



Assistant High Commissioner
for Protection

Haut Commissaire Assistant
pour la Protection

94, rue de Montbrillant
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Geneva, 26 October 2018

Sir/Madam,

I am writing in relation to the recent paper published by Austria and Denmark entitled, “Vision for a Better Protection System in a Globalized World” and would like to share some initial observations, which I hope you will find useful.

Many of the issues contained in the paper have been discussed in the context of other initiatives. This includes the Vienna Process and the paper on the “Future European Protection System”. Some elements are in line with UNHCR’s vision, as set out in UNHCR’s paper on “Better Protecting Refugees in the EU and Globally”. We particularly share the view that much more needs to be done by the European Union and its Member States to develop sustainable asylum systems and promote access to fundamental rights in the regions that host the majority of the world’s refugees.

We agree that ensuring asylum-seekers are able to access effective protection and a dignified life in the main host regions could, indeed, help address the major drivers of onward movements and discourage them from taking desperate journeys in the absence of local solutions. The Global Compact on Refugees, with its focus on strengthening comprehensive solutions and innovative partnerships, including with the private sector, will help advance such efforts. To this end, we look forward to the continued support of EU Member States in the run up to its adoption later this year.

We also share the view that resettlement is a vital tool in providing access to protection for the most vulnerable refugees. In this regard, we encourage EU Member States to demonstrate their commitment to international burden-sharing and solidarity with the countries hosting the vast majority of the world’s refugees by expanding resettlement opportunities and complementary pathways. Resettlement is an essential element of precisely the kind of comprehensive approach needed, and now is the time to translate these commitments into action.

For our combined efforts to succeed, they will need to be underpinned by greater solidarity at the global level, with States sharing responsibility rather than seeking to offload responsibility

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onto other States or regions. With this in mind, we have encouraged EU Member States to continue to pursue the development and implementation in practice of a well-managed common asylum system that ensures access to territory, swiftly determines who is in need of international protection, supports those States most under pressure and delivers an efficient mechanism for the return of those who are found not to be in need of international protection.

It is worth noting that the number of arrivals to the European Union has greatly decreased, to less than 96,000 so far this year. Taking into consideration that developing regions host 85 per cent of the refugees under UNHCR's mandate – some 16.9 million people – the development of such a system would enable the European Union to manage the relatively smaller proportion of those who arrive in Europe. It would also provide a model for those States currently developing their own asylum systems.

UNHCR is concerned that an asylum system which focuses on transferring asylum-seekers out of the European Union to third States would discourage such States from developing their own asylum systems and provide little incentive, without “fair share” measures in place. It is, therefore, vital that EU Member States act in such a way that nurtures the development of fair and effective procedures, both internally and externally.

In this regard, the underlying concept of this proposal, which is to externalize asylum processing, is something that UNHCR cannot support, as we have stated in previous encounters. International refugee law requires that asylum applications be processed in the territory of the State where asylum-seekers arrive or which has jurisdiction over them. This means that asylum-seekers cannot be returned at the border, with the aim of shifting responsibilities.

Alternatively, UNHCR has proposed that accelerated and simplified asylum procedures be established in all EU Member States, as detailed in our paper entitled, “Fair and Fast – Accelerated and Simplified Procedures in the European Union”. UNHCR stands ready to support this initiative and provide technical guidance as required.

On tackling trafficking and smuggling, we share the view that more action is required and have set out a series of recommendations to this effect. In the specific context of the Central Mediterranean situation, together with IOM, we have proposed that a regional disembarkation mechanism be established to ensure more predictably disembarkation and the subsequent processing of persons rescued-at-sea. To be workable, the mechanism would require the engagement of all Mediterranean States, including those in the European Union. We look forward to continuing to engage with EU Member States on this key issue.

I hope that we can count on your support of the issues outlined above and would welcome further discussions on the way forward.

Please accept, Sir/Madam, the assurances of my highest consideration.

With best regards



Volker Türk