countries is different. The EP also has a role to play by ensuring these actions undertaken by the Italian authorities do not take place anymore.

Intervention by Bjarte Vandvik:

- ECRE has a longstanding relationship with the EP (already before the development of the co-decision procedure). We need champions at a political level that stand up for high standards and a true CEAS.
- The Lisbon Treaty: important role of the EP even clearer. ECRE hopes the EP will use that position positively and to its full potential.
- Newly elected MEPs should understand and ensure that they do not represent their national government policies and interests but that are there for the European interests. Increasing feeling to talk not to 'Europeans' but to Dutch, Czech, German etc members of the European Parliament.
- The EP should continue to carry out important tasks such as visiting detention centres so they keep the link between policies and the reality on the ground.
- The EP is facing a challenging task, and ECRE is willing to support and assist the EP.

Update on human rights and NGOs activities in Russia

Olga Tseylina, Memorial

Activities of Memorial in Russia and North Caucasus and death of Natalia Estemirova:

- Situation is very serious in the North Caucasus, the conflict still exists andrebel armed forces are very active. You can find more on Memorial's website

- On 15 July 2009, a staff member of Memorial in Grozny, Natalia Estemirova was kidnapped and killed. The work of Natalia Estemirova was not liked by the Chechen authorities, who usually describe human rights defenders as terrorists. Before her death, Natalia was wokring on cases of kidnapping, murders and torture in Chechnya.
- Murder of N. Estemirova caused a public outcry. President Medvedev ensured Memorial that the crime would be properly investigated. However there is much scepticism about this declaration as many similar crimes have never been resolved.
- Who committed and organised the crime? The investigation is pending but has not yet led to any charges. President Medvedev rejected the idea and rumour that Chechen President Ramzan Kadyrov is involved in the murder. However, Oleg orlov, Chairman of Memorial stated that Kadyrov is responsible for the murder, in the sense that he made it possible through a wholespread system of abuse.
- R. Kadyrov started courts proceedings against O.Orlov for his declarations. The court hearing gave Memorial an opportunity to draw the attentionof the society and the media to the situation in Chechnya. The Court finally condemned Memorial to give Kadyrov 1200euros and O.Orlov to give 400 euros

  (Kadyrov had requested 300 000 euros)

Organised crime groups of fascists and national socialists

- Murders of foreigners and people from the Caucasus in Russia by those groups, which have been active for many years.
- Amendment of the Criminal Code in 2007, allowing for qualifying those crimes as racists (and not domestic crimes and hooliganism)
- Criminal case against the organised group of Voevodin and Borovik in St Petersburg: they are accused of murders and other grave offenses. Testimonies show that the group has been active for 4 years and killed a number of people, including 3 children.
- Those crimes require attention, investigation and pusnishment but they are not brought to court as the parents were illegal immigrants frightened to report the crimes

Work with ECRE on monitoring returns

- Collected materials, in particular on detention conditions
- Planning to apply to the European Court of Human Rights (violation of art 3 and 5F). We have already won some cases on extradition. (Ismailov and others v Russia; Ryabkin v Russia)

Finally, I would like to thank the ECRE network for their support during this difficult time, including the letter to President Medvedev and for letting us

ECRE priorities and planning for 2010

Martin Watson, Head of Advocacy and Communication

Policy Priorities

ECRE has too many issues, we are spread thin - however it is difficult to prioritise as everything is interconnected.

10 issues agreed with 3 cross-cutting issues - they are:

- Dublin.
- Reception Conditions Directive.
- Asylum Procedures Directive.
- Qualifications Directive.
- EASO.
- Access.
- Returns Directive and non-returnables.
- Integration.
- Resettlement.
- External dimension.

i) Responsibility sharing.
ii) Detention.
iii) Vulnerable groups.

Introducing the Advocacy and Communications team:

Kris Pollet - new Senior Legal & Policy Officer.
Maria Duro - Policy & Advocacy.
Annette Bombeke - Policy & Advocacy with focus on external dimension.
Anne Peeters - Policy & Advocacy, leaving for Dutch Governement.
Ana Fontal - Media Officer.

Constituencies - Who do we need to influence?

- European Commission: new Commissioners and engaging technical experts is important.
- European Parliament : new powers with co-decision make them important.
- Member States: still the final decision makers

The Alliance - how should we work together?

We need to engage with national parliaments and ministries.
ECRE has listened to what members want. I promise to produce:

- calendar of EU events.
- comparative information on what is happening in different EU countries.
- targeted information - we need the 20 page technical papers BUT also succinct and targeted briefings.

In return ECRE needs you to engage.
ECRE also belongs to its members - the Mediterranean regional group initiative on Afghans is great and doesn't need to involve the secretariat. Go do things together.

Table of content:

Open Core groups:

- Access
- External Dimension
- Asylum Systems
- Resettlement

Thematic workshops:

- Sustainable Return
- Refugees United
- Protection regimes not regulated by common EU standards
- Responsability sharing
- Mainstreaming of refugees' integration
- Identification of vulnerable groups (MAPP and CARE Full projects)
- Lobbying national governments

Open Core Groups:

Access

Oktay Durukan, Helsinki's Citizens Assembly Turkey, **Maria Duro Mansilla**, ECRE

Oktay Durukan from HCA started by giving background information on the history of the Access Core Group

Presentation by María about Access at EU level

Italy Push-back Policy

- Since May 2008
- UNHCR: no guarantees of effective protection in Libya
- European Commission: EU asylum acquis does not apply in international waters, the Schengen Borders Code (SBC) does
- Because of this push-back policy: decreasing arrivals in Italy and Spain

Agreements with Third Countries

- Spain: border surveillance agreements with Senegal/Mauritania that provide the legal basis for Frontex joint operations
- Greece: readmission agreement with Turkey. However, Greece complains that Turkish government does not cooperate in its implementation
- Italy: readmission agreement and 'Friendship Pact' with Libya. This Pact calls for intensified cooperation in the fight against irregular migration and provides for the strengthening of controls at Libyan land borders (co-financing Italy/the EU)
- EU negotiating readmission agreements with Turkey and Libya

External Processing

- Commission Vice-President proposed 'reception & protection centres' in Libya
- French Immigration Minister, Eric Besson proposed: 'innovative solutions on asylum': start negotiations with UNHCR, Libya and IOM to establish in Libya an ad hoc protection programme for the persons intercepted and returned

Reinforcing Frontex

- JHA Council September 2009:
- Partnerships with third countries
- Tighter checks at maritime borders
- Regional specified offices
- Systematic involvement in joint return flights

- Extension of Frontex' mandate in 2010: explicit legal basis to operate in third countries

Revision ILO Regulation

- First phase (now): stronger links Frontex/ILO's (e.g. info for risk analyses) and regular reporting to the European Parliament and the Council
- Second phase: possible creation of EU ILO's under the remit of Frontex

Discussion (led by Oktay Durukan, HCA)

Oktay Durukan proposed to start the discussion focusing on the **situation on the ground**, e.g. land/maritime/air borders. Afterwards, he suggested some **action points** should be formulated to establish a way forward.

Caritas Sweden asked what is happening at the borders. How do we solve the issues at the borders, what concrete solutions does ECRE want to propose?

Hebrew Immigrant Aid Society (HIAS) replied that there is a need for suggestions on how to resolve the situation at the airports. In Kiev, dozens of migrants are detained at the airport and NGO's do not have access to these detainees.

Liisa Kaarto (ECRE) mentioned that a programme should be developed in **monitoring returns**. In Ukraine, there were serious problems regarding access for NGO's to detention centres etc. For the moment, working on that together with UNHCR.
Also, in Moldova, cooperation is established with border guards by NGO's and UNHCR. In Belarus, monitoring remains an issue. In Russia, extradition procedures between Tajikistan and Pakistan form a problem. In addition, NGO Memorial does not have a lot of access to detention centres in Russia.

Oktay Durukan (HCA) suggested that within the previous issues, there is a possibility to establish **advocacy priorities: border monitoring or access for NGO's.**

The Croatian Law Centre has a **border monitoring project in Croatia** in cooperation with the Dutch Refugee Council: they have a direct agreement with the Ministry of Interior. The project contains of monitoring at the borders and give border guard trainings at police stations, airport detention centres, border crossing points. In practice, the monitor (e.g. human rights lawyer) is on call for 24 hours and with each individual interception the officials are obliged to call the monitor. The monitors are also allowed to be present during interviews. The purpose of this project is to ensure access to Croatia and to monitor how returns are carried out. So far, the project is a great success and officials are very cooperative.

The Italian Council for Refugees (CIR) made the **suggestion** that an **independent NGO monitoring agency to monitor Frontex and its activities on the high seas** should be in place. This issue should be a concern for the European Parliament.

The Fundamental Rights Agency (FRA) stated that **FRA advises the EU** on human rights etc. FRA also discusses trainings with Frontex. This is an **opportunity for NGO's to make suggestions to FRA on asylum and refugee issues.**

Forum Réfugiés suggested that all NGO's should work together on providing **a common answer to the French 'proposal'** that was recently presented.

Italian Council for Refugees (CIR) stated that **NGO monitoring is very necessary**. For instance, based on monitoring reports by NGO's, six EU Member States decided not to allow transfers to Greece.

External Dimension

Annette Bombeke, ECRE, **Paz Bermejo**, CEAR

A presentation was given on the EU's External Dimension and on how to cooperate within an ECRE Core Group on the external dimension

Towards An ECRE Core Group

- In total: 5 Core Groups up and running
- Core Group works best with concrete goals
- Need to establish concrete topics within external dimension

External Dimension of EU Asylum Policy

The topics that can fall under the header 'external dimension of EU asylum policy' are:

1. Resettlement
2. Access
3. Protection in the Region (e.g. Regional Protection Programmes or RPP's)
4. Environmental displacement
5. Migration and Development
6. The 'external dimension' of return
7. Capacity building

1. Resettlement

There is an ECRE Resettlement Core Group up and running, which focuses, among others, on: advocacy to increase number resettlement places with focus on quality and sustainability and the proposal for a joint EU resettlement programme

2. Access

There is an ECRE Access Core Group. Subtopics of 'access' are:

- Protected Entry Procedures (PEP's)
- Immigration Liaison Officers (ILO's)
- External processing

3. Protection in the Region

- RPP's: still a vague concept on EU level, unclear if there is a coherent apporach, furthermore the funding is not enough.
- RPP's in Tanzania, Ukraine, Belarus and Moldova
- Mixture of projects: so far, no real added value -> more coherent approach needed
- Commission evaluation of RPP's?

4. Environmental Displacement

- Report Norwegian Refugee Council 'Future floods of refugees' (2008): more research needed, link to IDP's. Mapping out of the problem -> more research needed and adaptation of policies
- UNHCR: no re-negotiations of 1951 Convention, but action needed
- Useful for ECRE to look at this topic in the future?

5. ECRE Core Group on External Dimension

- Interested member agencies?
- Concrete actions?

The topics under 5, 6 and 7 were not discussed due to the lack of time

ECRE Core Group on External Dimension

The discussion focused on which members would be interested, and which topics should be taken up by a Core Group. ECRE suggested:

- RPP's: make our own evaluation or wait for Commission evaluation?
- External processing: action needed by ECRE, need to be proactive concerning this issue (together with Access Core Group?)
- Environmental displacement: topic for ECRE?

Discussion with the participants on the possible creation of a Core Group on the External Dimension

- Two possible ways of cooperation: using specific lines of policy and/or developing practical network
- Gathering information/ideas from interested member organisations
- Distribution of a questionnaire among the member organisations: to map out information/ideas relating to external dimension
- Agreeing on one or two topics to be dealt with within Core Group on External Dimension

British Refugee Council mentioned they would like to work on RPP's and external processing within the Core Group on External Dimension.

CIR expressed to be very interested in this Core Group. There is a necessity to work on the topic of external

dimension: some member organisations are already working on this topic and ECRE should respond to what is done by the members.
In addition, it is necessary to attract people from organisations outside the EU to be a part of that Core Group.

Helsinki Citizens' Assembly (Turkey) raised the issue that there is a connection between Access and External Dimension. There is a need to map out what topics fall under which. E.g. RPP's fall under External Dimension.

CIR added that external dimension has its own components, apart from access. External dimension: capacity building and processing outside EU -> protection outside EU.

British Refugee Council made a **proposal**: members who are interested can have an email brainstorm session on **how to take the Core Group on external dimension forward** and finding out which member organisation works on which topic, gather information through **questionnaire** -> present this to broader membership network.

Conclusion:

- External Dimension has its own components: RPP's, external processing
- Involve people from non-EU member organisations or member organisations who have projects outside the EU
- Proposal BRC: email brain storm session on taking the Core Group on External Dimension forward
- Questionnaire on which organisations work on external dimension topics: mapping out of information

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Asylum Systems

Gábor Gyulai, Hungarian Helsinki Committee (HHC), **Anne Peeters**, ECRE

The focus of this working group was the European Asylum Support Office (EASO). Anne Peeters started by giving an overview on the EASO followed by a brief discussion.

EASO

- February 2009: proposal EASO -> ECRE published comments on the proposal.
- European Parliament (EP) adopted a report and amendments on the proposal. The EP wants the solidarity mechanism to be binding. Council is still discussing this issue.
- The Management Board within the EASO will consist of the Commission, MS and UNHCR. UNHCR is a non-voting member of the Management Board
- Consultative forum: NGO involvement in the EASO. Also, expert working groups will be established on different issues within the EASO -> MS can decide to invite these experts.
- EASO is not a policy or decision-making body. The purpose of EASO is to assist MS in implementing EU asylum policy

Discussion

Asylum Aid (U.K.) asked whether the policy that will be used by the EASO is based on UNHCR guidelines and also, what is the difference between policy and guidelines (U.K. government has concerns regarding the difference)?

Anne Peeters replied that the EP wants EASO to use the UNHCR guidelines. However, the Council is not keen on this. Regarding the difference between policy vs. guidelines: the EASO can make recommendations on policies that will be followed -> can base themselves on UNHCR guidelines.

Gábor Gyulai (HHC) presented an overview of examples of NGO and government cooperation followed by a brief discussion

Examples NGO-government cooperation:

1. **Country of Origin Information network (COI)**
    - In 2004, Austrian Red Cross started ACCORD: provides a link between country of origin professionals and government
    - Common projects: states, UNHCR, NGO's
    - Network provides trainers who can train state officials, lawyers, judges, etc. on COI

2. **European Asylum Curriculum (EAC)**
    - Project initiated by GDISC (General Directors' Immigration Services Conference) and is coordinated by the Swedish Migration Board
    - GDISC contains of the 27 MS, EU candidate countries and Switzerland, Iceland, Former Yugoslav Republic of Macedonia
    - EAC provides material for officials on European asylum acquis and also skills, e.g. on how to interview asylum seekers, etc
    - For the moment: EAC is only for state use except the COI network, this is also available for NGO's

3. **National examples**
    - Italy: Spring 2009, COI unit linked to state authorities and personnel from the Italian Council for Refugees (CIR)
    - Hungary: joint annual refugee law trainings for NGO's, UNHCR, state officials, judges, etc

Positive points of NGO-government cooperation:

- Transparency
- Influencing content
- Breaking taboo's

Negative points of NGO-government cooperation:

- NGO presence can be used as a 'cover' or an excuse by governments
- NGO-government cooperation may lead to no real results: on paper, NGO-government cooperation may seem good, but in reality it might not always lead to real results

Discussion

Anne Peeters initiated the discussion by stating that the Asylum System Core Group is collecting good examples of NGO-government cooperation to encourage MS to engage with NGO's. Therefore, we are compiling a small document within the Asylum System Core Group on good NGO-GO cooperation.

Question: How can ECRE and NGO's in general, get involved in NGO-GO cooperation with regards to the EASO? How can we engage as a group?

Suggestion:
Regarding **size of consultative forum**, some advice to the European Parliament can be: 1 general meeting on the consultative forum should be held on **how to decide which NGO's can participate in the forum**. Perhaps a representative body for the NGO's is needed -> ECRE might be a good representative body on EU level (network of NGO's etc).

Gábor Gyulai (HHC) mentioned regarding **monitoring of the implementation of the asylum acquis** that the Commission should monitor the implementation of EU legislation, but this does not always happen accordingly. UNHCR issued a project: quality initiative reviewing 8 countries of Central Europe on implementing EU asylum legislation. This can be seen as an example of the monitoring role the Commission should fulfil.

Question: Is there any **cooperation by NGO's with judges**, when facilitating trainings on asylum and refugee law, etc? This is an important issue because case law in asylum issues becomes more important and in the future, ECRE also wants to focus on strategic litigation, etc.

HHC mentioned that in Hungary, some judges are very open to engage in trainings. However, there is still a lot of resistance because often judges state that they want to remain independent etc.
EKD stated that in Germany, German courts often use Amnesty reports in their rulings.
UNHCR Madrid expressed that the Spanish High Court asked information regarding COI etc. Also, UNHCR Madrid has already met with Spanish judges in the past and they help judges by providing information etc.

Concluding remarks

- There is a scope for NGO-GO cooperation
- Size of consultative forum: representative NGO body needed
- Important to involve the judiciary

Resettlement

George Joseph, Caritas Sweden; **Annette Bombeke**, ECRE

This workshop addressed the following topics:

- Update on the EU Resettlement Programme
- Update on Member States' pledge to resettle 10,000 Iraqis (one year on: where do we stand?)
- NGO involvement in resettlement
- Update on Annual Tripartite Consultation –R (ATC-R) / Swedish chair.

Update on the EU Resettlement Programme (A. Bombeke):

see the Lines to Take on the Proposal for a joint EU resettlement Programme on the ECRE Members Area. : http://members.ecre.org/comms_media/1190

Tour de table:

USA : Government renewed its commitment to resettle 30 000 Iraqis but there are "cracks in the system" (very few social support is granted to them, integration not taken into account...) Some support provided by NGOs and private sector but insufficient. NGOs suggests less resettlement or innovative ways on integration, so refugees don't end in poverty.

The Netherlands: Berend Jonker, The University Assistance Fund (UAF), UAF provides scholarships and integration in the job market for refugees: 3-year pilot project for educated resettled refugees: go through an information session and 3 months intensive language course at university.

Germany: Decision to resettle 2,500 Iraqis in 2008, (300 already arrived). Granted permanent stay status, with fewer rights than the refugee status, like family reunification. This creates problems for family reunification. It is an absurd position. Ngos and UNHCR are yet negotiating for future quotas.

Finland: Resettlement quota for many years. Crisis now as some municipalities refuse to receive the planned refugees and resettled refugees must go through asylum seekers reception centers. Municipalities select by nationalities (discriminatory). Talks about lowering the number of resettled refugees (financial crisis).

Spain: In the past, ad hoc resettlement programmes. Under the new asylum law the government will have to establish a resettlement quota but resettlement operation not envisaged before 2011.

Belgium: Resettlement on ad hoc basis during the 90's. Now a pilot resettlement project started for 50 Iraqis (Al Tanf camp) who recently arrived. Also a political decision planning for new quotas for 2010 and 2011. Mostly isolated women from Syria and Jordan and Al Tanf camp have been resettled as a priority. They were first received in reception centers. No evaluation of the resettlement operation yet but there will be a 5-year research following their integration process individually.

France: Resettling on an ad hoc basis in the 70 and 90's (Chileans, Indochinese, Kosovar). Framework agreement between France and UNHCR with annual quotas. For 2008 the quota has not been yet achieved, 2009 quotas have not even started. Also relocation programme from Malta. Forum réfugiés produced an information brochure distributed before resettlement.

UK: Resettlement scheme for 500 persons a year for the last 6 years. The Government supports the resettlement policy but not the budget. NGOs are looking for sponsorship and funding. A lot of good practices guidebooks have already been drafted. The question is how to make the linkage with the UK programme and the EU future programme? The British Refugee Council is the focal point and coordinating body for the whole UK resettlement programme.

Discussions on the role of NGOs in the resettlement process:

- **October 2010:** NGO will have to speak to governments on resettlement issues. NGOs should urgently provide feedback on their role on the whole process or they will loose an opportunity to participate in the future process.
- Role of emerging resettlement countries needs to be defined (e.g. Romania, Switzerland, Japan). **In Romania:** 120 persons resettled in three years. The Emergency Transit Centre (ETC- transit country): first positive experience, opened room for a willingness to set Romania as a resettlement country.
- **Caritas Sweden** (George Joseph) **looking for the feedback** of NGOs to provide to the Swedish presidency. Openness from some states as to the possible role of the NGOs in the resettlement process:

Belgium looking forward to recommendations; **Sweden, the NL, UK, Australia, Canada and the USA** also interested on feedback. Concrete discussions at the national levels and European level on the subject should really be developed.

Update on Annual Tripartite Consultation –R (ATC-R) by George Joseph

- Within the global needs the EU is going to have some priorities. UNHCR prepared a situation paper on resettlement on different countries (restricted to governments). Next week George will put online a bulletin with the results of the meeting (UNHCR should validate minutes before nevertheless).
- UK produced recommendations, reports and guidelines: the ATC-R updated version can be found on George Joseph's website. Participants are invited to look at the resettlement website page where 25 conclusions were discussed, as it would serve as a basis for future discussions. NGOs can send their comment on the paper and send it to George Joseph. A Core group meeting in ECRE might discuss constructively this paper, but the deadline seems too short.

To do / Ideas:

- George will provide suggestions and targeted questions so that NGOs can respond on a more precise basis to questions and provide feedback.
- Is there a possibility to consult on a regional level (European, America) and then share the conclusions? Europe was good on advocacy for the Iraqis but should now find ways to carry on proper integration policies .
- Before February 2010, necessary to identify progresses made on the commitments of the previous ACT-R. Also important to define the process for next ATC-R by identifying what constructive role NGOs can play in resettlement and who is going to do what.
- ICMC has a programme on improving quality of resettlement process. ICMC interested in NGOs participation.
- ECRE: should ECRE comment the amendment of the European Refugee Fund and lobby for the ERF funding to be linked to integration criteria? How should NGOs participate in defining the priorities and target groups within this EU ERF programme? Should we used the "American lobbying method" that consist in identifying what we are good at and then lobby for it to be considered as priorities and ask for funding?

Miscellaneous:

- Al Tanf camp to be closed in December 2009. 69 refugees are left to resettle only: shows the possibility for the strategic use of resettlement.
- George is not so sure that NGOs should fight for capacity building on asylum in Libya, as Libya is really reluctant on refugee issues. Resettlement from Libya might rather solve the problem.
- The Swedish presidency asks the EU governments to commit themselves on figures of resettled refugees: Sweden, NL, Canada, UK, USA already gave a quick positive answer.
- Iran does not grant exit permits to refugees for resettlement. Those obstacles should be taken into account when NGOs and States are pledging to incorporate a number of refugees into resettlement programmes.
- When States act on annual quota basis, are they starting back from zero the next year even if quota not reached ? The approaches differ from country to country.
- A participant expresses fears "resettlement as a pull factor fuelling resettlement" in the camps. George answers that camps should be closed after resettlement so as to avoid « refillment of the camps ». It is true that the issue of the strategic use of the resettlement camp in the country of departure should be examined carefully before launching the programme.

Thematic workshops

Sustainable Return

Miodrag Shrestha, Grupa 484, **Anne Peeters**, ECRE

Readmission agreements – introduction by Anne Peeters

ECRE's Return Core Group (CG) has produced an advocacy paper on readmission agreements, an issue which is increasingly high in the EU agenda. The paper focuses on EU readmission agreements, not on bilateral agreements. It is not public but it has been used in advocacy towards the European Parliament.

Readmission agreements are applied to asylum seekers whose applications have been rejected but also used under safe third country notions, to return asylum seekers to transit countries.

Three main issues are of concern regarding readmission agreements:

1. The lack of human rights safeguards:
   - No consideration of whether there is access to the asylum procedure in the third country
   - Risk of chain refoulement –e.g. Turkey has been negotiating readmission agreements with neighbouring countries
2. Lack of transparency:
   - Readmission agreements are negotiated by the European Commission on the basis of a Council mandate.
   - The Parliament is merely consulted before adoption by the Council and its recommendations are generally ignored.
3. Lack of monitoring

Readmission agreements touch both on issues of return and access (as they can be used as a barrier for asylum seekers' access to the asylum procedure).

Miodrag (Gruppa 484): In the Balkans, readmission agreements have been negotiated together with visa liberalization. Little consideration has been given to the reintegration of the returnees (while the annex attached to the readmission agreement with Serbia provides that the EU will support the reintegration of those returned under the agreement, this is not binding).

Sustainable return – Presentation by Gary Bell

The British Refugee Council is carrying out a project on sustainable return. The concept of sustainability has been discussed at length in the Return CG, which is developing a paper on the issue.

Definition of sustainable return?

- ECRE distinguishes between voluntary, mandatory and forced return, according to the degree of choice (descending) afforded to returnees.
- The Way Forward paper on return does not define sustainability.
- Different yardsticks can be used to measure sustainability –e.g. extent of re-migration, difficulties in accessing services, etc. Which kind of indicators is more appropriate?
- It may be better not to have an overly limited approach to sustainable return, at least in the realm of the definition.
- It is possible to argue that certain preconditions have to be met for sustainable return:
  - Appropriate country of origin information
  - Access to services
  - Reintegration assistance
  - Notion of dignified return (linked to access to employment, training, etc. within the asylum procedure).
  - Punitive asylum systems may detract from the sustainability of return.
  - Monitoring: necessary to guarantee that return is carried out in a safe and sustainable manner and that it constitutes a durable solution.

Next steps?

- Adoption of an advocacy paper
- Adoption of recommendations

Discussion

Gunnar (Bundesverband Der Arbeiterwohlfahrt): his organisation has been involved in return programmes. In Germany, there is no real discussion about return sustainability. For the government return is sustainable if there is no re-migration.

Advocacy documents should be used to lobby within the context of the return fund.

Anne (ECRE): The return fund does not cover reintegration. The question is whether it is necessary to decide on a definition before advocating for sustainable return.

Gary (Refugee Council): Should NGOs provide return assistance when return contradicts the UNHCR guidelines?

Gunnar (Bundesverband Der Arbeiterwohlfahrt): There are different approaches in the Member States concerning the issue of return assistance (from assitance only for flight to support for reintegration). In Germany there are also variations depending on the category of migrants, the nationality and the number of years a person had stayed in Germany.

Miodrag (Group 484): even if defining sustainability is difficult, this does not mean that ECRE should not advocate for it.

Keith (Immigration Advisory Service): From the government point of view, return is sustainable when the person does not want to emigrate again. However, this will not be achieved if migrants return to a situation in which they do not have employment, etc.
There is a need to deal with the underlying causes of migration through development aid. Achieving real sustainability would be difficult unless there is a massive intervention.
Lack of investment in the reception phase goes against sustainable return (e.g. of Zimbabweans in the UK.

Gary (Refugee Council): The Refugee Coucil participates on a steering group with the UK government on return and they have managed to include language on sustainability on country plans concerning returns to Western Africa (e.g. oil companied one of the major sources of employment in the area – returnees are more employable if they are able to speak English.

Reyes (ACCEM): ACCEM has a small project on voluntary return. In their experience, it is very important to link up with stakeholders in the country of origin which may be better placed to establish what kind of assistance is necessary.

Anne (ECRE): It is important to give skills not only through training, but also by granting acess to the labour market, teaching the language, etc (e.g. case of Afghans).

Gary (Refugee Council): no training is provided because this is perceived as a pull factor. All activities funded have to be carried out outside the UK.

Refugees United: Technology in humanitarian assistance

Christopher T. Mikkelsen, David Mikkelsen Troensegaard, Tomas Kraag

Description of the online tool:

Refugees United (RU) provides a secure anonym online research tool for refugees IDPs, and migrants who lost contact with their family or friends and who want to find them. The migrant looking for his family/friends decides which information are put online and provide elements allowing family/ close friends to identify him/ her (date of birth, place of birth, rank in the family, others elements). Registration is free of charge.

Questions:

- What are the links/ differences/ complementarities between the RU system and the Red Cross family tracing system?
- What are the guarantee provided to preserve the safety and anonymity of the refugee?
- Can you describe your approach and partnerships with the private sector?

Answers:

Concerning the relation, complementarity and differences with the Red Cross family tracing system:

***Complementarities*:**

- Possible to register both for with Red Cross services and RU tool. The 2 tools are not exclusive but complement each other.
- Red Cross system: individual file with a profile in a central database located in Geneva. A demand for family tracing will then be send to the country of search. The Red Cross also has websites available for family search online in a limited number of countries (Angola e.g.). The Red Cross has access to some people that have no access to other communication means such as Internet or mobile phone (war prisoners, prisoners…) and remains therefore necessary. The Red Cross is also participating in organizing the family reunification process, RU does not.
- Refugees United integrated some remarks of the Red Cross concerning issues of security and anonymity. The Red Cross tracing services can also inform refugees and migrants of the RU complementary tool (through posters). Partnerships with the Red Cross tracing services could be usefully developed.
- Dialogue with UNHCR to develop a working agreement to provide refugee in camps with access to the RU tracing services (through mobile phones and Internet through UNHCR).

***Differences with the Red Cross family tracing system and advantages*:**

RU: autonomy of the asylum seekers/ refugee in the search process is total: no dependence on any service provider such as the Red Cross or a social service to initiate and follow the tracing process.

The advantages of the Refugee United tool:

- Trust issue: the RU tool is independent and can be perceived as more secure by some refugees.
- Empowerment: The migrant is active in the search process;
- False identity and administrative status: migrants able to start searching for their family and be located by them regardless of this.
- Scope: Red Cross focuses mainly on close family ties. The RU tool does not have scope limitation.
- The RU tool targets refugees and asylum seekers, irregular migrants, regular migrants and IDPs.
- Internet Access: Refugees and IDPs may be registered by an NGO or register themselves from a mobile phone or computer and Internet access, If the person registers a mobile phone number, there is a SMS service of notifications. This system allows for the registering of numerous refugees, even in situations when Internet access is limited.
- Information selection: the migrant selects what information he/ she likes to provide on the Internet. No intermediary.

Concerning the security / safety issues:

- Existing social networks do not take into account security and anonymity needs of refugees.
- The name Refugee united selected to be identified as a secure “brand mark” for identification purposes by refugees and NGOs. The persons Refugee United is trying to reach are not only regular web surfers with a facebook page but also refugees in camps with (or without) a mobile phone and often-limited web access.

  Risk assessment: some refugees not aware of risks in revealing identity: communication process on the Refugee United website is crucial to ensure that refugees understand perfectly the security/ anonymity/ non- geographical location issue at stake. Information provided during the entire registration process. The administrators have no access to the individuals’ profile.
- Refugees United carries regular technical and general threat analysis. No system is 100% safe but Refugee United try to ensure the maximum possible safety.
- Refugee United tries to prevent refugees from putting dangerous information online through information. Each individual defines the level of information given and chose its questions. The final choice is for the refugee to be made. Anonymity and location are very important issues. Refugee United ensures that there is no technological possibility to locate the refugee online through the IP address (objective threat).
- The individuals’ perception of threat differs highly from the real threats. The RU tool is constantly adapted to the cultural differences and takes into account the subjective individual perception threat, not only the

objective technological threats. Refugees United is always interested by NGOs' feedback on those issues so that its services can continue to evolve and adapt.

Refugees United establish partnerships with the private and NGOs' sector:

- Foundations are funding RU: the AP Moller foundation, the Maersk shipping line and another Danish foundation. Donors and other private partners are also involved. RU has 4 full –time employees. 26 volunteers in San Paolo help with registration and translation of informations on computers. RU is outsourcing a lot of its activities to reduce fixed costs. RU established partnerships with the private sectors to decrease the functioning costs.
- Those private companies own the technological tools used by RU or can provide free services to Refugee United (SAS, Google, Fedex).
- RU is involved with NGOs in Cairo, Uganda and Kenya to evaluate the research tool in the field and gather operational feedback.

***RU communicates with refugees through NGOs and the private sector**:*

- RU is apolitical: facilitates partnerships. No promotion of family reunification, just a tool. Support from private sector through corporate social responsibility.
- Family tracing attracts media attention
- Tools designed to be technically simple to remain compatible with the mobile phone companies and Internet applications and instruments and are always updated.
- NGOs, reception centers and persons in contact with refugees and IDPs may download posters promoting Refugee United at the following link: http://www.refunite.org/32959/Downloads or contact RU for additional dissemination materials. Installing a shortcut on the desktop of computers used by refugees is also a simple efficient way of promoting the use of the RU tracing tool. Information should be passed on to a critic number of migrants for the tool to be really efficient.
- Refugee United is operating in 22 languages thanks to voluntary translators and specific tools to deal with translations and languages differences by storing names in Latin character, phonetic translation and original language for example.

Protection regimes not regulated by common EU standards

Gabor Gyulai, Hungarian Helsinki Committee

The workshop started with a tour de table to answer the question about which protection statuses are granted next to the refugee status and subsidiary protection on the basis of the Qualification Directive. Participants were also asked to specify for which reasons –if known- so called 'c-statuses' are granted.

This 'tour de table' resulted in the following table:

'C'-statuses

Tolerated Practical grounds	**RO, NO, UK**
Statelessness	**ES, FR**
''Exceptional'' circumstances	**ES, UK, NL**
Undefined grounds	
''Regularisation'' after 3 years	**ES**
Medical grounds - humanitarian	**NO, FI, UK, ES, NL**
Unaccompanied minors	**NO, FI, UK, FR, NL**
Non-refoulement, not qualified for higher protection	**NO, AT, UK, FR**
Victims of trafficking	**FI, AT, FR**
Environmental grounds	**FI (+SE?)**
Family life, private life, integration	**AT, UK**
Domestic violence	**AT, ES**
De-facto statelessness	**ES**

Conclusion:

1) Diverging grounds
2) Missing grounds
3) Diverging rights
4) "Substituting effect"

Discussion

Question: Is the harmonization of these statuses desirable at a EU level? What can be the main benefits and dangers? How can the race to the bottom be avoided??

Participants suggested that we should be very careful in pushing for harmonization of c-statuses seen the – indeed- current race to the bottom. The strongest case might be a status for stateless persons with a view on the 1954 Convention relating to the Status of Stateless Persons as undersigned by many States. Apart from this most reasons for granting a c-status would be outside of protection mechanisms. There should be a link back to international law obligations.
Furthermore it was suggested that it all relates back to money issues, states are very reluctant to provide extra protection. An alternative strategy might be a broader right to protection statuses and this could be linked to a litigation strategy. The Strasbourg court does have the opportunity to stretch the protection bit by bit. Issues with regard to the grounds should be considered before the rights given with the protection. Non-removability should also be considered more in-depth.
However, the broad conclusion was that it is important that c-statuses stay flexible.

I International law obligations
- Statelessness
- Unaccompanied minors
- Medical grounds
- Victims of violence
- Trafficking

II No clear legal, but state practices, practical reasons for non-removability?
III Discussion / dialogue, on, for instance, environmental refugees.

Question: Should there be a set of 'core rights' for these protection statuses? If yes, what should be included?

It was suggested that there should be no efforts to harmonise the set of rights, apart from access to health care and education. If we would try to harmonise the set of rights we should in any case refer to international law, to fit it into the international legal framework. We should try to combine legal and practical arguments. With regard to advocacy we could more usefully focus on strengthening subsidiary protection. However, this can be a problem for stateless persons. After the Lisbon treat will be adopted, there will be a bigger role for the ECJ, it is important to identify possibilities there.

Action:
A discussion will be started in the ECRE Asylum Systems core group to draft a joint opinion / policy paper on this topic.

Responsibility sharing

Paul Mc Donough; **Gemma Jumma,** British Refugee Council/ **Martin Watson**, ECRE

Workshop I: Thursday 15th October, 09:00- 10:30; Workshop II: **Thursday 15th October, 14:30-16:00**
These minutes are a compilation of the discussion that took place in both workshops

Presentation by Paul McDonough

The governments of Mediterranean Member States argue that they face a migration emergency, making the push-backs a necessity.
With this paper, ECRE tries to come up with a policy response to the Italian policy of returning migrants to Libya without allowing them the opportunity to request asylum in the EU. The paper does not ask whether or not there is actually a migration emergency but rather accepts the view that such a situation exists and proposes a way to address it within the scope of the EC Treaties.
State practice has the effect of changing customary international law, so it could be that the principle of non

refoulement becomes conditional on states' interests.
This paper speaks primarily to states' interests but proposes to demonstrate that it is possible to devise a policy that fully complies with international humanitarian law and best practice, and does so in a way that serves narrow national interests better than the current push-back scheme.
The paper proposes policies in five related areas where states owe responsibilities to arriving refugees: rescue, reception, determination of asylum claims, hosting of recognised refugees, and sustainable return of those who do not require international protection.

Sharing Responsibility for Rescue and safe disembarkation

When a ship or maritime authority becomes aware of a craft in distress at sea, a rescue responsibility engages. The rescuing authority must see that passengers on the boat in distress are brought to a safe port. Because the occupants of the boats often include would-be asylum seekers, a "safe" port must present a real opportunity to seek and, if merited, receive asylum.
Our proposal: the EU should establish a **network of safe ports** within Member States, based upon the availability of sufficient and suitable docking, reception, medical and other facilities, access to legal assistance and UNHCR, and should undertake concrete measures to ensure availability and quality.
The flexibility to disembark rescued migrants at one of a number of ports can be used to ensure ports near migration flows can retain at least some capacity (in case an arriving boat cannot proceed further) and to reduce the aggregate amount of capacity required: as long as the aggregate capacity of safe ports on the Mediterranean can handle peak loads, there is no need for every Mediterranean Member State to stand ready for a peak load along its particular nearest migration route.
Paul recommended Thomas Gammeltoft-Hansen PhD Thesis, Access to Asylum, International Refugee Law and the Offshoring and Outsourcing of Migration Control.

Sharing Responsibility for Reception of those rescued at sea

Each rescued person should be able to meet an independent authority empowered to register an asylum claim, before encountering an authority with the power to expel.

Two models of sharing responsibility for reception after disembarkation are presented:

a) **EU- supported reception in the Member State of disembarkation**
   In this model the Member State of arrival would provide reception facilities and services to asylum seekers rescued at sea with financial and practical support from the EU (for instance through the ERF).
   In addition the EASO could provide supplementary ad hoc support, for example by providing asylum expert teams in case of sudden influx or for institution-building or capacity-building activities.
   Although the financial support wouldn´t come without oversight, this model is less intrusive on the state.
b) **EU- provided reception in the Member State of disembarkation**
   This model envisions the common provision of open reception centres by an EU body n the Member State of disembarkation.

Sharing Responsibility for Status determination

Two models:

a) **Relocation of asylum seekers followed by national decision making**
   This first model establishes a system for immediate dispersal across the EU of those requesting international protection, and leaves decision-making on individual cases with national asylum authorities.

b) **Common EU decision making followed by post-determination relocation**

Establishment of an EU decision-making authority. Within this model, two alternatives are envisaged:

- *Advisory model*
  The EU body would issue a recommendation which the Member State could either accede to, or issue a reasoned decision to proceed otherwise. As the Member State would formally determine status, review would remain with its court with the ECJ competent to examine references for preliminary rulings.
- *Contract model*
  The Member State undertakes to protect those determined by an EU body to be refugees.
  Appeal would run to the Court of First Instance (CFI) as against "a decision addressed to" the asylum seeker by a Community actor, and then to the ECJ, as with any CFI case.

The scope of protection in the EU Member States exceeds the laws of the Community, as most Member States provide some form of humanitarian protection beyond the Qualification Directive. Evaluation of claims referring to local rules must remain the responsibility of the separate Member States.

Sharing Responsibility for recognised refugees

Two models are proposed. Both models envision the extension of the Long Term Residence Directive to encompass refugees; this would limit the responsibility sharing question to the first five years of residence. Both models propose sharing the responsibility for recognised refugees, with accompanying financial support.

a) **Free movement**
   Recognised refugees are granted the same free movement rights as long term residing third country nationals receive after five years of legal residence in an EU Member State. This would need to be accompanied by a system whereby the protection status is also transferred to the state of actual residence.
   In order to obtain long-term resident status, 3rd country nationals must prove that they have stable resources sufficient to live without recourse to the social assistance system of the Member State concerned. People who will contribute to the system will be more likely to move to a second Member State.

b) **Formal relocation system**
   Allocation of refugees among Member States would be based on the relative share of the EU population. Any Member State receiving a disproportionately low share of refugees who spontaneously arrived in the EU would accept protection responsibility for refugees rescued at sea who wish to relocate there. The Member States of destination would be financially compensated. Although refugees would have to consent to transfer to another Member State, the system would operate on a mandatory basis for Member States.

Sharing Responsibility for Returns

There is a valid concern from countries that they could be unable to return those who are found not to be in need of international protection. Member States would benefit by cooperating to implement dignified and sustainable returns.

Debate

In the first workshop, **Gemma Juma** made a general introduction stressing that the ECRE paper might not seem realistic at the moment, but it is a way to get involved in a very sensitive debate with visionary concepts and long-term suggestions for change. This was followed by a presentation by Paul McDonough (see above).
In the second workshop, **Martin Watson** opened the discussion by explaining that ECRE would like to contribute to the debate on responsibility sharing and that the Commission had informally asked us to do it.

The starting point: a migration emergency

Oktay Durukan raised the issue of whether we should discuss if there is actually a migration emergency.

Gail Elliman (Asylum and Migration Tribunal) said that she was "surprised and concerned" that ECRE was taking as a starting point the fact that there was a migration crisis. She said that the starting point should be that there is a "perception" of having a migration crisis but not a crisis as such.
Elliman also stressed that it is dangerous to accept any margin of appreciation regarding the principle of non refoulement. The only exception is in article 33.2 of the UN Refugee Convention: "The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country".
A participant stressed that we should challenge the assumption that refugees are a burden. They are also a contribution. Other participant pointed out that there was also a problem in perceiving migrants only as economic units. We should be instead reminding Member States about their legal obligations.

Paul clarified that ECRE will make clear in the paper that non refoulement is the cornerstone of any policy alternative.

Scope

It was pointed out that the EU asylum acquis only deals with refugees and subsidiary protection and not with other persons that cannot be returned. The paper should also address this issue; there seems to be another step between recognition/rejection and return that is left out in the ECRE draft paper. Another participants also clarified that identification should be wider than just looking at refugees, but should also include Unaccompanied minors, trafficked people, traumatised persons etc. Paul clarified that he would add a paragraph in the paper specifying that for these categories, there should be an option to go to national courts and ask for 'humanitarian status'.

Approach

Participants in the debate also agreed with the general approach taken in the draft paper by pointing out first some basic principles/ human rights Member States cannot deviate from and then giving several options. This way it seems less as forcing one solution on them.

Alternatives:

Relocation of asylum seekers followed by national decision making or Common EU decision making followed by post-determination relocation?

Paul mentioned that there was a risk of creating a "race to the bottom": MSs could have an incentive to decrease their recognition rates so to discourage people from applying for asylum in their countries.
Some participants pointed that Member States could have an incentive to recognise a larger number of people if they could move after recognition.
For some participants, the key issue was the possibility of having an accessible and effective remedy: Where could refugees appeal a EU decision – if such a decision is even legally possible-?

Free movement or formal relocation system?

Oktay stressed that it seems that ECRE is suggesting that the market logic will make the system work. However, under the system suggested by ECRE, refugees can´t decide to move to a country with a full quota.
Oktay stressed that the free movement alternative wouldn´t solve the problem and that we need compulsory quotas. He also underlined that the UK, Germany and France would not accept a free movement model.

Should ECRE address pull factors?
Participants seemed to agree that the pull factor discussion is complex and ECRE should not engage on it for the purpose of this paper.

Should ECRE engage in the responsibility sharing debate?

A large part of the debate of the first workshop dealt with the question whether ECRE should engage in the debate on responsibility sharing or should ECRE instead focus on the responsibilities of individual Member States?

Many participants agreed it is good for ECRE to get engaged and have a paper addressing future possibilities, but they also expressed fears of ECRE being dragged into this debate and thereby losing out of sight the fact that EU Member States have signed up to the asylum acquis and have other European and International obligations.

ECRE should continue to focus on the more realistic, pragmatic goals (small gains) that are achievable at the moment. It is important to find a balance between two approaches; pragmatic/realistic v. Visionary.

Participants also pointed out several difficult issues in the paper such as convincing more 'popular' MS to get involved in this sharing responsibility concept, MS want to remain responsible for status determination etc.

Participants in the second workshop agreed that ECRE should engage in this debate. It was also noted that it's important that this paper is consistent with ECRE established positions (EASO, procedures, etc).

Conclusions:

- ECRE needs to engage in this debate and be pro-active.
- ECRE should have a vision for the future in this issue.
- ECRE should continue to strongly focus on pragmatic/realistic goals as well
- The starting point of the paper shouldn't be the fact that there is a migration crisis, but rather that there is a "perception" of having a migration crisis.
- ECRE Paper should clearly state what countries can and cannot do: There shouldn't be any margin of appreciation regarding the principle of non refoulement. The only exception to the principle of non refoulement is in article 33.2 of the UN Refugee Convention.
- ECRE should not engage on a discussion on pull factors for the purpose of this paper
- ECRE paper should address a large category of people that cannot be classified as refugees or beneficiaries of subsidiary protection but who are vulnerable and need protection.

When discussing alternative models for responsibility sharing for status determination, ECRE should take into account the right to have an accessible and effective remedy.

Mainstreaming of refugees' integration

Andras Kovats, Menedek ; **Thomas Huddleston**, Migration Policy Group

Introductory questions - Andras Kovats

- What is the dominant approach of integration policies in the participants' countries: a) mainstreaming or b) targeting?
- Do the participant organisations work exclusively with refugees or also with other groups? The former is the case for NOAS, DCR, BRC and SRC.

Presentation: MPG evaluation tool on refugee integration for UNHCR (Centre and East European Countries) - Thomas Huddleston

A copy of Thomas' presentation is available on file at the ECRE secretariat.

MPG is responsible from the Migration Integration Policy Index (MIPEX) and has drafted Handbooks on integration on behalf of the European Commission. The Handbooks focus on so-called "third country nationals", not on refugees.

At the moment, MPG is developing an evaluation tool on refugee integration for the UNHCR Budapest Office. A brief description of the project can be found at http://www.migpolgroup.org/news_detail.php?id=59. The tool will be ready by the end of 2009.

The project is grounded on the four following considerations:

1. Many integration challenges are common for refugees & beneficiaries of subsidiary protection
2. Some refugee organisations may expand services to include these other immigrants; others may work in partnership.
3. There are many different ways of dealing with integration issues at the EU level, which make it necessary to look beyond the field of EU asylum policy. Service providers are actually better at mainstreaming that the EU institutions themselves.
4. Integration of beneficiaries of international protection may be the focus in countries where most immigrants are refugees (i.e. Centre and East European countries). In contrast, beneficiaries of international protection may be minor in policies of countries with mostly work or family migrants.

There are unique obstacles & opportunities for beneficiaries of international protection:

1. The quality and length of the reception phase determines the starting point for integration, as traditionally conceived.
2. Protection status: beneficiaries of SP have different rights than Convention refugees
3. "Trauma", related to the experiences in the country of origin, the experience of flight, etc.
4. "Undocumented" : lack of access to an effective nationality

Where does EU integration emerge at the EU level?

- Minimum standards (Reception Conditions & Qualification Directives)
- Some financial and ad hoc technical support, e.g. through the ERF (sufficient?)

However, refugees excluded from continuous priority setting on integration (through ministerial meetings, national contact points on integration, Commission communications and Council conclusions), although taken into account on an ad hoc basis:

- Through the website and handbooks
- In legal standards, such as the Family Reunification Directive –although arguably the specific needs of refugees are not sufficiently taken into account in this piece of legislation.
- May also be a target group for integration policies addressing the situation of 2nd generation migrants.
- There are also particular references to refugees as a vulnerable group within the context of the social inclusion strategy – Equal programme and European Social Fund.

Conclusion: need for a clearer and more coherent approach.

Main questions discussed:

1) Should refugees' special needs be privileged over mainstreaming or the opposite?

Arena (ERAD): The perception of refugees as a particular vulnerable group may lead to stigmatisation.

Andras (Menedek): This indicates that there needs to be a balance between preventing deprivation in the short

term and avoiding stigmatisation in the long run. **Should the special needs approach be abandoned?**

Simon (Scottish Refugee Council): The key is that **in the long term everyone should have access to the same mainstream services.** The Scottish Refugee Council is at the moment debating whether they should revise their mandate. However, deciding to start working for other groups, which are maybe not so much in hardship, represents a hard choice.

Reyes (Accem): what is important is the degree of vulnerability that a person has rather than the legal status.

2) Should ECRE focus is advocacy efforts in the field of integration on its traditional Justice Liberty and Security interlocutors or rather try to expand its reach? How can ECRE best take advantage of the advocacy opportunities afforded by those connected policy fields?

Jonathan (British Refugee Council): The Council traditionally dealt with the Ministry of Interior. However, they are now also dealing with other government departments (e.g. the department of pensions). Rather than arguing for discrete services, their approach consists in working with mainstream services while at the same time calling for special attention to the needs of refugees within those.

Andras (Menedek): Would it be possible for ECRE to elaborate a holistic strategy and to pursue it through different advocacy channels?

Kina (Bulgarian Council for Refugees): a key issue ECRE should keep advocating for is equal rights for refugees and beneficiaries of subsidiary protection.

3) Is there a specific problematic of transit countries concerning integration?

Niculae (Romanian Council for Refugees): Refugees generally do not want to stay in Romania. It is not possible to impose integration.

Andras (Menedek): The Long Term Residence Directive, if adopted, would solve this kind of problems by granting refugees the same position as other long-term resident third country nationals in Member States different from the state of refuge.

Several participants noted that, in actual fact, the situation of refugees is in this regard comparable to that of the citizens of the new member states, who are also moving to other EU countries.

4) How can ECRE best promote an "integration-from-day-one" approach in the current political/economic climate? Is this a realistic approach in the current political context?

Simon (Scottish Refugee Council): In Scotland, integration starts from the day of arrival –different approach in England.
The Scottish Refugee Council would like to see research on whether integration-from-day-one policies make a difference on integration outcomes.

Niculae (Romanian Council for Refugees): A problem to carry out such research is the lack of appropriate statistics and indicators on refugee integration.

Identification of vulnerable asylum seekers – CARE Full and MAPP projects

Erick Vloeberghs, Pharos; **Bernadette Hoekstra**, Dutch Refugee Council

In 1999, the MAPP-project was established for asylum seekers with mental health problems. MAPP is part of a small Dutch NGO that advocates for a better treatment of asylum seekers with psychological problems within the asylum procedure. The Care Full initiative was launched in 2006. It aims to improve refugee status determination (RSD) procedures for victims of torture and ill treatment by encouraging authorities to take better account of the psychological, socio-cultural and physical factors that inhibit asylum seekers from presenting a coherent and complete history of their experiences. The objectives of the workshop are to provide:

- Overview of the current practice and policy of identification of victims of torture and ill treatment in The Netherlands in relation to the Care Full initiative
- Information on the MAPP-pilot & INS instruction 2006-8 (aim, activities & results)
- Insight in the access, possibilities and obstacles regarding proper identification of vulnerable asylum seekers from the perspective of the asylum advocates (by Dutch Council for Refugees) and the health care providers (by Pharos)
- Insight into the process of collaborating with the Dutch asylum authorities & policy makers.

Pharos is looking for partners for a European Refugee Fund Project on this issue.

Many first level rejections decisions on asylum claims mention a "lack of credibility or lack of information provided" following interviews with asylum seekers. Post Traumatic stressed disorder, psychiatric problem, cultural or individual feeling of shame often account for this. A study and surveys shows the numeric importance of the problem. Silence is too often interpreted as a refusal to cooperate to the Refugee Status Determination (RSD) procedure. Identifying psychological vulnerabilities at the earliest possible stage of the RSD procedure is therefore a crucial issue.
The **goal of the session** is to get an overview of a good practice consisting in identifying vulnerable asylum seekers with trauma or psychological problems at the very earliest stage of the asylum procedure so that asylum examination body could take the vulnerability into account in the RSD process. Pharos defined a cooperative human rights- oriented tool and working method (such as an early warning list) to be filed by lawyers, government officials or volunteers. It is a **tool used in the "front heading process"** as it contributes to the quality of the RSD decision at first stage. This tool is useful to identify vulnerable persons both for detention centre and reception centre, fast track procedure and mainstream procedures. It also facilitates and increase coordinated care in normal reception centre for vulnerable persons.
In the Netherlands, the programme and good practices were first developed by NGOs. It has been gradually supported and adopted by the authorities that integrated it in its RSD procedures ("institutionalisation" of the good practice). When psychological problems are identified, the RSD body adapts the procedure to the vulnerability identified. There is now a proposal to integrate those good practices in a law reforming the asylum procedure in the Netherlands.
It might be an **example** to be followed by other member States or promoted **at EU level** in a form to be determined (within EASO or/and Eurasil, within recast proposal of Dublin Regulation, Qualification and reception conditions directives mentioning identification of vulnerable asylum seekers?).

The following benefices of the good practice have been identified:

- **Both NGOs and determination body take the needs and vulnerabilities of asylum seekers into account** during the RSD process at first stage. It reduces the number of appeal on the basis of inconsistencies, lack of credibility, silence, shame & other factors.
- It increases the **quality of the decisions**
- Illnesses that impede expulsion on medical grounds (art.3 ECHR) can be identified immediately instead only at the end of the RSD.
- **It fastens the RSD process**: the length of procedure is diminished as interviews are "customized"/ adapted in advance to the particular needs of the individual beforehand. It reduces the need to re-plan further unexpected complementary interviews.
- The number of situations where no decision can be taken by the examination body due to the vulnerability/ inconsistencies of the individual is reduced. The good practices offer a way out of protracted cases.
- The asylum RSD process is rendered more conform to **human rights standards**, the due process of law and the Istanbul principles.
- It is **cost efficient** for the State as it leads to a decrease in the number of appeal, it prevents creation of a backlog and diminishes both examination and reception costs.

Pharos presents the Care full initiative:

The Care Full initiative: a **booklet** has been released in 2006 together with a **lobby document** containing recommendations. A **newsletter** enabling NGOs to participate to this work is also published.
The Istanbul protocol contains guiding lines for effective investigation and documentation of torture and other crual, inhuman and degrading treatment and to conduct interviews with psychologically vulnerable asylum seekers. The Care full initiative integrates the Istanbul principle in its tools and methodology. It provides guidance on how to avoid a risk of re- traumatization and on how to behave with victims of torture e.g.
A three-steps model has been build (the stepped care model). The MAPP Project includes a checklist for lawyer and volunteers from the Dutch Refugee Council so as to identify if the individual suffers mental issues that may interfere seriously with the asylum procedure process. INS (the Dutch examination body) follows its own specific guidelines on the way of conducting those interviews and interprets them with special care. When a vulnerable asylum seeker is identified, usually the INS applies the specific procedure. And in cases of rejection of claimants with psychological vulnerabilities, INS tries to avoid invoking the psychological problems to reject the claimants' claim. The guidelines have become part of the asylum procedure and are now known by politicians.

Proposal to integrate the good practices in the Dutch asylum law and points of concerns

According to the future asylum Dutch law, the Dutch asylum procedure is to be conducted in 8 days. **The new law also plans that a medical advise should be systematically given before the asylum procedure starts** and

that it should be taken into account by the asylum examination body. The asylum seekers would remain free to refuse the medical examination. The medical advice is to identify medical problems requiring urgent treatments but also possible psychological problems affecting interviews. The Dutch State secretary supports the reform.
Some points of concerns remain on this proposal: until the end of 2010 the medical check up will be carried on by NGOs until the State implements it and fully pays for it. The Dutch government still refuses to include the Istanbul protocol in its entirety within the asylum procedure before getting the agreement of other EU countries beforehand. NGOs also hope the staffs providing the medical advises will be competent and independent. With the financial crisis there is a risk for this law proposal to be dropped.

DISCUSSION:

Generalizing the MAPP methodology would allow better procedure in other countries. In general NGOs are lacking time to obtain meetings and medical/ psychiatrists certificates for asylum seekers.

TO DO/ IDEAS:

Try to **include the topic in the RCD, Dublin, QP directive** agenda. It would be interesting for ECRE that **all governments be stimulated** to push for those practices to be set as EU standards and national and EU procedures. Poland is foreseeing the participation of a psychiatrist during the procedure.

The **Guidelines** should be **translated from Dutch to English** and be sent to participants.

The MAPP tool did not especially target **children**. A variation of this tool could be developed for children.

Gabor (Hungarian Refugee Council): What is the financial cost of this tool? Joint training on judges on Post disorders stress symptoms are needed in Eastern and Central Europe as legal actors perceives negatively medical certificate or are not sensitized to the topic.
The Istanbul protocol should be available in all training on medical evidence and should be more wildly translated to improve dissemination. The Hungarian Committee is working on a training module for asylum officer that will include the medical/ psychological problems.
The Hungarian Committee has not found positive **case law** on adjustments on ground of psychological vulnerabilities and victims of torture. Negative case law is to be found for the ECHR and UN Committee against torture. The **UN Committee against torture** used to be more positive but there has been a historic change in its advices. Forensic experts from government often counter NGOs psychiatrist statement in **Eastern Europe**, without them being especially competent or trained on those issues. Is there a way to **train those forensic experts or government psychiatrists?**

Answer: A Good instrument to distinguish whom to refer or not is essential (the stepped care tool is relevant). There is truly a difficulty to find positive international case law but positive national case law exists in the Netherlands. The training of lawyer and court judges is increasing their awareness: When judges saw that a Map document has been issued, they have more impetus to contest the validity of bad government's forensic experts. The right to a second medical counter opinion from a different or independent psychiatrist is important and should be protected by law and case law.

In Croatia: the topic is completely uncovered by legislation and practice (but for a non useful law on care taker for persons not mentally able to defend themselves). NGOs lack money to pay for medical expertise (NGOs) when they manage to stop the procedure on medical grounds. There is an agreement with UNHCR to try to financially help in those cases. Authorities are constantly not taking medical certificates into account: what to do? Putting people on hold? Answer: Try to organise a visit for Croatian officials in the Netherlands? It costs a lot to the government not to take the issue into account (appeal and reception). The economic argument could be invoked to the government.

Lobbying national governments

Pieter De Gryse, Flemish Refugee Action; **Martin Watson**; ECRE

Introduction by Pieter de Gryse (Flemish Refugee Action)

Although it might seem paradoxical because of the increased powers of the EP in the field of asylum, it's clear that the Council is still very powerful.
An example: the proposals to recast the Reception Conditions Directive and the Dublin Regulation are currently blocked in the Council.

The work we have done at national level on EU issues and as a network to lobby the Council has not always been very successful.

Presentation by Tineke Strik

Tineke Strik, Member of the Dutch Senate for GreenLeft, has undertaken a research on the negotiations of the Asylum Procedures and Family Reunification directives. Strik presented the findings of her study about the impact of NGOs in this process:

- **European Commission**
  NGOs had influence on the Commission's proposals
  The Commission took into account the comments by NGOs and their proposals were quite positive.
  People working at the Commission by then had an NGO background and the Commission itself was already quite in favour of high harmonised standards.
- **European Parliament**
  NGOs had influence on the European Parliament's amendments
  Examples:
  The Parliament used the positions of NGOs when it sought the annulment of certain provisions contained in the family reunification directive on the grounds that they infringed fundamental rights.
  The Parliament challenged the Asylum Procedures Directive before the European Court of Justice, but in doing so they just pursued their own institutional interest (they wanted to have co-decision powers on the list of safe countries)
- **Council**
  The Council took no account of the amendments proposed by the European Parliament and adopted the Directive without further debate.
  The Commission had to redraft new proposals and NGOs didn´t have a lot of influence on those. Only, a standstill clause was included in one of the directives.

NGOs, EP and Commission have a supranational approach. The Council has an intergovernmental approach.
There is a relation between the power of the actor and their accessibility. NGOs had influence on the less influential institutions.
The Council, as the most influential actor, was the hardest to approach. Now, that the EP is becoming more powerful, it will also become less accessible.

Why was the influence of NGOs in the process so little?

Professor Strik interviewed 35 people involved in the decision making process of these directives. These were some of the answers she received regarding the role of NGOs in the process.

- It was hard enough between us. There was no room for more points of view.
- The positions of NGOs were declarations of principles but there were too far from our position.
- Were NGOs targeting the weakest actors? Shouldn´t you try to approach the Council? Some people said it was impossible to follow the negotiations at the Council because of the Council's lack of transparency. Some other people said they could follow the discussions but it was difficult to have an impact.
- One Perm Rep. said NGOs only distributed policy papers but there was nothing they could do with them because they were too long and too principled.
- The papers by NGOs were too late. They covered issues we had already discussed.
- The papers by NGOs were too general, just expressing fundamental principles.
- We didn´t meet bilaterally with NGOs to look for solutions, that was a mistake.
- Somebody who worked at the Commission and had worked before at NGOs said that it was annoying seeing NGOs reminding the Convention all the time. They would like a more pragmatic approach, taking into account the relevant actors' interest.
- As a positive example, a NGO person said that she had supported a national delegation to draft amendments because of her expertise.

Recommendations

- Make your principled policy papers public but cooperate with the Council anyway. Example: UNHCR condemned the APD directive but worked with EU Governments anyway in order to improve it.
- Invest in personal relationships to have more access to the key actors. Despite the new role of the EP, Tineke Strik believes that the Council will stay the main actor which will present the proposals to the EP as a package: the EP should have to accept the deal or accept that the process will start from the beginning.
- Strik pointed out that in any case is positive that the QMV will put an end to the veto by a single MS.

- Keep on lobbying the EU level via ECRE
- Increase your contact with government civil servants. Be more proactive and use the information that civil servants may need form you, such as national practices in other MSs.

Again, NGOs had more contact with the less powerful actors, such as the Green Party and some sympathetic departments rather than civil servants at the Ministry of Interior.

- Increase your contact with national Parliaments

Recently, the Constitutional Court in Germany has stated that national Parliaments should have more control over the positions of the Government in Brussels and now there is a new procedure in place.
National Parliaments don´t have a lot of information about the discussions in Brussels. If they only get information from their Governments, they will only have a side of the story.

National Parliaments do not look only at national interests. Political families are starting to agree on lobby strategies towards their national governments.
ECRE could have an added value by gathering information on national practices and sharing them with national parliaments.

Example where strategy could work: Reception Conditions Directive and access to the labour market This is a provision that the Dutch Government wants to combat to avoid changing its restrictive national practice.
Successful example in the past: during the APD negotiations, Germany had proposed not to give access to the asylum procedure to people from so-called "safe countries". Amnesty International identified this as a national practice producing bad results: provision included but as a standstill clause.

Debate

Martin Watson (ECRE) opened the debate by asking the participants how we could better reach national governments and national parliaments. Martin underlined the importance of discussing EU issues when Member Agencies speak to their national institutions.
Most participants were enthusiastic about advocating on EU issues at national level.

Some participants expressed scepticism regarding the views that Governments shared with Professor Strik during her research, since it could be that governments don´t wish to listen NGOs regardless of the type of information that NGOs could provide. The alliance should focus on "battles that we can win". For instance, it's might be realistic to get governments to promote among fellow governments the good things they already do at national level.

Information from ECRE to lobby on EU issues at the national level

Participants discussed what kind of information they would need from the Secretariat in order to be able to lobby on EU issues at the national level:

- Concise information, identifying the problem, the solution and the timeframe.
- Calendar of negotiations in Brussels.
- Agendas of the JHA Councils
- Some participants said that ECRE's papers are too legalistic and don´t take into account politics and economics.
- In addition to have the information in the Members' area, some participants stated that they would like to receive e-mails regularly updating them. The e-mail's subject needs to be very clear, so members can quickly decide whether they need to keep on reading or not. E-mails should be short and have no attachments. Links should be provided for further information.
- ERAD underlined that not all partner organisations can do lobby at national level if they don´t receive training on EU asylum issues.

An outside and an inside strategy?

During her presentation, Ms. Strik suggested ECRE to have an outside strategy – making our principled policy papers public- and an inside strategy- cooperating with the Council aiming to achieve practical improvements. Some members were in favour of allowing the Secretariat to have a more pragmatic inside strategy. It was stressed that there should be a transparent debate with the membership to decide whether the Secretariat should be allowed to do that.

Policy making and implementation

Participants seem to agree that ECRE should focus both on legislation making and implementation at the national level.

GOVERNANCE

A meeting of the General Assembly of the European Council on Refugees and Exiles AISBL (ECRE) was held on 16 October 2009 in Madrid. The Assembly opened at 11.30h under the Chairmanship of Sally Daghlian, Chair of the Board of Directors.
The Chair, Sally Daghlian, opened the Assembly by welcoming all. The Chair noted that the meeting had been duly convened in accordance with the Association's By-Laws and, since 40 ECRE Representatives were present, more than one-third, was quorate to deliberate upon the agenda set forth in the notice of the meeting.

The chair explained that this General Assembly was different than usual, since the 2008 accounts are the ones from ECRE Ltd. Since September 09 there are only 5 Members in the ECRE Ltd, which are the organizations of the current Board Members. However, since practically all present members of ECRE AISBL were members of the ECRE Ltd in 2008, the Secretariat chose to present the 2008 accounts also to the Assembly of the current AISBL. The 2010 budget is that of ECRE AISBL.

As set forth in the notice of the Assembly, the Meeting has as its agenda the following matters:

- Report on activities and impact 2008/9 *by Bjarte Vandvik, ECRE Secretary General*
- Financial report (audit 2008 and budget 2010) *by Beat Meiner, ECRE treasurer*
- Revised Articles of Association ECRE AISBL *by Sally Daghlian, ECRE Chair*
- Elections to Board (former Executive Committee)
- Presentation and Validation of ECRE's new chair

The Assembly proceeded to deliberate on the matters on its agenda.

Report on activities and impact 2008/2009 by Bjarte Vandvik, Secretary General ECRE

In 2008 and 2009 ECRE achieved the following:

- The relocation of the main office from London to Brussels. ECRE's Eastern European Team is still present in London. The work of ECRE's Eastern Europe Team is also crucial for ECRE.
- The setting up of ECRE AISBL in Brussels next to the existing London ECRE Ltd.
- Defining a new Membership Strategy with the focus on working together as an Alliance on all levels.

The hostile climate in Europe on asylum issues needs to be addressed by the Alliance and calls for the building of an increasingly cohesive network, and the continuation of the collective work realized in collaboration with the UNHCR and other partners.
Members may contact directly the Secretary General for any questions on the 2008 Activities' report.
Bjarte Vandvik expressed his gratitude to the members of the former Executive Committee for their excellent work.

Financial report, by Beat Meiner, treasurer of ECRE

ECRE has gained clarity and sustainability from a financial point of view.
The Secretariat has a new Head of Finances and Resources, Ronald Simon, since January 09. 2009 has been a bit on a transitional year regarding accounting, since it was the first accounting year for ECRE AISBL. We have seen the successful transfer of assets from ECRE Ltd to ECRE AISBL and euro has become the organisation's currency instead of British pound. This transition will be finalized in 2010 when the Secretariat will switch completely to Belgian accounting standards, which Belgian law obliges them to.

Income and expenses:
Just like in the previous year 2008 shows a deficit. The 2008 deficit was predictable, however, taking into account the relocation to Brussels and the cleaning up of the balance sheet. The relocation was rather costly since it also included a massive change of staff (almost 100%) and considerable commuting between UK and Belgium. But the 2008 loss is mainly due to a provision of 150.000 pounds required by the auditors to cover the UK pension liability. As to income: in 2008 we see a slight shift from restricted to unrestricted income, a positive change. Concerning costs: in 2008 there is less spent on support and governance than in 2007, and more on activities, this is also rather positive.

Budget 2010
ECRE is trying to gradually build up a reserve, at the moment the 2009 forecast shows a positive result of 36 000 euro, which could be considered as a stabilized reserve. The build up of reserve needs to be taken seriously, since the low reserves at the moment constitute a serious risk. A reserve of 50.000 euro has been planned in the 2010 budget.

Most of the budget will be designated to reinforce the research and advocacy activities and to stabilize the support functions. The Secretariat also plans to develop further the events and training area.

Decisions:
- The 2008 accounts are validated unanimously by the General Assembly.
- The 2010 budget is approved unanimously by the General Assembly.

Revised Articles of Association by Sally Daghlian, Chair of ECRE

The Chair gave a presentation on the new articles, new internal regulations and new Membership System of ECRE AISBL.

Several Members raised questions on the new Membership System:
- Members would prefer to have Membership Fees calculated by turnover instead by GNI, they feel it is more fair this way.
- Members feel that it should not be the Board who decides on the fee system, but that the fee system should be proposed by the board and approved by the members

The Secretary General said in response to the first remark that the board preferred not to change the Membership Fee System too much. Also, with the new system, size of the organisation is taken into account indirectly, by the reduction system (40% flat reduction for organisations with less than 20 employees).

As to the Board deciding on the Membership fee system: this was decided and approved by the members on the AGM of 2005. Also, as the decision is made by the Regional Representatives which are elected by the Members, the decision is made democratically. The Board will take into account however the comments and remarks Members have made at the AGM.

Decisions:
- The amended Articles of ECRE AISBL have been approved unanimously by the General Assembly.
- The Internal Regulations and the Membership (Fee) System of ECRE AISBL have been validated, with 2 votes against.

Elections to the Board of ECRE AISBL

The Chair requested the General Assembly to support the mandate of the present Regional Representatives and of the Treasurer (co-opted), who have been appointed by the ECRE AISBL founders and have been asked to continue their mandate:

•**Marta Pardavi**, Hungarian Helsinki Committee: vice chair and representative Central Europe
•**Vladimir Petroneijvic**, Grupa 484: rep South Central Europe
•**Pierre Henry**, France Terre d´Asile: rep Mediterranean Region
•**Keith Best**, Immigration Advisory Service: rep Ireland, UK and Benelux
•**Beat Meiner**, co-opted: Treasurer

The Nordic Region presented Eva Lindberg, director of the Finnish Refugee Advice Centre, as the only candidate for the post of Nordic Representative.

Decisions:
- The General Assembly unanimously elected **Eva Lindberg** as Regional Representative of the Nordic Region on the Board.
- The General Assembly unanimously supported the continuation of the mandate of the 4 present regional representatives, Marta Pardavi, Vladimir Petroneijvic, Pierre Henry and Keith Best and of Beat Meiner as Treasurer.

Presentation and validation of new Chair

Sally Daghlian presented Andreas Kamm, Secretary General of the Danish Refugee Council, who has been proposed by the Board as new Chair of ECRE.

Decision:
The General Assembly unanimously supported the co-option of **Andreas Kamm** as Chair of ECRE AISBL

REPORT BACK FROM REGIONAL GROUPS

Ireland, UK and Benelux region, Keith Best, Immigration Advisory Service (U.K.)

The group regrets that France is not part of the region despite the issue of Calais, which calls for cross border cooperation actions.

There is a need for a greater information flow on governance: Keith Best will communicate more with other members of the region to gather their points of view (on the question of the fees structure or financial issues for example) before going to provide ECRE Board meetings with the region's point of view. Keith Beith could also report the developments to the regional delegates after each Board meetings. The representative of a region can report back to the Board and vice versa. Up – and downward communication.

Existing channels of communication and cooperation between the region and ECRE Secretariat: members area, Core Groups, ECRE Weekly Bulletin, etc. are all considered to be very useful. There is no need to add another channel of communication/cooperation.

The group does not think there is enough topics and scope to work on common regional policy and does not want to set up system parallel to the already existing core groups.

Nordic region, Morten Tjessem, Norwegian Organisation for Asylum Seekers

The members of the region will continue to organise annual meeting to give input in the Exec and the Board and report afterwards.

They acknowledged that no common focus could be identified due to the diversity of the members.

There is no need for a coordinated parallel mechanism to the Exec and Board and Core groups.

Central European region, Márta Pardavi, Hungarian Helsinki Committee

The group will from now on be called 'The Central European Region group' rather than 'Central Europe/ German speaking region'.

The group has discussed their concerns regarding new membership types and fees

The group want to organise a regional meeting early next year to discuss a common focus.

The group regrets the absence of members from Slovakia, Slovenia and the Czech Republic. This might be due to financial constraints rather than a lack of interest. Something might be done to remediate this situation next year.

Southern-Central European region, Miodrag Shrestha, Grupa 484 (Serbia)

The issue of the membership in the South Mediterranean region was raised: how can we revigorate membership in the region as only 4 members are represented in that region?

Is it possible to collaborate with Turkey on common issues?

Grupa 484 made a policy paper together with ECRE about refugee protection in Serbia: great success

Mediterranean region, Oktay Durukan, Helsinki Citizens' Assembly (Turkey)

The question of the forced return and lack of protection of the Afghans constitute a basis for potential collaboration in the Mediterranean Sea.

FTDA is launching a campaign. An elaborated ECRE campaign might be build on the model of the Iraqis ECRE campaigns. It might be possible to collect information and evidences from the ground on the topic of Afghani protection and returns through the circulation of a questionnaire at the initiative of the region.

EVALUATION FORMS REPORT

95 persons from Member organisations attended the Friday sessions, 43 evaluations were submitted = 45.3%

Attendance at previous ECRE Biannuals:

First time:10 persons = 23% **2-5 times:** 15 persons = 34.9% **More than 5 times:** 18 persons = 41.9%

Overall evaluation

		Very good	Good	SUB TOTAL	Average	Poor	Very poor	TOTAL
Organisation of the meeting	Nb of replies	28	14	42	1	0	0	43
	%	65,1%	32,6%	**97,7%**	2,3%	0,0%	0,0%	100,0%
Meeting rooms and equipment	Nb of replies	9	18	27	15	0	0	42
	%	21,4%	42,9%	64,3%	35,7%	0,0%	0,0%	100,0%
General structure of the agenda	Nb of replies	14	25	39	2	0	0	41
	%	34,1%	61,0%	95,0%	4,9%	0,0%	0,0%	100,0%
Quality of issues discussed	Nb of replies	17	23	40	3	0	0	43
	%	39,5%	53,5%	93,0%	7,0%	0,0%	0,0%	100,0%
Working groups sessions	Nb of replies	14	22	36	5	0	0	41
	%	34,1%	53,7%	87,8%	12,2%	0,0%	0,0%	100,0%
Opportunity to meet other member agencies	Nb of replies	30	13	43	0	0	0	43
	%	69,8%	30,2%	**100,0%**	0,0%	0,0%	0,0%	100,0%
Welcome Reception	Nb of replies	22	9	31	3	0	0	34
	%	64,7%	26,5%	91,2%	8,8%	0,0%	0,0%	100,0%
Social Evening	Nb of replies	19	16	35	4	1	0	40
	%	47,5%	40,0%	88,0%	10,0%	2,5%	0,0%	100,0%

- **Organisation of the meeting:** very well evaluated.
- **Meeting rooms and equipment :** main criticisms about the plenary room (too long, not great sound).
- **General structure of the agenda:** 95% thought it was good, good feedback about the 3 day programme and more workshops. Some comments that more time should be allocated to workshops
- **Quality of issues discussed:** Well evaluated.
  Panel on Stockholm programme was criticized while 2nd panel was considered very interesting. One evaluation mentions the lack of time for questions.
- **Working groups sessions:** Participants appreciated having more working groups and more topics but many criticisms on the outcomes of those workshops. Feel that too much discussion and not enough conclusions. Also mentioned that well-prepared workshops with documents sent beforehand and with initial presentation can help to focus the debate.
- **Opportunity to meet other member agencies:** 100% satisfied.
- **Welcome Reception:** Good evaluation. One suggestion to present the new staff and new members
- **Social Evening:** 88% satisfied. Main criticisms about venue (not great disposition, not easy for leaving speech, too sedentary…)

What were your expectations for this AGM?

Most participants mentioned that their expectations were to have an **update on various asylum issues**, including EU developments and other members activities as well as to be able to **network**.

Did this AGM meet your expectations?

Yes: 30 persons = 96.8% **No:** 1 person = 3.2%

What future sessions/topics would you like to see organised by ECRE?

The most suggested topics are

- detention
- integration
- return
- nexus asylum/migration
- external dimension