



Refugees' access to international protection:

16 recommendations to develop legal and safe pathways

April 2018

Contacts :

Jean-François Ploquin, Director General

direction@forumrefugies.org | +33(0) 6 16 17 77 21

Laurent Delbos, Advocacy Manager

ldelbos@forumrefugies.org | +33(0)6 22 20 46 96

Website : www.forumrefugies.org

Forum réfugiés-Cosi

Forum réfugiés-Cosi (FRC) is a French NGO that has been providing asylum seekers with accommodation and assisting with their integration since 1982. FRC is also involved in retention centres where it informs and assists those detained by ensuring that they know their rights. Throughout the asylum procedure, the Essor health centre provides medical appointments, psychological therapy and further protection. Since 2011, the association has also managed resettlement programmes as part of the agreement with the United Nations High Commissioner for Refugees (UNHCR), following the French government's pledges to welcome Syrians and sub-Saharan refugees. FRC also offers an access to the Floribert Chebeya resource centre that houses reference material on geopolitics, migrations and human rights; and proposes training for professionals and volunteers working in the field of asylum and migration, as well as future professionals in social work.

Through its advocacy, FRC also defends the fundamental rights of asylum seekers, of beneficiaries of international protection and of administrative detainees. At the European level, FRC is a member of the European Council on Refugees and Exiles (ECRE), of the European Network on Statelessness (ENS). It also participates in the consultative fora of the European Fundamental Rights Agency (FRA) and the European Asylum Support Office (EASO).

Since the summer of 2017, FRC has carried out a pilot project in Niger in partnership with the United Nations High Commissioner for Refugees (UNHCR). The aim is to facilitate safe and legal access to six European Member States (France, Spain, Italy, Germany, the United Kingdom, and Sweden), Canada and the United-States for people in Niger in need of international protection. FRC's office based in Niamey counsels and supports potential beneficiaries. Advocacy activities with diplomatic representations and political makers, aim to encourage them to open complementary pathways to host countries.

It is in light of this experience that FRC is publishing its position paper on legal pathways to international protection, a position paper that provides a sequence to the following recent publications:

[« Europe: External policies and asylum », February 2018](#) (French)

[« Propositions for a protective, supportive and responsible European asylum system », August 2017](#) (French)

Legal and safe pathways

In March 2018, in its progress report on the implementation of the European Agenda on Migration, the European Commission sought to maintain efforts to reinforce progress in its migratory policy. Thanks to its several agreements negotiated with countries that asylum seekers come from and transit, and to the reinforcement of the security of its external borders, there were 28% fewer irregular migrants coming into the EU than in 2014¹. In spite of this decrease, the protection needs in third countries are not declining. In its 2018 annual report on resettlement needs, UNHCR drew attention to the unprecedented level of forced displacements, and reckons that 1.2 million refugees are in need of a lasting solution². The central Mediterranean situation, which concerns 15 asylum and transit States along the migratory route, is particularly worrying. UNHCR has estimated that there are 277 000 refugees in need of resettlement in these countries. In September 2017, UNHCR launched an emergency call for 40 000 resettlement places³. In response to these needs, the principal political response has been to restrict rights to access, and to asylum in full respect of persons' dignity and their fundamental rights. In 2017, the International Organization for Migration (IOM) recorded 3 116 deaths and disappearances in the Mediterranean, and there have already been 498 deaths and disappearances in 2018.

Simultaneously the EU has decided to reform its legal migration policy. The European Commission has developed two resettlements programmes; the first one (2015-2017) with 20 000 places, and the second one (2018-2019) with 50 000 places. It has also proposed the creation of a European regulation on resettlement, in order to adopt common procedures in all member States. These commitments are still very limited in the face of to growing needs. Moreover, United-States, traditional a resettlement state, decided to drastically reduce its pledges. That is why UNCHR is particularly concerned about the decrease of places available for resettlement

In this context, Forum réfugiés-Cosi is calling on member states to implement legal and safe pathways for persons in need of international protection. Reaffirming their international commitment towards asylum right, they will avoid to these people to initiate risky, and often deadly, journey. This call joins European Union Agency for Fundamental Rights' opinions which has recommended EU increasing legal avenues to reach European territory thanks to a combination of refugee-related schemes and more refugee-friendly regular mobility schemes⁴.

By adopting unanimously at the UN in September 2016 the New-York Declaration for refugees and migrants, member states recognized the serious current needs and their shared responsibility to support the reception and accommodation of persons in need of international protection. Furthermore, the Global Compact on refugees, currently under discussion, also calls for the development of resettlement installations and complementary pathways.

If resettlement is a durable and protective solution for vulnerable refugees who are unlikely to be integrated in the first country that they reach, it should not be the only way envisaged. The development of legal and safe pathways includes pathways based on family and student mobility criteria; on the development and framing of private sponsorship programmes; and on the issuing of humanitarian visas within European harmonization procedures.

¹ European Commission, *European Agenda on Migration: Continuous efforts needed to sustain progress*, 14th March 2018, COM(2018) 250 final.

² UNHCR, *Match resettlement commitments with action: UN Refugee Chief*, 12 June 2017.

³ UNHCR, *Central Mediterranean situation: UNHCR calls for an additional 40,000 places resettlement places*, 11 September 2017.

⁴ European Union Agency for Fundamental Rights, *Legal entry channels to the EU for persons in need of international protection: a toolbox*, 2015.

TABLE OF CONTENTS

A. Resettlement: Legal pathway for the most vulnerable refugees... 5	
1. Increase the number of resettlement places	5
2. Reinforce reception mechanism for resettled refugees	5
3. Guarantee protection and long lasting resettlement	6
4. Do not use resettlement as migratory influx management tool and an external policy tool.....	6
B. Legal pathways based on family criteria	8
➤ Facilitating family reunification procedures that guarantee the right of refugees' families to stay together	8
5. Guarantee the access to family reunification to all international protection beneficiaries and stateless person.....	8
6. Reinforce processing mechanism of family reunification	9
7. Adapt conditions to prove family link	9
8. Reinforce the access to procedure.....	9
➤ Enlarge the family reunification criteria for the legal pathway through family sponsorship.....	10
9. Develop and reinforce family sponsorship mechanisms	10
C. Legal Pathway for student mobility.....	11
➤ Facilitate student visa issuance for refugees with a study project.....	11
10. Facilitate student visa procedure for refugees.....	11
➤ Commit to develop a reception policy for student refugees and sponsorship mechanisms.....	12
11. Reinforce support mechanisms in registration procedures in higher education	12
12. Develop and reinforce reception of student refugees thanks to sponsorship	12
Why support private sponsorship?	14
13. Guarantee additional places	14
14. Establish a clear legal framework.....	14
15. Define the role and the responsibility of the sponsor	15
16. Guarantee follow-up and sustainability of private sponsorship programmes	15
Annex: For a European approach to the humanitarian visa.....	16

Resettlement: Legal pathway for the most vulnerable refugees

Resettlement is an established procedure under the aegis of UNHCR which includes the selection and transfer of refugees from a first asylum country to a third country which accepts them as refugee with a permanent residence statute. For those refugees that have no possibility of being integrated or properly protected, their transfer with resettlement is an essential tool for protecting them. Resettlement depends on the specific needs of refugees such as life, freedom, security, health and any other fundamental human rights that may be threatened in the country where they find asylum⁵.

1

Increase the number of resettlement places

In September 2017 the European Commission has started a new resettlement programme for 2018 and 2019 including 50 000 places. Today, only 19 member States have pledged for 39 758 places by 2019⁶. Even if this is a move in the right direction, it does not meet the assessed needs by UNHCR for 2018.

Forum réfugiés-Cosi regrets that United States, a country with a long and traditional experience as a resettlement has decided to reduce its pledges from 110 000 places to 45 000 places for 2018⁷.

Forum réfugiés-Cosi calls countries to increase their pledges for resettlement. In order to better respond to the needs assessed by the UNHCR, Countries need to commit durably and over several years as recommended in the Global Compact for Refugees' Zero Draft.

Forum réfugiés-Cosi welcomes the European Parliament's position proposing that the next European regulation on resettlement commit to 20% minimum of assessed needs by UNHCR, representing 250 000 places for 2018.

2

Reinforce reception mechanism for resettled refugees

Forum réfugiés-Cosi recommends the reinforcement of reception mechanisms and the guarantee of sufficient human and financial resources to enable adequate reception and support for resettled refugees.

National resettlement pledges must be followed by the reinforcement of reception and integration mechanisms. France has committed to receive 10 000 resettled refugees as part of the 2018-2019 programme. Forum réfugiés-Cosi welcomes this commitment, but France has not fulfilled its previous pledges for 2016-2017, putting more pressure and responsibility on those receiving refugees, and has not proposed additional means for adequate reception and support.

Reception of resettled refugees must include

⁵ UNHCR, *Resettlement guide*, 2015.

⁶ European Commission, *Future-proof migration management: European Commission sets out way forward*, 7 December 2017.

⁷ U.S. Department of State, *Background Briefing: U.S. Government Officials on the refugee cap for fiscal year 2018*, 27 September 2017.

- Reinforced programmes in pre-departure countries (language training, information on the country and its reception conditions),
- An engagement and cooperation policy with local authorities to facilitate reception and housing,
- Increased means to meet specific medical needs.
- If the receiving country has chosen to prioritize rural areas to resettle refugees, it must support local authorities in their commitment to this policy and adopt an inclusive approach to allow refugees to integrate satisfactorily in the new country of asylum.

3

Guarantee protection and long lasting resettlement

Resettlement should not be seen as a substitute for the procedure for seeking asylum in the country concerned: It should not be the only legal pathway to asylum. Resettlement pledges must not mean that countries do not have to respect their international commitments: the 1951 Geneva Convention, the 1950 European Human Rights Convention, and the 2000 Fundamental Rights Charter – binding since 2007 – and the Lisbon Treaty. The framework for resettlement is clearly set out by UNHCR and is a response to the need for protection and durable solutions for refugees waiting in a third countries without sure, safe and reliable integration perspectives. Resettlement must remain a complement to the asylum procedure in reception countries.

Thus, the objective presented by the European Commission in its proposed regulation for resettlement to “*reduce the risk of a large-scale irregular inflow of third-country nationals or stateless persons to the territories of the Member States, thereby reducing the pressure of spontaneous arrivals on the Member States’ asylum systems*” must be deleted.

Moreover, resettlement must not replace other additional legal pathways, such as family reunification. There is a perfectly legal avenue guaranteed by the right to refugees’ families to stay together. In UE which is set out by the directive 2003/86/EC. Forum réfugiés-Cosi insists that family members living legally within Europe should not be part of the resettlement regulation.

4

Do not use resettlement as migratory influx management tool and an external policy tool

Forum réfugiés-Cosi is concerned at the European Commission and Council of European Union’s approaches as part of negotiations on European regulation on resettlement.

Forum réfugiés-Cosi recommends that the European Commission. Council of European Union abandons its prioritization based on geographical zones and the level of cooperation of third countries as part of agreements and cooperation programmes on borders managements. The Council of Europe’s proposals for resettlement according to “*the Union’s overall relations with the third country or countries from which Union resettlement or humanitarian admission occurs*” must also be abandoned. Geographic prioritization must be based on the annual assessment and priorities identified by UNHCR.

Moreover, the European Commission has proposed that it should exclude from this regulation all persons who have tried to enter Europe illegally during the last five years. This provision must be removed, since it introduces a dangerous distinction between “legal” and “illegal” refugees, and uses resettlement as a migratory influx management tool, and compromises its protective role. Furthermore, it implies that resettlement will become the only legal pathway to

the right to asylum, and will penalize people who have tried to lodge an asylum claim after entering the European space.

Examples of good practices

A study of resettlement made by the Federal German Office on Migration (BAMF) and a study from the expert council of the German Foundations for Integration and Migration demonstrate that centralized management of the first reception over a 14 day period has a positive impact in Germany. A number of specific aspects are highlighted:

- *translation services made available,*
- *provision of clothes,*
- *medical care,*
- *support services, such as the possibility to prepare the asylum seeker's reception in municipalities,*
- *Pre-departure courses as well as "A guide to Germany".*

In the United-Kingdom, IOM organizes information sessions on refugees' countries of origin for reception communities, local authorities, operators and all stakeholders involved in the reception of refugees. These sessions help those receiving refugees to understand those that they receive. These tools complement the pre-departure preparation for refugees who receive information about the countries that will receive them.

Legal pathways based on family criteria

➔ **Facilitating family reunification procedures that guarantee the right of refugees' families to stay together**

Family reunification is a legal procedure allowing a beneficiary of refugee statute, subsidiary protection, or a stateless person to be reunited with their family. This mechanism is clearly set out by the law and includes strict criteria and procedures defined by the countries laws. It is a way of guaranteeing the right of families to stay together, recognized and guaranteed by a number of legal instruments, among which the 1948 Universal Declaration of human rights, the 1966 International Pacts on civil and political rights, and economic, social and cultural rights, the International Convention of child' rights, the European Convention of human rights and EU Fundamental rights Charter. Through these instruments, countries commit to facilitate family reunification.

The final Act of the 1951 Refugee Convention also recommends that necessary measures be taken to protect refugee's family, especially when family's chief is fulfilling all criteria to be admitted in the country. UNHCR's Executive Committee adopted a series of conclusions on the fundamental importance of family unity and reunification as an integration key for international protection beneficiaries in host countries. States also recognized in the 2016 New-York Declaration the important place of family reunification in legal and safe migration, and its positive impact on family unity and for social integration's promotion.

In European Union, the directive 2003/86/EC frame the family reunification right and include specific provisions for refugees in the chapter 5, article 9.

In spite of these legal frameworks and national commitments, procedures are extremely difficult, long, and complex for split families. However, according to the OECD's study⁸, family reunification is the complementary legal pathway which could offer protection to most of people, even if it is only concerns spouses and children. It is essential to reinforce this pathway to respond to all protection needs. The simple respect of this right would enlarge protection space and respect refugees' rights.

5

Guarantee the access to family reunification to all international protection beneficiaries and stateless person

For the last few years, several countries such as Germany, Austria and Sweden, have implemented restrictive criteria to family reunification procedures, notably for subsidiary/qualified protection beneficiaries or reducing the time limit for lodging a demand. Forum réfugiés-Cosi reminds States that they must respect their commitments to refugee family unity and to guarantee its implementation. Temporary or permanent restrictions jeopardize the integration process of refugees in their host countries.

⁸ OECD, International migrations' perspectives, 2016

6

Reinforce processing mechanism of family reunification

Forum réfugiés-Cosi appeals to countries to simplify procedures and to reinforce their capacity for processing files in order to be more efficient and provide shorter delays. This position fits into UNCH's recommendations on the European directive 2003/86/EC for a better implementation of family reunification⁹.

States must ensure that staffs in charge are correctly trained in procedures and informed about the forced displacements suffered by families.

Excessive duration of procedure was judged by the European Court of human rights as a violation of the article 8, concerning the right to private life, of the European Convention of human rights. Authorities must process the requests without delay, especially when children are involved¹⁰.

7

Adapt conditions to prove family link

Providing administrative documents requested by authorities to prove family links can be particularly difficult for families in exile. Official documents (passports, birth, wedding and adoption certificates...) are not always available due to weak civil systems in several third countries, or due to the complex departure circumstances of those concerned. The European directive clearly states that a request cannot be rejected on the sole ground of a missing document, and that authorities have to consider all types of proofs.

Forum réfugiés-Cosi appeals to countries to apply this principle embodied in the directive and to consider other forms of proof to facilitate family reunification such as testimonies, family photos, email and phone conversations, and the account in the request for asylum of the refugee.

8

Reinforce the access to procedure

Forum réfugiés-Cosi appeals to countries to facilitate the possibility for refugees to initiate the request of family reunification, rather than obliging family members, who do not always have the possibility, to go to a consular post to initiate the procedure. All countries do not host diplomatic representation of host countries, and the journey to reach the consular post can also be dangerous, especially in the case of conflict.

Moreover, a better coordination between European members States consular posts on the registration and processing of family reunification would reinforce accessibility to the procedure. Forum réfugiés-Cosi recommends that article 8 on consular cooperation of the EU Visa Code is used in this way to facilitate procedure, especially in the case of humanitarian crises.

⁹ UNHCR, Refugee Family Reunification. *UNCHR's Response to the European Commission Green Paper on the Right to Family Reunification of Third Country Nationals Living in the European Union* (Directive 2003/86/EC), February 2012

¹⁰ ECHR, *Tanda-Muzinga.v.France*, Application n°. 2260/10, Judgement of the 10th July 2014.

➔ Enlarge the family reunification criteria for the legal pathway through family sponsorship

9

Develop and reinforce family sponsorship mechanisms

Most of states restrict family reunification to the nuclear family: that is spouses, children under 18, and parents for minor refugees. These family links need to be established before the refugees' arrival in the host country. Family reunification with others members remains optional and is subject to strict conditions, such as the dependency of family members on refugees present in the host country.

Forum réfugiés-Cosi recommends that states develop and reinforce family sponsorship mechanisms allowing a person, whether a refugee or not, to be able to welcome their extended family members when they are affected by a conflict or if they have international protection. These programmes would widen reception to extended family members who are not fulfilling current family reunification procedures. Following the principle of private sponsorship, the sponsor can commit to covering reception and housing costs, whilst the authorities, for their part, can facilitate legal admission and residence in the territory.

Examples of good practice

In Germany, several federal states (Länder) have implemented mechanisms to welcome privately sponsored Syrian by their family in Germany. Initiated in August-September 2013, it allows welcoming extended family members of persons residing in Germany, provided that sponsors commit to taking in charge transport and housing costs for the duration of residence in Germany. 10 000 persons have benefited from this programme.

In Switzerland, from the 4th September to the 29th November 2013, visa criteria for Syrians who had family members in Switzerland were temporarily relaxed for extended family members. Family links had to be proved in a credible and comprehensive way without the obligatory provision of civil documents given the difficult situation in Syria. Financial circumstances were not examined. 8 200 application were received, 3 749 visas were provided.

In Ireland, the Justice Department opened a humanitarian admission programme between the 14th March and the 30th April 2014 to allow persons affected by the Syrian conflict to join their family members living in Ireland. The programme offered a temporary residence of up to 2 years. Applications could be made by up to 4 of the most vulnerable family members, of which 2 were prioritized in first instance. This 2 persons' quota was flexible to avoid breaking family unity. The Irish Justice Department received applications for 308 persons, of which 111 were authorized to come in Ireland.

Legal Pathway for student mobility

As OCDE report makes clear, the majority of refugees are young and some are sufficiently well qualified to follow or resume university studies¹¹. Supporting the study projects of international protection beneficiaries, who would like to study or resume their disrupted studies, will reinforce these refugees' skills, empower them, and actively contribute to the host society's development. The skills they acquire could be also invaluable in the reconstruction of their post-conflict countries

Moreover, UNHCR has identified several conditions to ensure sustainable education programmes for student refugees: financial support must

- include direct and indirect studies costs and living costs,
- take into account their refugee statute and
- allow them to Implement suitable university programmes,
- preserve their legal statute and their rights,
- allow for clear mechanisms after graduation.

➔ Facilitate student visa issuance for refugees with a study project

After have been registered and accepted by a higher education institution, refugees must appl for a student visa at the consular authorities. Every State has its own procedures and terms to grant a visa.

10

Facilitate student visa procedure for refugees

Forum réfugiés-Cosi recommends that States simplify and facilitate visa procedures for refugees. For example, student refugees should benefit from the exoneration of visa fees, and get information on scholarship and sponsorship possibilities instead of requiring financial guarantees, a major obstacle for refugees who would like to start studies.

Moreover, as they cannot use their passport because of their statute, refugees should have the possibility to obtain and present travel document provided by the UNHCR or authorities in charge.

Forum réfugiés-Cosi recommends that authorities preserve the rights and legal statute of refugees, and to not refuse a student visa to a refugee who has a study project for the only fear that they could settle in the long term after the end of their studies. Mandatory return to their countries of origin cannot be considered for refugee students. Policies must plan clear mechanisms for student refugees after finishing their studies. Professional integration support after getting the diploma should be integrated to allow professional commitment in the host country or another one. They should benefit from a residence authorization in order to facilitate their job research and to provide integration perspectives.

¹¹ OECD, Op.cit.

➔ **Commit to develop a reception policy for student refugees and sponsorship mechanisms**

Study projects can be supported by scholarships or sponsorship mechanisms. They can be implemented by universities, national or regional authorities, by civil society, or by the private sector. They provide a safe and legal pathway to third countries, and opportunities to fulfil their study project, to build their professional and personal future, to reinforce the community and the host society thanks to cultural exchange.

11

Reinforce support mechanisms in registration procedures in higher education

The first step is registration in education institutions. University and private schools have the right to accept or not the student's application according to their own selection criteria. However, according to national mechanisms, several institutions provide support to student in their application from third countries. Moreover, several education institutions have implemented specific reception, training and integration mechanisms for refugees.

Forum réfugiés-Cosi is calls for better information sharing and communication towards student refugees on existing mechanisms and initiatives developed in several education institutions. Despite the development of tools at European level or in universities, these programmes are not well known to student refugees as they consider the possibility of starting or resuming their studies in a new host country.

Moreover, as part of the selection process, degree and skills recognition is essential. Student refugees do not have always the possibility to provide proof of their previous education and degree. Higher education institutions should develop new tools to assess education levels and skills thanks to online exams or interviews, in order to facilitate recognition of the applicants' academic level.

Forum réfugiés-Cosi especially recommends the full implementation and respect of the Lisbon Convention on qualification recognition ratified by 53 countries, and its article 7 dedicated to refugees. Implementation of specific procedures in centres ENIC-NARIC (European Network of Information Centres - National Academic Recognition Information Centres) is encouraging. The existence of these centres should be made better known to all those working with refugees.

12

Develop and reinforce reception of student refugees thanks to sponsorship

The reception of student refugee requires a collective mobilization by political authorities, universities, NGOs and civil society. Forum réfugiés-Cosi recommends developing and reinforcing a programme which allows for the full and adequate care of refugees' needs. These sponsorship programmes would provide financial support and could include support for the refugee's integration (language training, housing, administrative help, cultural orientation, social support...).

Sponsorship programmes and scholarship must cover education costs, as well as decent accommodation for refugees without their needing to seek finance. They should also provide the financial guarantee required by consular authorities as part of the visa procedure. Companies can also play a key role in financing professional training programmes and facilitating the socio-professional integration of refugees in the labour market.

Example of good practices

The inHERE project (Higher Education Supporting Refugees in Europe) aims to facilitate access for refugees to European higher education institutions and to support their integration in host communities. It is part of an Erasmus+ programme managed by the Union of Mediterranean Universities in charge of its coordination and in partnership with the European Universities Association, Camus France, Barcelona University, and Sapienza University. The project includes several activities such as a mapmaking of European initiatives set up in universities (Refugee Welcome Maps). It promotes good practice exchanges for the reception of refugees, provides political recommendations and organizes events for education institutions' representatives or actors involved in the reception of refugees.

The MEnS network (Migrants in higher education) was created in September 2017 and comprises 38 universities and 2 private schools; all committed to the reception of migrants and refugees students in France. Mechanisms implemented include certified French training, orientation services, qualification and study assessment, and administrative support. Its members hope to maintain this reception in universities' missions and call for policy makers to support committed education institutions, and to ensure social rights access for P.H migrants, asylum seekers and refugees.

Bard College of Berlin in Germany has implemented international education and social changing programme for students from regions in political, social or economic crisis. The programme has supported Syrian, Iraqis and Afghans students for a full four years education course.

Why support private sponsorship?

Private sponsorship is based on a public-private partnership: the authorities assist with legal admission and the housing of the beneficiaries, and actors in the private sector provide financial, Administrative, social and administrative support. Thus civil society has a central role in the reception of refugees. There are two kinds of private mechanisms:

- Permanent private sponsorship mechanisms
- Temporary programmes to support and finance the implementation of legal and other pathways.

Private sponsorship, which has been developed chiefly in Canada and Australia encourages the empowerment and the integration of refugees in the host country. It also reinforces co-operation between different actors involved in the asylum process; the state itself, NGOs, local authorities, civil society and the private sector. As identified by the UNHCR¹², Forum réfugiés-Cosi recommend that private sponsorship programmes are based on key aspects:

- Private sponsorship places must always be additional to resettlement places;
- Sponsored persons should be refugees in need of durable solutions outside of their current host country;
- Sponsored refugees should receive the same legal statute and same rights than resettled refugees;
- Fundamental needs of sponsored refugees must be fulfilled.

13

Guarantee additional places

Forum réfugiés-Cosi believes that private sponsorship programmes can open new and additional places through resettlement mechanisms and other legal pathways. This mechanism must open additional places in order to widen protection space.

Sponsorship can be used to facilitate family reunification for extended family members who do not fulfil criteria, or for subsidiary protection beneficiaries who do not have access to family reunification (cf. Family sponsorship). Nevertheless, private sponsorship must not substitute family reunification and must offer additional places.

Sponsorship can also be used to support student visa in the form of alternative scholarship including financial and integration support (cf. Student sponsorship). Sponsors could ensure financial guarantee required by several States in visas procedures, propose administrative, reception and integration support for refugee students.

14

Establish a clear legal framework

Every private sponsorship mechanism must be clearly defined including a definition of each step:

- Identification in departure country;
- Validation of files;
- Transport organization;
- Reception and support mechanisms;
- Duration of sponsor's support.

¹² UNHCR, Establishing private sponsorship resettlement programmes in Europe and Sample Checklist.

Forum réfugiés-Cosi recommends that this procedure is clearly defined in a partnership agreement as part of a temporary programme, or in the legal framework for a permanent programme. A partnership convention or agreement protocol between organizations in charge of sponsorship and authorities is essential. This document must precisely define commitments from each other as part of the sponsorship.

It is essential that the sponsorship mechanism clearly defines if beneficiaries must or not be recognized as refugees before arriving in the host country, as this has major consequences for persons at their arrival and the applicable procedure.

15

Define the role and the responsibility of the sponsor

It is necessary that each actor's role be clearly defined, as well as the methods of cooperation and information sharing. Sponsors' roles significantly vary according to mechanisms and countries, in particular concerning identification and selection of potential beneficiaries. Forum réfugiés-Cosi's view is that sponsors must be committed as soon as potential beneficiaries are identified by specialized organizations in departure countries, whether it is UNHCR, IOM or NGO.

However, as soon as persons are identified and authorities validate their reception in host countries, sponsors should be involved in the preparation of the refugee's reception. The sponsor's role is essential to guarantee the best reception and support in the host country. The sponsor's role is essential in the establishment of a legal and safe pathway to favourable integration conditions.

Furthermore, the sponsor's role must not be a substitute for the state. Financial support conditions must be clearly defined and the financial capacity of sponsors taken into consideration. It should not remove the State's and local authorities' responsibilities for facilitating access to the territory and to the economic and social rights of refugees. Careful attention should be paid to the local authorities' role, and they should be committed at the beginning of the procedure. Commitment of government must also be guaranteed at local level to facilitate reception and integration of refugees.

Every private sponsorship system must define the selection, authorization and control procedures of sponsors. It is essential to know who is taking charge refugees and to check their capacity to ensure financial and emotional support. Reception and integration steps must be well prepared in the formulation of the programme and necessary partnerships must be implemented, including with local authorities, public agencies and services, private sector and local communities. The legal framework must be clearly defined concerning the duration of the sponsor's commitment towards refugees. Usually, the duration is 12 months.

16

Guarantee follow-up and sustainability of private sponsorship programmes

Forum réfugiés-Cosi recommends that sponsors are followed up and controlled in their activities, and include protection procedures for refugees if sponsors are not able to guarantee their commitment. Support mechanisms and training support must also be implemented in order to ensure quality and the ability to reinforce the sponsors' support.

Regular follow-up of programmes and assessment will allow issues to be identified, to work together on solutions, to provide support and appropriate trainings, and *in fine* to guarantee the programmes' quality.

Annex

For a European approach to the humanitarian visa

States should issue humanitarian visas to allow persons the most in need of international protection to join a host country safely and legally. Forum réfugiés-Cosi calls on states to make humanitarian visas more readily available to respond to special situations such as humanitarian emergency, risk of inhumane, degrading treatments or torture, where it is necessary that the person leave their country or transit country as soon as possible. This mechanism must be complementary to the right to lodge an asylum application in a European territory, and to see this application registered and treated in the full respect of fundamental guarantees regarding asylum rights.

Initiate a European approach to the issuing of humanitarian visas

European member States should agree on a common approach policy to the humanitarian visa in order to reinforce and better coordinate current mechanisms as set out in articles 19 and 25 of the Schengen Visa Code. Forum réfugiés-Cosi welcomes the European Parliament's decision to relaunch the debate in European governing bodies following the failure of interinstitutional negotiations in 2016 and 2017. The European Parliament has announced its decision to apply its legislative prerogative by asking the European Commission to propose a specific regulation on humanitarian visas, distinct from the Schengen Visa Code.

Develop procedural guarantees to open legal and safe pathway thanks to the European humanitarian visa

Forum réfugiés-Cosi calls on the European authorities to implement a specific, flexible and fast procedure in order to respond to urgent situations.

The humanitarian visa must be a way for States to respond to their international engagements to develop safe and legal pathways. This new European framework must allow all persons in need of international protection to request a humanitarian visa directly to an embassy or consulate of a Member State.

Forum réfugiés-Cosi also recommends that the standard period of Schengen short visa of 90 days be extended to 12 months and be renewable.

Forum réfugiés-Cosi recommends that a coordinated system of humanitarian visas between European consular bodies is implemented to facilitate access to visa application in countries with limited consular representation.

Examples of good practice

The Brazilian National Commission for Refugees (CONARE) has implemented a special procedure in its consular bodies in order to facilitate visa issuance for humanitarian reasons for Syrians and nationals from countries affected by the Syrian conflict, and who wish to lodge an asylum application in Brazil. Since 2013, 7 976 visas have been delivered.

In 2015, CONARE has established a partnership with the UNHCR to reinforce its facilitation systems to deliver visas. This cooperation agreement includes information exchange, expertise, good practices, capacity and technical building on the identification and interview process of potential candidates.