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COVER NOTE

from:	Mr. António Guterres, High Commissioner for Refugees, UNHCR
date of receipt:	3 December 2012
to:	delegations
Subject:	Displaced people from Syria in need of international protection

Delegations will find attached a letter of the High Commissioner for Refugees, UNHCR on the above mentioned subject.

NATIONS UNIES
LE HAUT COMMISSAIRE
POUR LES RÉFUGIÉS



UNITED NATIONS
THE HIGH COMMISSIONER
FOR REFUGEES

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3 December 2012

Madam,

I write to you as President of the European Union Justice and Home Affairs Council, to seek your support in encouraging the European Union and its Member States to consider further responses, in the spirit of solidarity, to the protection needs of those displaced from Syria and in need of international protection.

With nearly 500,000 Syrian refugees registered or waiting to be registered in the neighbouring countries of Iraq, Jordan, Lebanon, Turkey, and North Africa, and thousands of other displaced who have not sought international assistance, the crisis is placing severe strain on the asylum space in the region. An estimated 1.2 million people are also displaced within Syria, and as many as three million Syrians affected by the conflict.

Thus far, the numbers arriving in EU Member States have been moderate. According to Eurostat figures, some 22,000 asylum applications by Syrians have been registered since April 2011, including new arrivals, repeat applications and some from Syrians *sur place*. UNHCR has been heartened to see that many countries have adopted a generous approach. The two Member States receiving more than 60 per cent of the claims in the EU, Germany and Sweden, are granting protection to the vast majority of those who seek it, in line with UNHCR's guidance.

This being said, UNHCR remains concerned that access for Syrians at external borders may be limited in some cases, and that certain Member States do not appear sufficiently equipped to receive and protect Syrian refugees, in particular if arrival numbers were to continue to increase. I am aware of cases in which asylum-seekers have arrived at border points with valid entry documents and have been returned to countries neighbouring Syria. Syrian asylum-seekers are detained in some Member States, a practice which should be used only in very exceptional circumstances and as a last resort. Some countries may not be able to efficiently process new applications. In some Member States, recognition rates for asylum-seekers are extremely low, an inexplicable divergence from the practice of other States. UNHCR takes the view that many Syrians seeking international protection are likely to fulfill the requirements of the refugee definition in the 1951 Convention relating to the Status of Refugees, as reflected in the Qualification Directive.

The European Union has tools and fora which can be used to enhance cooperation on such matters. UNHCR would welcome further analysis of the current trends in international protection rates and backlogs of Syrian asylum claims, taking further the work which the European Asylum Support Office has commenced in this area, as well as additional discussion of appropriate further responses. My Office is ready to contribute to such an analysis.

Ms. Eleni Mavrou
Minister of the Interior
of the Republic of Cyprus



Should arrival numbers continue to increase, a concerted discussion on the EU's collective response, and, specifically, on support for Member States which are particularly affected, will be necessary. The crisis in Syria provides an opportunity for the European Union to demonstrate in practice its commitment to internal EU solidarity and to harmonizing approaches to protection. Contingency planning – already underway in some Member States – will be essential in these circumstances.

As we have advocated with countries neighbouring Syria to keep their borders open and provide international protection to those fleeing Syria, it will also be important in the EU context to pay particular attention to border and entry management. Functioning systems must be in place to ensure that all those who may wish to seek protection are identified and referred to the competent asylum authority.

UNHCR also urges EU countries to explore other ways to demonstrate their commitment to solidarity with countries neighbouring Syria. Member States are encouraged to find ways to ensure that Syrians already present in Member States can be joined by family members who have been displaced by the conflict. Based on our experience, this could reduce the risk of people embarking on dangerous journeys facilitated by smugglers in order to reunite with family members in the EU. I would be grateful if States would consider favourably the issuance of visas for Syrians who may need international protection. Targeted resettlement will also be needed in emergency cases for vulnerable Syrian refugees.

UNHCR has also issued a flash appeal for resettlement places for 500 refugees from other countries currently in Syria.

I would appreciate it if you would share this letter with all Member States ahead of the next Justice and Home Affairs Council meeting. My Office looks forward to continued collaboration with the Council on the enormous challenge posed by the Syria displacement crisis, in the spirit of our shared commitment to refugee protection.

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

with my warmest regards

António Guterres