

## Position paper



## Safe pathways

to international protection  
in the EU

European National Red Cross Societies<sup>1</sup> and the International Federation of Red Cross and Red Crescent Societies (IFRC), make the following recommendations to further encourage the European Union (EU), its Member States and EU-associated countries to ensure that access to safe pathways to Europe is facilitated:

- » Grant priority for resettlement to the most vulnerable people and ensure complementarity with other instruments.
- » Uphold the principle of global solidarity and avoid the use of resettlement as a tool to leverage third countries' cooperation on migration management.
- » Invest in high-quality reception conditions and access to services, including integration, for all refugees.
- » Ensure adequate financial, logistical and capacity-building support to improve resettlement programmes.
- » Encourage clear criteria for community sponsorship eligibility, and ensure non-differential, durable solutions to newcomers.
- » Capitalise on the grassroots elements of community sponsorship and support its sustainability.
- » Improve information, civil society and humanitarian organisations' involvement and financial support to facilitate access to humanitarian visas.

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**Safe pathways can provide much-needed alternatives and help to reduce the number of people who go missing or die along migratory routes.**”

# Position paper

The number of persons in need of international protection has been sharply increasing globally since 2012, reaching a peak of 42 million people by mid-2022 according to the UN High Commissioner for Refugees (UNHCR).<sup>2</sup> The adverse impact of COVID-19 and climate change on livelihoods and access to social protection systems,<sup>3</sup> the multitude of protracted refugee situations, and the emergence of new displacement and humanitarian crises in recent years (mainly from countries such as Afghanistan, Myanmar, South Sudan, Syria, Ukraine and Venezuela), have contributed to this rise.

At the same time, the options to reach the European Union (EU) through regular and safe pathways have been limited. The persons concerned are often obliged to take dangerous routes to reach a country of asylum in the EU, risking their life or being exposed to exploitation from smugglers or other serious harm, since few alternatives for safe passage exist. Creating pathways<sup>4</sup> which allow asylum seekers to reach Europe safely and apply for international protection could help address this situation.<sup>5</sup> Safe pathways should be considered an addition to territorial asylum, meaning that they offer other opportunities to access protection<sup>6</sup> alongside the traditional way of applying for asylum once within the territory of an EU Member State including at borders. As such, safe pathways can provide a much-needed alternative and help reduce the number of people who go missing or die along their migratory route.<sup>7</sup>

Over the last decade specific recommendations has been put forward by National Red Cross Societies to tackle the lack of safe pathways to the EU during big displacement emergencies,<sup>8</sup> yet little improvement has been made in this area. Since the first position paper on supporting the implementation and expansion of legal pathways, National Red Cross Societies have continued to support states in implementing and expanding safe pathways to Europe as part of their role as auxiliaries to public authorities in the humanitarian field. The expertise developed is described in the recently published

An integration ambassador from Somalia comes into the classroom to promote cultural exchange, Vienna, October 2019. © Thomas Holly Kellner / Austrian Red Cross







A group of 114 people were rescued from a rubber boat in distress in international waters off Libya by the Ocean Viking — a search and rescue ship chartered by SOS MEDITERRANEE in partnership with the IFRC — after a night-long search, 2021. © Laurence Bondard / SOS Méditerranée

Handbook on safe avenues to access protection in Europe.<sup>9</sup>

The purpose of this position paper is to update and reiterate the recommendations of European National Red Cross Societies and the IFRC, to further encourage the EU, its Member States and EU-associated countries to ensure that access to safe pathways to Europe is facilitated. The position paper focuses on resettlement, community sponsorship and humanitarian visas, and offers recommendations for their optimal implementation based on the National Red Cross Societies' operational experience.

## **Background**

Safe, regulated pathways or avenues is used in this paper as an umbrella term to refer to the resettlement of refugees under a global initiative, such as the one run by the UNHCR.<sup>10</sup> It also encompasses other humanitarian admission schemes which include protected entry procedures, such as humanitarian visas, private or community sponsorship programmes or 'humanitarian corridors',<sup>11</sup> which have been set up, for example, by

faith-based organisations in Italy, France and Belgium. Labour mobility and educational pathways can also facilitate refugees' entry and stay in another country. Humanitarian admission schemes, labour mobility and education pathways are defined by UNHCR as "complementary pathways: safe and regulated avenues that complement refugee resettlement and by which refugees are admitted in a country where their international protection needs are met".<sup>12</sup> As such, complementary pathways intend to address the shortfall between the number of refugee resettlement quota available each year and the number of refugees in first countries of asylum who are extremely vulnerable and cannot access other durable solutions, such as local integration or voluntary, safe and dignified return to their country of origin.

Under the Global Compact on Refugees,<sup>13</sup> which provides for greater cooperation and solidarity among states in relation to refugees and host communities, a significant number of European governments have committed to increase their participation in resettlement programmes and contribute to increasing the number of people resettled globally.





A family mobile team of the Red Cross Society of Bosnia and Herzegovina, April 2019. © Red Cross Society of Bosnia and Herzegovina

Additionally, signatory states are expected to expand the availability and range of legal complementary pathways for people in need of international protection.<sup>14</sup> Delivering on these commitments is an opportunity for the EU and its Member States to rethink and recalibrate their approach to asylum and migration policies.<sup>15</sup> Developing additional pathways for the reunification of extended family members, while first and foremost adhering to refugees' right to family unity under the EU family reunification framework, is also a priority to reinforce the international protection regime and expand the protection space. Recurring pledging conferences on resettlement, as well as global events such as the Global Refugee Forum, represent a chance to take stock of the progress made in expanding safe pathways, and identify opportunities and good practices, including from other world regions.

In September 2020, the European Commission published a communication on promoting legal pathways to protection in the EU,<sup>16</sup> referring

to a variety of regulated pathways such as resettlement and humanitarian admission schemes. To this end, the Commission has made funding available through the Asylum Migration and Integration Fund (AMIF) to further support the set-up of transnational programmes in this field across Member States.<sup>17</sup>

Despite positive political commitments by the EU and associated countries to increase access to resettlement and other pathways,<sup>18</sup> safe pathways to international protection remain underused and their cumbersome implementation hampers the achievement of meaningful outcomes.<sup>19</sup> The lack of clarity on the scope, procedure and selection criteria makes it difficult for the vast majority of people seeking international protection to access these pathways. For example, private or community sponsorship programmes are limited to a small number of individuals, often restricted in time and geographical areas, and include long processing times. Similarly, humanitarian



visas, although a crucial tool for facilitating regulated access to the EU for people who face acute danger and cannot benefit from resettlement or humanitarian admission, remain a discretionary and exceptional practice. In addition, the European Commission has so far not proposed a regulatory framework with common rules to access this type of visa.<sup>20</sup>

The activation of temporary protection in March 2022, in response to the massive displacement from Ukraine, provided for the first time a concrete solution in the EU to a large number of displaced people, demonstrating what is possible when humanity is put at the centre of the emergency responses. The commendable spirit of solidarity that animates the implementation of the temporary protection directive should give inspiration to develop safe solutions for protection regardless of refugees' country of origin and nationality.

## **Our Recommendations**

This position paper draws on the longstanding expertise of European National Red Cross Societies<sup>21</sup> and the IFRC in supporting beneficiaries of international protection.

### **1. Resettlement: a life-changing practice to secure a new start for the people most at risk**

Resettlement is the transfer of recognised refugees from a first country of asylum to another state which has agreed to admit them and ultimately grant them permanent residence. Resettlement is a life-changing tool and long-term solution offered to refugees who, due to their specific conditions,<sup>22</sup> see their fundamental rights as being at risk in the country where they first sought asylum.

**“ EU Member States and associated countries should increase the annual number of resettled refugees, to match Europe’s responsibilities with global needs. ”**

Despite mounting global resettlement needs,<sup>23</sup> ‘competing priorities’ have recently curtailed the resettlement efforts of EU Member States. First, the COVID-19 pandemic led to a severe disruption of resettlement operations in 2020 and 2021, with record-low resettlement scores<sup>24</sup> whereby states failed to fulfil their pledges. Second, the unprecedented number of people displaced by the Russia-Ukraine international armed conflict has further put reception capacities under strain in several European states, exposing existing structural deficiencies in the preparedness of asylum and reception systems. These developments have impacted European countries’ resettlement commitments, especially from regions facing acute humanitarian emergencies.<sup>25</sup> National Red Cross Societies in the EU have joined civil society organisations (CSOs)<sup>26</sup> and UN agencies on several occasions in calling on EU Member States to increase the number of resettled refugees on an annual basis.

In December 2022, the EU agreed on its Resettlement and Humanitarian Admission Framework.<sup>27</sup> This instrument provides rules to enhance the predictability of the EU resettlement scheme, prioritising UNHCR Projected Global Resettlement Needs<sup>28</sup> in the selection of the world regions from which resettlement shall occur. An important step towards the commitments under the Global Compact on Refugees, this framework presents a tangible expression of international solidarity and responsibility sharing across world regions. However, it leaves to EU Member States the task to present their two-year resettlement and humanitarian admission plans and identify the total number of persons they intend to resettle, including through humanitarian or emergency admission. While the two-year plans may offer better predictability, they also risk reducing the flexibility of the instrument, with the result that emergency admissions would be deducted from the overall plans, instead of being added on top of them. Hence, it does not guarantee per se an increase in resettlement ambitions.

We call on EU Member States and associated countries to:

- » Commit to increase the annual number of resettled refugees, to match Europe’s responsibilities with global needs. All EU Member States should take steps to advance towards the development of national resettlement programmes within the Union Framework.



“ **Protection needs and vulnerability must remain the primary criteria for selecting refugees to be resettled.** ”

- » Address emergency humanitarian situations through additional resettlement programmes on top of existing quotas. The recent situation of people fleeing Afghanistan illustrates the need for the EU to provide an immediate response to an unfolding crisis, while ensuring the continuity of resettlement programmes for refugees from the rest of the world.

### 1.1 Grant priority to the most vulnerable people and ensure complementarity with other instruments.

Resettlement is a life-changing pathway for refugees with acute vulnerabilities. Priority should always be given to the most vulnerable people, including women and children at risk, survivors of violence and torture, refugees with legal or physical protection needs (including on the basis of gender identity and sexual orientation), refugees with medical needs and refugees lacking alternative durable solutions, in particular when in a situation of protracted displacement. While family unity should be preserved within resettlement procedures, having family members in an EU Member State, or presenting social links and characteristics which could facilitate integration, should not represent per se a primary reason to select a candidate. This should be particularly considered by Member States when implementing the Union Resettlement and Humanitarian Admission Framework.

We call on the EU, its Member States and associated countries to:

- » Ensure that protection needs and vulnerability remain the primary criteria for selecting refugees to be resettled. While the inclusion of family ties as an eligibility criterion under the Union Resettlement and Humanitarian Admission Framework could provide a way to overcome the narrow interpretation of family reunification rules in the EU Family Reunification Directive, the objectives of the two instruments should remain separate.
- » Ensure that the family unity of resettled people is upheld, and that all members of the refugee’s nuclear family as well as dependent family members are resettled together.

### 1.2 Uphold the principle of global solidarity and avoid the use of resettlement as a tool to leverage third countries’ cooperation on migration management.

Resettlement is sometimes seen by the EU and Member State representatives as an instrument to leverage cooperation with third countries on migration control and readmission of returnees.<sup>29</sup> However, such an approach contradicts the humanitarian purpose of this instrument, namely to contribute to global solidarity and address protection needs, and should therefore be avoided.<sup>30</sup>

We call on the EU and its Member States to:

- » Implement resettlement as a humanitarian instrument, an instrument for responsibility



sharing and as an expression of solidarity with third countries hosting large numbers of refugees. The numbers and profiles of refugees that governments agree to resettle should demonstrate a commitment to share global responsibility, which currently disproportionately falls on the shoulders of countries neighbouring conflict zones.

- » Ensure that resettlement is not a substitute for access to international protection in the EU as defined by international and EU law. Resettlement efforts do not relieve EU Member States from their obligations to establish and sustain high-quality and human rights-compliant asylum procedures that enable people to seek asylum within the EU's territory.

### 1.3 Invest in high-quality reception conditions and access to services, including integration, for all refugees.

We welcome the fact that successful resettlement programmes include comprehensive pre-departure assistance, high-quality reception conditions and swift access to integration measures, which can be planned in advance. Nevertheless, investing in qualitative services and access to rights for resettled refugees should not create a two-tier system where resettled refugees benefit from

better services and opportunities than persons who apply for asylum (and eventually obtain it) in the EU territory.

We call on the EU, its Member States and associated countries to:

- » Ensure that asylum seekers reaching the EU spontaneously have access to quality dignified reception conditions and adequate integration services, as resettled refugees do. Reception places for resettled refugees should be set aside and be additional to those dedicated to asylum seekers, to avoid an overall lack of reception capacity having a negative impact on the implementation of resettlement pledges.

### 1.4 Ensure adequate financial, logistical and capacity-building support to improve resettlement programmes.

Resettlement is a complex and lengthy process which involves many actors. Ahead of departure, resettlement procedures can require considerable time and capacities for the identification of profiles and the selection and admission of resettled candidates. This extensive process results in resettlement pledges being rarely respected and, on a yearly basis, EU Member State manage to resettle only a fraction of the refugees they committed to.<sup>31</sup>

The Bulgarian Red Cross organises educational activities for refugee children to help them feel at home, 2019 © Ivo Daskalov / Bulgarian Red Cross



The delay also complicates the spending of AMIF resources dedicated to resettlement, as more funds are allocated than the number of refugees eventually resettled.<sup>32</sup> While AMIF financial support plays an important role in incentivising resettlement, operational support should also be provided to simplify and speed up procedures. The involvement of the EU Asylum Agency (EUAA) can be a suitable solution to support the implementation of the good practices from the European Resettlement Network.

We call on the EU, its Member States and associated countries to:

- » Improve the implementation of resettlement pledges, including through cooperation with UNHCR and relevant humanitarian organisations, to meet their annual commitments. This effort should also lead to improvement in the ability to absorb EU funding allocated to resettlement and increase accountability.
- » Ensure timely implementation and smooth completion of resettlement procedures. To this end, the European Commission should promote cooperation among Member States in line with the Union's Resettlement and Humanitarian Admission Framework and with the involvement of EUAA, as well as experts from relevant international organisations and CSOs.

## **2. Community sponsorship: strengthening the potential of local communities to bring people to safety**

Community or private sponsorship refers to those pathways in which part of the responsibilities, including financial ones, are covered by community actors, such as individuals, civil society actors, faith-based organisations and other private entities. There is no strict definition of community sponsorship. It can take different modalities depending on the partnerships between national authorities, which facilitate the legal admission for refugees from their first country of asylum where they cannot find a durable solution, and private actors or organisations which support the transfer, reception and integration from a financial, logistic and practical point of view.

Two main types of community sponsorship schemes have been developed in Europe. In the first case, admission is granted to vulnerable

people in evident need of protection as identified by partner organisations through humanitarian admission schemes, and then supported by community actors after their arrival, as in the case of Italy's humanitarian corridors.<sup>33</sup> The second type are resettlement-based community sponsorship programmes, where refugees are first identified and referred by UNHCR and then selected by governments to receive specific support by local sponsoring groups. While different national contexts have proved that both approaches have positive aspects, it is essential that the objective of community sponsorship experiences is to bring people to safety, and that selection criteria are based on protection needs. Recognising community sponsorship as a growing phenomenon, the European Commission conducted a study in 2018 to analyse the potential added value of EU-level action in this area. The research concluded that the diversity of approaches to sponsorship across Member States appears to be a strength. Hence, no need for legislative harmonisation has been identified, but financial and operational support should be intensified.<sup>34</sup>

Solidarity of citizens, CSOs and humanitarian organisations can be an important reception and integration tool but should not replace states' obligations in offering refuge to vulnerable people who flee their countries to seek safety. The further development of other humanitarian admission schemes, in cooperation with international organisations and EU partners, remains key, especially in the case of resettlement-based community sponsorship. Sponsorship programmes should be developed on top of 'traditional' resettlement pledges, as in the case of the NeST (New Start in a Team) project, developed by German authorities in cooperation with the German Red Cross and civil society partners.<sup>35</sup>

By allowing additional resettlement programmes on top of EU schemes, the Union Resettlement and Humanitarian Admission Framework paves the way for Member States to set up separate tracks for 'traditional' resettlement and resettlement-based community sponsorship programmes.

We call on the EU, its Member States and associated countries to:

- » Support the solidarity of European citizens and CSOs by creating new sponsorship programmes and expanding resettlement pledges in respect of the





An integration ambassador from Somalia comes into the classroom to promote cultural exchange, Vienna, October 2019.  
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‘additionality’ principle – the development of new sponsorship programmes should not result in a reduction in the number of resettlement places offered and implemented directly by state authorities.

### 2.1 Encourage clear criteria for sponsorship eligibility, and ensure non-differential, durable solutions to newcomers.

As community sponsorship combines a diverse range of approaches, the status of the selected individual can vary from refugee status to different protection status granted at national level. Eligibility criteria and purpose of sponsorship schemes should be clearly defined, to ensure that when selecting beneficiaries, protection needs are central, and priority is given to people in urgent situations. Differential treatment based on nationality, gender and sexual orientation, ethnic group or race, religious beliefs, class, political opinion or other characteristics is only justified when those characteristics and conditions are relevant for the definition of their protection grounds. Regardless of the status of persons who reach Europe through community sponsorship, it is essential that equal access is granted to procedures conducive to a durable status, such as international protection.

Ensuring access to a stable residence status and to comprehensive social rights allows beneficiaries of sponsorship programmes to fully integrate in their new societies and heal from the distress and harm experienced before their travel.

We call on the EU, its Member States and associated countries to:

- » Ensure clear standards in eligibility for sponsorship programmes and promote non-differential approaches in the selection of individuals.
- » Ensure that people who reach the EU through community sponsorship have access to a secure status which provides them with concrete integration perspectives as well as to a full set of rights, including labour and family reunification. mented directly by state authorities.

### 2.2 Capitalise on the grassroots elements of community sponsorship and support its sustainability.

Strong civil society and humanitarian organisations engagement in community sponsorship is the foundation for the positive impact that these experiences can have



“ **Community sponsorship provides excellent ground for smooth integration and fosters the engagement of local communities.** ”

in refugees’ integration. This may include engagement of volunteers, buddying schemes and direct accommodation of refugees in private housing. Such an approach has positive outcomes for both refugees and local populations, as it provides excellent ground for smooth integration and fosters engagement of local communities which enriches social cohesion across different groups. To promote sustainable citizens’ engagement in community sponsorship, it is important to establish a clear separation of responsibilities between sponsors, CSOs or humanitarian organisations and public authorities, and to provide volunteers with support, including in administrative tasks and psychological support. This can also ensure the quality of sponsorship schemes and prevent an overly dependent relationship developing between the refugee and the sponsor.

We call on the EU, its Member States and associated countries to:

- » Work jointly towards practical guidelines capturing different approaches to sponsorship, continue to collect good practices, and capitalise on the resources of civil society and volunteers, where relevant with the support of EUAA.
- » Allocate adequate financial resources from the AMIF as well as from other EU resources promoting migrants’ integration and from national budgets, and keep building capacity in community sponsorship to ensure the sustainability of successful schemes.
- » Support the improvement of community sponsorship models and the development

of minimum safeguards and conditions to ensure their human rights compliance and protection-centred approach.

Authorities and practitioners should promote the development of support services, such as monitoring and complaint structures for volunteers, sponsors and beneficiaries, as well as psychosocial support for all involved groups.

### **3. Humanitarian visas: a crucial tool to grant safe access to the territory**

Pathways like resettlement and community sponsorship have a very precise scope, with specific priority groups namely persons with specific vulnerabilities. While complementary pathways should be increased, also by improving their accessibility and by simplifying their heavy administrative procedures, their limited scope make them available to only a limited number of people. For this reason, in their current form they can only contribute meaningfully to the reduction of global protection needs if accompanied by other measures. Establishing a clear system for humanitarian visas which is not subject to quotas or pledging mechanisms presents a concrete possibility to meet the needs of people seeking international protection and allow them to swiftly reach safety without being forced to risk their lives. Granted based on the *prima facie*<sup>36</sup> consideration of refugee status by diplomatic authorities, humanitarian visas can allow for a direct application for a broader range of individuals with acute protection needs. These can include extended family members of refugees who would not be eligible for family reunification, people who have



not been able to access protection due to the limited nature of existing pathways, but also cases outside the scope of international refugee law, as people who need to flee their countries due to climate displacement or disasters caused by natural hazards.

The humanitarian visa is an instrument to access a country's territory but does not necessarily provide residence rights. For this reason, visa holders often apply for international protection once on the territory. Latin America has a long tradition of humanitarian visa schemes, with countries such as Brazil and Argentina issuing specific ad hoc visas to citizens of countries experiencing mass displacement due to natural hazards or war.<sup>37</sup> Currently, the EU does not foresee a Union-wide humanitarian visa scheme. Nevertheless, different attempts have been made by legislators, including a 2018 resolution of the European Parliament, with recommendations to the Commission for developing a European framework on humanitarian visas.<sup>38</sup> However, these have not been taken up by the European Commission so far.<sup>39</sup> Many EU Member States granting humanitarian visas have done this within the scope of the Schengen Visa Code (Article 25),<sup>40</sup> which allows states to issue visas with limited territorial validity based on humanitarian grounds.<sup>41</sup>

We call on the EU, its Member States and associated countries to:

- » Enhance the use of humanitarian visas to contribute to the reduction in the number of migrants who are obliged to take perilous routes at the hands of smugglers to seek safety. EU institutions and Member States should work together towards a harmonised humanitarian visa framework, creating a predictable and fair system.
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### 3.1 Improve information, civil society and humanitarian organisations' involvement and financial support to facilitate access to humanitarian visas.

In some cases, visa applications are not accepted when made outside the country of origin or residence of the applicant. Other countries identify specific competent diplomatic missions where applications should be made, making it difficult for significant numbers of refugees to apply.<sup>42</sup>

Reception centre for people fleeing Ukraine in the fair halls in Leipzig/Saxony. Arrival of two families, mothers with children, March 2022. © DRK LV Sachsen







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Furthermore, information on procedures and requirements for obtaining a humanitarian visa are generally very difficult to obtain. All these factors make it very complicated for displaced persons, who are outside their own country, to use this specific pathway to enter EU Member States, and subsequently apply for protection. Furthermore, in most contexts where these are proposed, humanitarian visas represent a particularly expensive tool as applicants are forced to undertake costly travel to the closest diplomatic mission, as well as arranging translations of application documents. Applicants also face significant risks as journeys to capital cities and finding temporary accommodation can be particularly challenging, especially for people who are already facing displacement, persecution or other safety concerns.

Cooperation with relevant organisations, including National Red Cross and Red Crescent Societies and international organisations can mitigate some of those risks and provide

applicants with various services, such as information, help with administrative procedures, and in some cases, assistance with organising and financing flights. The past experience of the Swiss Red Cross in supporting humanitarian visas represents a good practice which could be replicated.

For eight years (2014-2021),<sup>43</sup> the Swiss Red Cross ran a humanitarian visas advisory service, providing information to refugees on the Swiss legal framework for humanitarian visas, a good practice in presence of political will to invest in humanitarian visas. Moreover, making EU funding available for the establishment and implementation of humanitarian visa schemes could provide a good incentive for Member States to increase their use of this tool.

To promote humanitarian visas as a life-saving protection tool, it is important to make adequate funding available, increase the capacity of diplomatic representations, and establish standardised procedures.



Importantly, institutions should identify specific grounds and situations on which humanitarian visas could be granted. While developing an EU-wide humanitarian visa scheme has proved difficult due to lack of political willingness in past legislatures,<sup>44</sup> given the positive outcomes that humanitarian visas have produced in other world regions, such an option should be explored again in the future. Possible alternative options could be temporary 'visa-waiving' for countries of origin of refugees, or harmonising existing rules governing limited territorial validity visas under the Schengen Visa Code which would include clear conditions and procedures for issuing a visa for asylum-seeking purposes.<sup>45</sup>

We call on:

- » The EU and its Member States, as well associated countries, to increase cooperation with CSOs and international organisations to improve information sharing and support services for potential applicants in navigating procedures as a way to better offer and implement humanitarian visas.
- » The European Commission to develop guidance for Member States, international organisations and civil society to improve their implementation, while ensuring that EU funding is available to Member States willing to develop pilot schemes of humanitarian visas.
- » Member States and EU institutions to work jointly to explore possible mechanisms and options for developing humanitarian visa schemes. Therefore, exchange of experiences with other regions where humanitarian visas have been implemented for longer and more systematically, such as Latin America, should be considered.

 30.05.2023

## Endnotes

- 1 National Red Cross Societies in the EU, as well as the Icelandic Red Cross, the Norwegian Red Cross, the Swiss Red Cross and the British Red Cross.
- 2 UNHCR, **Mid-Year Trends 2022** show how the year saw the largest-ever increase in the forced displacement population globally.
- 3 IFRC, **Drowning just below the surface: The socioeconomic consequences of the COVID-19 pandemic**, 2021.
- 4 In respect of the fundamental principle of neutrality and its interpretation in the 2009 **IFRC Policy on Migration**, National Societies should avoid the perception that they encourage, prevent or dissuade migration. The recommendations of this position paper are in line with the international protection legal regime and the commitments for global solidarity as per the Global Compact on Refugees.
- 5 IFRC, **Policy Brief** on Global Compact on Refugees, 2017.
- 6 Protection and international protection are related yet different concepts. 'International protection' is generally used to refer only to people receiving a status according to the 1951 Refugee Convention or subsidiary protection under EU law, therefore excluding other protection status granted under humanitarian or compassionate grounds under national legislation. In this paper, we chose to use the word 'protection' to refer to a broader range of status, and as a synonym of 'safety'. We do not refer, in this case, to internally displaced persons (IDPs).
- 7 International Organization for Migration, **Missing Migrants Project: Data**.
- 8 See the Red Cross EU publications **Legal Avenues To Access International Protection in the EU**, 2013; **Access to international protection in the EU for people fleeing Syria**, 2014; and **Resettlement in the EU**, 2015.
- 9 Swiss Red Cross, German Red Cross, Finnish Red Cross, French Red Cross and the Red Cross EU, **Handbook on safe avenues to access protection in Europe**, 2023.
- 10 UNHCR, **Statute of the Office of the United Nations High Commissioner for Refugees**, 1950, page 9.
- 11 For a short description of the humanitarian corridors model, see Wood Tamara, **The role of 'complementary pathways' in refugee protection**, 2020, page 39.
- 12 UNHCR, **Complementary Pathways for Admission of Refugees to Third Countries**: Key Considerations, April 2019.
- 13 UNHCR, **The Global Compact on Refugees**, 2018.
- 14 The UNHCR's Three-Year Strategy (2019-2021) on Resettlement and Complementary Pathways, which was mandated by the Global Compact on Refugees, and its successor, Roadmap 2030, aim to define priorities and sequencing of implementation steps to expand places for resettlement and other pathways.
- 15 Red Cross EU, **The New Pact on Migration and Asylum**: A chance for much needed legal pathways to the EU?, 2020.
- 16 European Commission, **Recommendation** on legal pathways to protection in the EU, 2022.
- 17 The AMIF 2020 call for proposals for Union Actions provided support to a number of projects aimed at implementing the communication. In this context, the **REPAIR** (Reunification Pathways for Integration) project and the **SAFE** (SAFE - foSter cooperAtion For improving access to protection) project gave National Red Cross Societies the opportunity to jointly address at a transnational level access to international protection through complementary pathways and family reunification.
- 18 In 2020 the European Commission issued a **Recommendation** on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways. In 2021, EU Commissioner for Home Affairs and Migration, Ylva Johansson, convened a **High-level Resettlement Forum** with representatives of the EU, the US, Canada, UNHCR and civil society with a view to stepping up resettlement and complementary pathways. The Forum reconvened in 2022.
- 19 In 2023 **EU Member States pledged for 29,157 resettlement and humanitarian admission**, corresponding to about 1.45% of UNCHR-projected global resettlement needs (2,003,982 refugees).
- 20 Link to information on the Commission's **response** to EP report.
- 21 National Red Cross Societies in the EU, as well as the Icelandic Red Cross, the Norwegian Red Cross, the Swiss Red Cross and the British Red Cross.
- 22 See UNHCR criteria for resettlement **UNHCR Resettlement Handbook - UNHCR Resettlement Handbook**.
- 23 Every year, UNHCR conducts a global mapping exercise aiming to elaborate on projections for resettlement needs in the following year, considering the global displacement situation. Following a steady rhythm of increase over the past decade, the projected resettlement needs for 2023 have increased by more than 500,000, from 1,473,156 in 2022 to 2,003,982 in 2023 – see UNHCR, **Projected Global Resettlement Needs 2023**, 2022.
- 24 Including the UK (which was included in the count until 2020), the total number of refugees resettled into the EU28 was 25,651 in 2019, 9,143 in 2020, and 17,255 in 2021 – figures of UNHCR.
- 25 A number of EU Member States intervened in the High-Level Forum on legal pathways to protection, organised by the European Commission in November 2022, highlighting the difficulties they face in keeping up with resettlement pledges, especially due to the increased reception needs that have arisen as an outcome of the Ukrainian displacement, see European Commission, Migration Management (**press release**) 29 November 2022, and **WebStreaming**.
- 26 Resettlement statements that the Red Cross EU Office has co-signed with other main EU-level resettlement service providers in **July 2021, September 2021, June 2022**.
- 27 European Council, **Approved proposal on 20 December 2022**.
- 28 UNHCR, **Project Global Resettlement Needs**, 2023.
- 29 European Policy Centre, **The EU Resettlement Framework: From a humanitarian pathway to a migration management tool?**, 2018. See also mention of safe pathways in a speech by European Commission President von der Leyen at the European Parliament on the preparation of the Special European Council meeting in February 2023.
- 30 When negotiating the Union Resettlement and Humanitarian Admission Framework, the European Parliament and the Council of the EU have rejected conditionality elements included in the initial proposal, which identified countries of resettlement with international partnerships.
- 31 Red Cross EU et al, **Mounting global needs call for renewed European leadership on resettlement**, statement, June 2022.
- 32 See European Council for Refugees and Exiles and UNHCR, **Follow the Money III: the use of AMIF funds to incentivise the creation of safe and legal routes to protection in the EU**, 2020.
- 33 See in Tamara Wood, **The role of 'complementary pathways' in refugee protection**, 2020: "In 2015, an ecumenical coalition of faith-based organisations entered into an agreement with the Italian Government to facilitate Humanitarian Corridors facilitating travel and entry into Italy for mainly Syrian refugees for the purposes of applying for asylum. Under the program, representatives of faith-based organisations meet with refugees residing in Lebanon to identify candidates for travel to Italy. Refugees admitted into the program are subject to security checks by the Lebanese government (for the issue of exit permit), as well as pre-admission security checks by the Italian government. Italy's Humanitarian Corridors have already been replicated elsewhere in Europe, including France, Belgium and Andorra".
- 34 European Commission, **Study on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission to the EU, including resettlement**, 2018.
- 35 NesT, **NesT – New Start in a Team: Working together to help refugees**.
- 36 A prima facie approach means the recognition by a state or UNHCR of refugee status on the basis of readily apparent, objective circumstances in the country of origin or habitual residence. It acknowledges that people fleeing these circumstances are at risk of harm that brings them within the applicable refugee definition (from **UNHCR Guidelines on International Protection** 11, 2015).
- 37 In recent years Brazil has issued humanitarian visas programmes for protection seekers from Afghanistan, Syria and Ukraine. Brazil initiated a humanitarian visa programme for Haitians in 2011, following the increased hardships faced by the country inhabitants after the earthquake of January 2010.
- 38 European Parliament, **Texts adopted - Humanitarian Visas**, 11 December 2018.
- 39 In its reply, the Commission clarified how the potential of increasing the overall number of persons in need of international protection admitted by Member States could be achieved through the Union Resettlement Framework, and assessed that politically a visa scheme creating an obligation for Member States to admit a person in need of protection is not feasible. Such a statement reflects a decision of the European Court of Justice in 2017, declaring that Member States are not required, under EU law, to grant a humanitarian visa to persons who wish to enter their territory with a view to applying for asylum.
- 40 Regulation (EC) No 810/2009 of the European Parliament and of the council of 13 July 2009, **Establishing A Community Code On Visas**.
- 41 A number of European countries such as France, Switzerland and Italy have issued humanitarian visas in different situations. Germany and Austria have resorted to humanitarian visas in the context of humanitarian admission.
- 42 An example of how this provision can be discriminatory is the limitation imposed by Belgian authorities for Afghans to apply for humanitarian visas only from Islamabad (Pakistan): Myria, **Absence de mesures de facilitation pour les demandes de visa de Belges de la famille afghans de personnes qui se trouvent en Belgique, suite à la prise de pouvoir des talibans** (in French), 2022. Online:
- 43 The service, started in response to the displacement emergency from Syria, was discontinued in December 2021 due to the very limited number of visas eventually issued vis-à-vis time-consuming work. The Swiss Red Cross continues to advocate for increasing safe pathways to protection and exchanging with its national government for a wider humanitarian visas scheme.
- 44 In December 2018 the European Parliament approved a **resolution** calling for the establishment of EU humanitarian visas, an option disregarded by the Commission which judged it not politically feasible.
- 45 For an analysis of possible scenarios in developing humanitarian visas, Moreno-Lax, Violeta, 'The Added Value of EU Legislation on Humanitarian Visas – Legal Aspects' (Annex 1), in **Humanitarian visas: European Added Value Assessment accompanying the European Parliament's legislative own-initiative report**, 2018.



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The options to reach the European Union through regular and safe pathways have been limited. People concerned are often obliged to take dangerous routes to reach a country of asylum in the EU, risking their life or being exposed to the exploitation of smugglers, or other serious harm. ”



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