

2023

# HANDBOOK

on safe avenues to access protection in Europe



Swiss Red Cross



German  
Red  
Cross

Finnish Red Cross



croix-rouge française



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RED CROSS  
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## 1. Background and purpose of the Handbook

The Red Cross Red Crescent Movement has a longstanding commitment to working with and for migrants<sup>1</sup>. National Societies provide specific support to all migrants irrespective of status, such as refugees, asylum-seekers and migrant workers. They provide life-saving services, including to the most vulnerable, advocating for migrants' needs and rights, and enhancing access to longer-term support. Drawing on the actions of National Societies in 192 countries, the International Federation of Red Cross Red Crescent Societies (IFRC) supports migrants at different stages of their journeys in order to reduce the vulnerability of migrants, including migrants in irregular situations, and to enhance their resilience. Working with the International Committee of the Red Cross (ICRC), National Societies also play a crucial role notably in Restoring Family Links (RFL), including in reuniting families when possible.<sup>2</sup>

The Platform for European Red Cross and Red Crescent Cooperation on Refugees, Asylum Seekers and Migrants (PERCO) is an initiative of European National Red Cross and Red Crescent Societies. In 2012, PERCO adopted its first position<sup>3</sup> which identified the need to establish safe avenues that allow migrants access protection within Europe. Since 2019 a working group dedicated to safe avenues to access protection in Europe was established within PERCO, composed by the Swiss Red Cross, the French Red Cross, the German Red Cross, the Finnish Red Cross and the Red Cross EU Office. The work of this working group resulted in the publication of this handbook.

Safe avenues include, but are not limited to, resettlement, private and community sponsorships and humanitarian visas. Family reunification is first and foremost an essential instrument to access the right to family life. However, reuniting family members of migrants allows families to use regular routes and avoid dangerous journeys to join their loved ones, therefore family reunification is also seen as a safe avenue. In this context, it is imperative that safe avenues are seen as complementary forms of seeking protection that in no way constrain the right of asylum seekers to ask for international protection irrespective of the way they arrived in Europe.

European States have a long tradition of welcoming refugees, supporting people affected by statelessness and forced displacement across the globe, and provide significant contributions to the adoption of contemporary international norms and standards that protect refugees and people seeking asylum. Despite this tradition, seeking asylum in Europe has become increasingly complicated and safe avenues to protection, namely resettlement and complementary pathways<sup>3</sup>, as well as family reunification, remain underutilised by many European States<sup>4</sup>.

Many European governments have committed to strengthening resettlement and complementary pathways in line with the Global Compact on Refugees (GCR) as an expression of solidarity with refugees and host communities in non-European Union (EU) countries. Specifically, the multi-stakeholder Three-Year Strategy (2019-2021) on Resettlement and Complementary Pathways<sup>5</sup>, aimed to expand places for resettlement and complementary pathways. More recently, Roadmap 2030<sup>6</sup>, sets out short and medium-term activities on how to develop further third-country solutions and plays a key role in turning commitment into action. In 2020, a recommendation on legal pathways to protection in the EU<sup>7</sup>, issued by the European Commission as part of the EU Pact on Migration and Asylum<sup>8</sup>, presented an opportunity to improve access to family reunification, and to realise objectives of the GCR.

Despite these, pledges by European states have not been ambitious enough to meet rising global protection and resettlement needs<sup>9</sup>. A common approach to community and private sponsorship currently lacks consistent and robust arrangements for the sharing of responsibility between civil society and EU States, as well as a varying commitment to the principle of additionality. Similarly, there are no common regulatory frameworks or formal procedures for assessing humanitarian visas in the EU. Meanwhile, family reunification remains a lengthy and burdensome process, although the Council Directive 2003/86/EC - the applicable legal framework in the EU for the family reunification of third-country nationals - acknowledges the need for more favourable conditions for beneficiaries of international protection to exercise their right to family reunification.

Since 2020, the COVID-19 pandemic has negatively impacted access to safe avenues, including both resettlement and complementary pathways, due to travel restrictions and ongoing operational constraints experienced by state and humanitarian actors, particularly in countries of asylum<sup>10</sup>. In addition to existing legal and administrative obstacles, the COVID-19 pandemic has also seen further barriers to family reunification, with ongoing travel restrictions, embassy closures, as well as the expiration of visas among the key hurdles. The crisis in Afghanistan in 2021 resulted in additional and continuing delays to relocate evacuees and bring people

<sup>1</sup> IFRC's 2009 Policy on Migration uses a broad definition of 'migrants': 'Migrants' are persons who leave or flee their habitual residence to go to new places – usually abroad – to seek opportunities or safer and better prospects. It refers to any group of migrants, including migrants in an irregular situation, refugees and asylum seekers, notwithstanding the fact that they constitute a special category under international law. For the use of this paper this includes people seeking protection in Europe and is not necessarily limited to people qualifying for international protection.

<sup>2</sup> "In engaging in the area of migration, National Red Cross and Red Crescent Societies have the purpose – individually and together with the International Federation and the ICRC – to address the humanitarian concerns of migrants in need throughout their journey ... to provide assistance and protection to them, uphold their rights and dignity, empower them in their search for opportunities and sustainable solutions, as well as promote social inclusion and interaction between migrants and host communities", IFRC Migration Policy. (2009). [online] Available [here](#)

<sup>3</sup> PERCO, Position on the Need to Create Legal Avenues to Access International Protection within the European Union. (2012). Available upon request.

<sup>4</sup> Complementary Pathways is the term broadly introduced and used by UNHCR to refer to avenues for admission of persons in need of international protection that provide for a lawful stay in a third country where the international protection needs of the beneficiaries are met. They are named complementary pathways because they can facilitate access to protection and/or solutions, in addition to the three traditional UNHCR durable solutions - voluntary repatriation, local integration and resettlement. UNHCR, [Complementary pathways for admission to third countries](#).

<sup>5</sup> UNHCR, The Three-Year Strategy (2019-2021) on resettlement and Complementary Pathways. (2019). [online] Available at: <https://www.unhcr.org/5d15db254.pdf>.

<sup>6</sup> UNHCR, [Third Country Solutions for Refugees: Roadmap 2030](#). (2022). [online].

<sup>7</sup> European Commission, Recommendation on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways. (2020). [online] [here](#).

<sup>8</sup> European Commission, New Pact on Migration and Asylum. (2020). [online] [here](#).

<sup>9</sup> European Commission, pledges submitted by EU Member States for 2023. [online] [here](#).

<sup>10</sup> UNHCR, [Final report: The Three-Year Strategy \(2019-2021\) on Resettlement and Complementary Pathways](#). (2022). [online].



to safety including through resettlement and family reunification. The resumption of spontaneous arrivals of migrants to Europe - as soon as COVID-19 restrictions were lifted- and the unprecedented number of displaced refugees from Ukraine have an impact on States' willingness to commit to, and increase, safe avenues.

There have also been opportunities and welcomed innovation as a result of the pandemic and emerging humanitarian crises, with several European States adjusting their procedures and implementing creative responses to facilitate the swift entry of those in need of protection. Nevertheless, it's yet to be seen whether these practices will be maintained in the future.

In this context, National Red Cross and Red Crescent Societies across Europe play an important role in engaging with State authorities and civil society on issues of humanitarian concern, to ensure effective access to safe avenues in Europe. Safe avenues discussed in this report have been drawn from the experience and operations of National Red Cross and Red Crescent Societies in Europe. Based on this, the handbook focuses on the following pathways: resettlement, community sponsorship and humanitarian visas as well as family reunification.

This handbook provides an overview of the current policy and legal context, an outline of relevant National Red Cross and Red Crescent Societies activities, including examples of good practice, as well as reflections on the shared experience of National National Red Cross and Red Crescent Societies supporting safe avenues to improve systems and raise awareness of the needs of people requiring protection. The handbook concludes a set of recommendations for State authorities and other partners to ensure that safe avenues are both promoted and used appropriately.

While further pathways to protection are available in Europe, for example, through education and work (e.g. through study visas), these safe avenues are not discussed in this handbook as they are currently not the focus of National Red Cross and Red Crescent Societies in Europe. These pathways play an important role in providing safe avenues and we expect these to become increasingly relevant for European National Societies in the future. The European Commission has promoted these pathways in their proposals in the Pact on Migration and Asylum<sup>11</sup>. It is important to bear in mind that a multiplication of pathways should not lead to different statuses and the rights of migrants should not depend on the safe avenues they can access.



## 2. Resettlement

The aim of refugee protection is to find durable and long-term solutions which will enable refugees to live in safety and rebuild their lives. The United Nations High Commissioner for Refugees (UNHCR), States, and other humanitarian actors work together towards one of three durable solutions for people in need of protection – local integration, voluntary repatriation or resettlement<sup>12</sup>. Resettlement is one of the main tools available to refugees to find safety in a third country in an orderly and regular manner. Resettlement involves the selection and transfer of people in need of international protection, who are stateless or have been forcibly displaced, by a State which agrees to admit them. In principle, individuals who are particularly vulnerable under UNHCR mandate and submission criteria<sup>13</sup> can be considered for resettlement. Resettlement provides protection against refoulement and provides resettled refugees and their families or dependants with the same rights as those enjoyed by the citizens or other permanent residents of the receiving State<sup>14</sup>.

Resettlement serves three important functions. First and foremost, it is a tool to provide protection that meets the specific and individual needs of refugees, whose life, liberty, safety, health, or other fundamental rights are at risk, in the country where they have sought refuge. Second, it is a long-term solution alongside the other durable solutions of voluntary repatriation and local integration. Third, it is a tangible expression of international norms and solidarity, allowing States to share responsibility for refugee protection and reduce pressures impacting the country of asylum.

<sup>11</sup> European Commission, Recommendation on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways. (2020). [online] [here](#).

<sup>12</sup> UNHCR, The 10 Point Plan in Action, Chapter 7: Solutions for Refugees. (2016). [online] [here](#).

<sup>13</sup> UNHCR, Resettlement Handbook. (2011). [online] [here](#).

<sup>14</sup> UNHCR, Resettlement Handbook. (2011). [online] [here](#).



Despite the very high number of refugees in need of resettlement, only a very small number of people (less than one percent) are resettled each year. Each year, UNHCR releases the Projected Global Resettlement Needs report, capturing the existing needs for durable solutions for refugees hosted in low- and middle-income countries. The deteriorating humanitarian situation in Afghanistan, Ethiopia and Ukraine, among other countries in the last year, has contributed to a further rise in global resettlement needs; with a projection of 2,003,982 people in need of resettlement in 2023 compared to 1,473,156 in 2022<sup>15</sup>.

In 2019 UNHCR submitted the files of over 81,600 refugees for consideration by countries offering resettlement. Among these were 29,700 refugees from the Syrian Arab Republic, 19,000 from the Democratic Republic of the Congo, 5,900 from Afghanistan and 4,400 from Somalia, resulting in more than 63,600 individuals being resettled with UNHCR's assistance. The largest number of resettled refugees left from Türkiye (10,600), followed by Lebanon (8,400), Jordan (5,500), the United Republic of Tanzania (4,000) and Egypt (4,000). The countries receiving the highest number of refugees through formal resettlement programmes are Australia, Canada, United States, New Zealand, France, Germany, the United Kingdom and Sweden<sup>16</sup>.

The impact of the COVID-19 pandemic on resettlement has been significant. Border closures and travel restrictions saw a temporary hold on many resettlement movements throughout 2020. States providing avenues for resettlement recalled personnel based abroad and canceled selection missions, while UNHCR and civil society organisations reduced their activities in line with local public health requirements. At the same time, important innovations to mitigate the consequences of these limitations were introduced, with field visits, assessments and casework adapted to online delivery through virtual interviews and remote interpreting. While welcomed, these initiatives did not safeguard against the significant decline in the number of people able to access resettlement. In 2020, 11,126 refugees were resettled in Europe<sup>17</sup>; a record low year for resettlement. In 2021, 21,018 refugees were resettled in Europe, compared to 29,066 people in 2019<sup>18</sup>. Resettlement pledges for 2023 confirm a decreasing trend, with only 15,897 pledges from EU countries submitted in the EU High-level Forum on legal pathways to protection that took place in November 2022<sup>19</sup>.

In 2022, UNHCR Three-Year Strategy (2019-2021) on Resettlement and Complementary Pathways, was replaced by the Third Country Solutions for Refugees: Roadmap 2030, which aims to resettle one million refugees globally and admit two million refugees through complementary pathways by 2028.

## EU context

Since 2009, the European Commission has sought to coordinate resettlement efforts to integrate resettlement on a structural level, to strengthen and harmonise resettlement across Member States. The proposal for a Union Resettlement Framework, tabled by the European Commission in 2016 and approved in late 2022 (now pending its entry into force)<sup>20</sup>, is intended to provide a clear and predictable mechanism to replace the current EU-sponsored Resettlement Schemes.

Between January 2015 and July 2021, more than 80,000 people were resettled by EU Member States<sup>21</sup>. States resettling refugees give priority to the most vulnerable UNHCR referrals, including women, unaccompanied minors and survivors of torture, with the Middle East and North Africa (including the Horn of Africa) identified as regional priorities. The EU provides a lump sum of EUR 10,000 to States for each person they resettle. Under the first EU Resettlement Scheme (2015-2017), 19,000 people were resettled in 20 European countries.

The second European Resettlement Scheme aimed to resettle 50,000 people by October 2019, maintaining the same priority regions. In addition, in 2016 the EU issued a 'statement of cooperation' with the Turkish Government which intended to stop irregular migration to Europe and return those individuals arriving irregularly on the Greek islands. In exchange, for every Syrian returned to Türkiye from the Greek islands, another Syrian would be resettled from Türkiye to the EU. The agreement also provided financial assistance to improve the humanitarian situation for refugees in Türkiye and offered Turkish nationals visa free travel to Europe. Based on unofficial figures, by March 2022, approximately 32,472 Syrian refugees had been resettled from Türkiye to the EU under this agreement<sup>22</sup>.

In September 2020, to coincide with the EU Pact on Migration and Asylum, the European Commission issued additional recommendations for Member States to improve resettlement outcomes<sup>23</sup>. These recommendations include increasing the number of available visas and resettlement assistance programmes in the EU to further strengthen the humanitarian commitment to achieving protection and durable solutions for vulnerable refugees. The European Commission's statement also acknowledged the impact of COVID-19 on resettlement numbers, by granting a one-year extension to achieve the 30,000 places initially pledged in 2020. It remains unclear to what extent this pledge has been implemented.

## 2.1 Red Cross activities supporting resettlement

Around 15 National Red Cross and Red Crescent Societies deliver activities supporting resettlement through agreements and conventions with State authorities according to national immigration laws. When implementing these activities, National Red Cross and Red Crescent Societies work closely with UNHCR, civil society actors, asylum and immigration services and border control authorities, the International Organisation for Migration (IOM), and local municipalities. While diverse in their approach, all National Red Cross and Red Crescent Societies activities supporting resettlement aim to safeguard humanitarian needs and facilitate integration in line with the IFRC Policy on Migration. **Annex I (p.31)** provides a non-exhaustive overview of National Red Cross and Red Crescent Societies' activities in support of resettlement in Europe.

Although resettlement programmes and activities differ in their delivery and context, common trends can still be observed. Integration programmes, including reception, accommodation, social inclusion and economic participation, access to health services, mental health support, education, tutoring for children, language acquisition, support to access sustainable housing and labor integration of resettled refugees. National Red Cross and Red Crescent Societies' activities in Europe are flexible and provided on a needs basis, adapted to the local context which prioritise people experiencing the greatest vulnerability. In some situations, assistance occurs as soon as people arrive in the country. Some activities incorporate volunteers while others are carried out by professional staff. Resettlement activities can also be coordinated with Non-Governmental Organisations (NGOs), community networks and local authorities, or implemented solely by one civil society actor.

<sup>15</sup> UNHCR, Project Global Resettlement needs 2023. (2022). [online] [here](#).

<sup>16</sup> Accurate figures are available on the UNHCR Resettlement Data Finder: <https://rsq.unhcr.org/en/#oX32>.

<sup>17</sup> Including the EU, associated countries and the UK.

<sup>18</sup> For accurate figures: UNHCR, <https://www.unhcr.org/resettlement-data.html>.

<sup>19</sup> European Commission, Resettlement pledges submitted by Member States for 2023. (2022). [online] [here](#).

<sup>20</sup> On 15 December 2022, the European Parliament and the Council of the EU adopted the Union Resettlement Framework Regulation. The regulation will not enter into force until all EU migration and asylum reforms including the [EU Pact on Migration and Asylum](#) are also adopted

<sup>21</sup> European Commission, Press release. (2019). [online] [here](#).

<sup>22</sup> IRC, What is the EU-Turkey deal? (2022). [online] [here](#).

<sup>23</sup> European Commission, Recommendation on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways. (2020). [online] [here](#).

### Finnish Red Cross

#### Reception of resettled refugees at the airport

Under an agreement with the Finnish Immigration Services regarding the provision of services for resettled refugees, the Finnish Red Cross organises and provides reception for refugees resettled in Finland. Experienced volunteers are enlisted to receive and warmly welcome resettled refugees at the airport, assisting them with registration at the border and transport to the receiving municipality. Volunteers explain airport and country procedures with the use of interpreters and provide information to refugees on what to expect in the early stages of their settlement. Volunteers are provided information regarding urgent needs for incoming refugees, e.g. a need for a wheelchair, so they can prepare for the arrival.

The Finnish Red Cross has developed effective relationships with border authorities. The border control authorities provide the Finnish Red Cross with information which allows them to prepare the necessary reception arrangements. The Finnish Red Cross works closely with the Finnish Immigration Service, IOM and receiving municipalities to determine, plan for and ensure the necessary arrangements are in place which meet the needs of people arriving in Finland.

The Finnish Red Cross volunteers organise various activities to support the integration of newcomers in coordination with other NGOs, networks and local authorities.

### French Red Cross

#### Support integration

The French Red Cross organises workshops on aspects of daily life in France. These workshops aim to orientate and empower people, feel safe and facilitate their integration. Topics provided through these workshops include:

- Employment: first steps with the Local Plan for Integration and Employment
- Health: understanding the healthcare system, preventing and managing disease and illness, oral hygiene, sexual health as well as obstetrics and gynecological care for expecting parents
- Parental responsibilities and the rights and needs of children and young adults
- Budget management
- Housing management: use of household appliances, sorting waste, energy consumption, relationship with the neighborhood, domestic accidents, housing maintenance
- Time management and the importance of maintain a schedule

Beyond these activities, designated teams work on immersion in the social, urban and cultural particularities of the country. This is done by organising experiences such as museum visits and visits to libraries, as well as linking refugees with partner associations who provide volunteer-led opportunities, including local orientation, community gardens and leisure activities such as trips to the sea. These workshops can provide an opportunity to mobilise external NGOs, partners and community members. Practice exchange could be improved by drawing on the experience of other National Societies in Europe or NGOs working with refugee communities.

## 2.2 Reflections on supporting resettlement

### Implementing resettlement

Partnerships with State authorities implementing resettlement programmes offer opportunities for humanitarian actors to support refugees throughout their integration and settlement journey. The Red Cross Red Crescent Movement is present across the EU and throughout all regions within Member States which provide State authorities with reliable partners and support when resettling people in regional and rural areas.

Strengthening linkages and cohesion between the receiving community and resettled refugees is key to fostering integration and social inclusion. National Red Cross and Red Crescent Societies and other civil society organisations provide many opportunities to foster integration by involving volunteers in the implementation of their services, including peer-to-peer volunteer support and family visits. Resettlement programmes often utilise individualised case management further supporting integration through an intensive needs-based and holistic approach.

Collaboration with State authorities is essential for organisations implementing resettlement programmes, to regularly assess and ensure clarity concerning their respective roles and duties. States are responsible for providing safe avenues and durable solutions for refugees, supported by equitable sharing of responsibility with civil society organisations and National Red Cross and Red Crescent Societies. These arrangements should be formalised through agreements that are transparent, accountable, fiscally responsible, and adherent to International Humanitarian Law.

Establishing steering committees or working groups with State institutions improves cooperation between actors. Relevant and interested stakeholders should also be included during the implementation process, as well as any steering committees or working groups. Relevant stakeholders can include local authorities, local and/or diaspora communities, partner organisations, welfare organisations, faith- and other volunteer-based organisations and foundations.

Identifying individual needs and vulnerabilities prior to their arrival in a host country is an important consideration and challenge for agencies delivering resettlement programmes. Adequately preparing for a refugee's arrival allows support to be arranged and adapted in response to individual needs. For this reason, pre-departure assessments are key to ensure adequate support and should be funded accordingly. To better prepare civil society organisations to support resettled refugees, it is crucial to:

- Ensure detailed and timely information on refugee health needs are available ahead of their arrival;
- Inform the organisation responsible for reception about family composition and internal family relationships (some families may require their members to be resettled in different apartments);
- Provide as much notice as possible, between referral and arrival (currently around a month) to allow for planning that meets people's needs on arrival in the host country;
- Ensure that resettled refugees are adequately informed about their destination, including travel procedures, reception conditions as well as practical information



on their settlement location, including customs, available services and other day-to-day matters; and

- Consider existing connections with a specific country (knowledge of the language, presence of family members and/or a diaspora community) to aid their integration.

## Advocating for resettlement

Resettlement is widely acknowledged as a legitimate and well-established safe avenue. Resettlement has been prioritised in recent EU and national policies, as it allows for the sharing of responsibilities between States. The promotion of resettlement and encouraging States to commit to higher annual intakes is key for achieving durable solutions for people in need of protection.

Resettlement placements should prioritise the most vulnerable. Thus, eligibility criteria must focus on people's protection and humanitarian needs rather than their integration prospects, nationality, or religion. In addition, the principle of family unity of those resettled should be a primary consideration ensuring all family members are settled together. If this is not immediately possible, refugees should have access to avenues for family reunification after their arrival in a country of resettlement.

Resettlement is a lengthy process that requires effective coordination between countries of first asylum and countries of resettlement, supported logistically by UNHCR and financially by the European Union (for EU Member States). In addition, despite being a well-established safe avenue, resettlement numbers remain limited, with priority given to people experiencing high levels of vulnerability. Furthermore, resettlement is not accessible to all people in need of protection. As such, resettlement alone cannot meet global protection needs, requiring the development of further safe avenues that target other vulnerable groups.

Regrettably, resettlement may often be used by States as a means to manage migration, which can lead to resettlement being viewed as the only 'acceptable' mechanism for refugee entries. It is crucial that the principle of non-refoulement is respected, by allowing entries to remain possible and without being criminalised or resulting in reduced rights for people seeking protection.

European States appear increasingly hesitant to pledge more ambitious resettlement places, most recently as a result of the Ukraine conflict and other competing priorities in migration management. While displacement crises place pressure on asylum systems, they expose a lack of long-term planning in reception capacity and resettlement programming. It is important that ongoing and future displacement emergencies do not negatively affect resettlement commitments. Evacuations or other emergency humanitarian admissions<sup>24</sup> should be in addition to established resettlement pledges. To ensure that pledges can be appropriately counted and compared, States should not lower or transfer them to the following year.



## 3. Community sponsorship

Community sponsorship is a special form of resettlement in which responsibilities, including financial assistance, are partially or fully met by community actors such as private individuals, civil society actors, faith-based organisations and others<sup>25</sup>.

The first example of community sponsorship started in Canada in 1979 for refugees from Southeast Asia. Through this programme, organisations including churches, diaspora communities and groups could sponsor a refugee or refugee family. Sponsorship enables refugees to resettle in Canada, with the cost of living met for the first year by the sponsoring group. Over time the programme has matured, including the introduction of a blended programme in which refugees are referred by UNHCR instead of being identified by the sponsors themselves. In total, more than 300,000<sup>26</sup> refugees have been resettled to Canada through community sponsorship over the past 40 years.

Since 2011, the number of people considered to be refugees, stateless or displaced by conflict with no option of return continues to rise. Therefore, additional safe avenues are needed. Together with the Canadian Government, UNHCR advocates for the establishment of community sponsorship programmes worldwide and in Europe in particular. The EU has formed a working group to support States to develop community sponsorship programmes, while funding for projects comes through resources such as the Asylum, Migration and Integration Fund (AMIF). Both national governments

<sup>24</sup> Humanitarian Admission Programme is another term used in the context of safe avenues. Like resettlement, it is a process by which countries admit groups from a refugee population in a third country to provide protection. For varying reasons humanitarian admission programmes do not fully match the definition of resettlement, for example, due to their temporary character contrary to resettlement which is intended to be a durable solution. Furthermore, the criteria for the eligibility of a humanitarian admission programme can differ from the criteria used for resettlement: Beneficiaries do not necessarily have to be in a country of first asylum or meet the criteria for refugee status. The design, criteria and implementation of humanitarian admission programmes vary by country. See more on the European Commission's website [here](#).

<sup>25</sup> In addition to community sponsorship, private sponsorship models also exist. Both involve the engagement of local communities for the reception and integration of refugees. While community sponsorship programmes support the reception and integration of persons who have already been accepted in a country through referral by UNHCR or other pathways, in private sponsorship programmes, sponsors also participate in the selection of beneficiaries and are involved throughout the process. See UNHCR website on [private sponsorship pathways](#).

<sup>26</sup> UNHCR website on [private sponsorship pathways](#)

and UNHCR have been engaging with certain National Red Cross and Red Crescent Societies in Europe regarding involvement in national programmes.

Community sponsorship programmes currently operate in four European countries: the United Kingdom (UK), Ireland, Spain and Germany. The responsibilities of sponsors and available support vary between countries.

Like other safe avenues, community sponsorship programmes were impacted by the COVID-19 pandemic, in particular by the delays caused due to travel restrictions and the resulting hold on processing.

### 3.1 Red Cross activities supporting community sponsorship

The community sponsorship programme in the UK started in 2017 with the establishment of the organisation RESET to lead and grow the adoption of community sponsorship. Together with the Home Office, the British Red Cross co-chaired the Community Sponsorship Strategic Engagement Group with government bodies, academic partners, and civil society groups. Since then, British Red Cross has provided support to refugees arriving through community sponsorship and to local community sponsor groups, as well as shaped work developing refugee participation within community sponsorship.

Ireland established a pilot community sponsorship programme in 2018. The Irish Red Cross was closely involved in the development and implementation of the program as part of a common initiative with several organisations, most prominently Amnesty International. The Irish Red Cross is recognised as a Regional Support Organisation within the community sponsorship scheme.

The Spanish programme started in 2019 as an initiative of the Basque Country and was reproduced in Valencia in 2020. The Spanish Red Cross provides the same support to refugees arriving through this programme which is provided to all refugees and migrants in the region.

Germany's pilot project also commenced in 2019. The German Red Cross was involved in the development of the project and is a Civil Society Contact Point which provides support to sponsors and refugees. The project will be established as an ongoing programme from 2023.

Civil society plays an important role in the implementation of sponsorship programmes. They provide expertise on how a community sponsorship programme should be designed, monitor implementation, promote the programme through their members and networks, and participate as project partners by providing services to both refugees and sponsors. Civil society organisations also play an integral role in supporting refugees and sponsors by actively including both groups in existing programmes and humanitarian diplomacy activities.

#### Irish Red Cross Regional support organization

The Irish Red Cross have worked in cooperation with the Irish Department of Children, Equality, Disability, Integration and Youth and several other key stakeholders since 2017 to develop the Irish model of community sponsorship. Following this successful pilot, the Irish Government launched the initiative nationally and Irish Red Cross has been formally appointed as a Regional Support Organisation across a number of locations.

The Irish Red Cross provides the necessary training, guidance and support to interested community members who come together to form a sponsorship group. The regional support organisation also participates in the monitoring, evaluation and further development of the community sponsorship programme.

#### British Red Cross Providing a platform for refugee voices

The British Red Cross established and continues to provide community development support to a network of refugees and asylum seekers, through the VOICES network. The network helps refugees and asylum seekers, including those arriving via the UK Community Support programme, to share their experiences in order to influence policy, practice, and public attitudes. Three peer researchers from the VOICES Network investigated refugee participation within community sponsorship, with the subsequent report being used by RESET to enhance practice.

### 3.2 Reflections on supporting community sponsorship Implementing community sponsorship

Before introducing community sponsorship, it should be assessed if such a programme can be successful in the first place and, if so, how it should be designed and implemented with regard to the respective national context (e.g. access to social security systems, etc.).

Relevant actors should be either participating, or consulted on, during the development of community sponsorship programmes. This includes representatives of relevant Ministries, State agencies, local communities, UNHCR, IOM, diaspora communities, civil society organisations, welfare organisations, churches, volunteer-based organisations, relevant foundations as well as refugees with lived experience. Community sponsorship programmes must be developed from the ground up. The nature of sponsorship programmes requires relevant civil society actors to be aligned with its objectives. States are generally open to the involvement of non-State actors in such programmes - an unusual but welcomed approach in the field of migration. Civil society organisations therefore have the rare opportunity to shape these programs according to the needs of refugees and volunteers from the outset.



Countries with existing programmes can provide a wealth of experience for those looking to establish a new programme. Both State and non-state actors from countries with existing programmes can provide recommendations to develop realistic expectations as well as key learnings. Wherever possible, existing and reliable structures should be used - for example, utilising UNHCR to refer refugees to the programme. A supporting system for sponsors and refugees should be built upon existing structures creating a complementary backbone.

It is essential that community sponsorship programmes establish clear responsibilities in their support system for sponsors and refugees. If responsibilities are not clearly set out from the beginning, it can lead to sponsors feeling they are responsible for financial costs, particularly in unexpected circumstances where immediate financial support is required, such as a health care emergency.

There is a further risk that sponsors may feel overly responsible to provide emotional support to the refugee, whilst the refugee may feel overly dependent towards the sponsor. Considering these risks, it is important to establish a monitoring and complaint structure at the earlier stages to avoid difficult situations which could arise between the sponsor and the refugee. It is important that sponsors receive adequate counseling and training beforehand, as well as support throughout their engagement.

In order to mitigate these risks and challenges involving relevant civil society actors, including refugee-led or diaspora organisations and volunteer-based organisations, should be included in the development or implementation of the programme.

## Advocating for community sponsorship

The creation of additional resettlement places for refugees is the most important argument for the establishment of a community sponsorship programme. There is no legal obligation for a State to resettle refugees and many States are reluctant to establish or expand their resettlement programmes. This is particularly true for European governments, who often state that the capacity to receive refugees is already exhausted. However, in most countries, civil society organisations, as well as some cities and regions, have the capacity and see opportunities to do more. The establishment of community sponsorship programmes could provide a legal framework for willing actors to step in where the State will not.

Whereas resettlement implies mobilising States' financial resources, community sponsorship programmes broaden the support network and thus ensure that financial responsibilities are shared among different actors. Non-financial responsibilities, such as sourcing accommodation, can also be shared. Self mobilising volunteers, add faith-based organisations, diaspora communities and sport associations may have broader connections, for example, finding a flat, kindergarten or internship compared to a State agency. According to Red Cross expertise, the quality of social support improves when bolstered by active participation of locally embedded community actors.

Community sponsorship creates a sense of ownership of a community towards the admission of refugees. It is not merely a government decision but a decision of the local community itself. It allows for large sections of the community to become personally involved in providing a safe avenue and safe haven for refugees. This helps to foster close relationships between the community and people resettled as sponsored

refugees, creating lasting friendships. Local communities can personally benefit from a community sponsorship programme through their active involvement and direct observation of the positive outcomes.

Nevertheless, there are some aspects in relation to community sponsorship that require attention: The shift of State responsibility to civil society actors raises some concerns. For example, it is only when a refugee arrives into the country that responsibilities arise out of national, European and international law. Shifting part of the State responsibilities onto civil society actors may set a problematic precedent and could dilute the basic rights of refugees.

Furthermore, community sponsorship programmes can also produce a two-tier system where rights and access to assistance varies depending on the avenue of admission to a country. This is unfortunately already the case in many countries as resettled refugees are treated differently to refugees that have arrived irregularly. It is imperative that this divide is eliminated. Refugees arriving via a community sponsorship programme should have access to the same rights and services as other refugees, including residence status and family reunification. Any adjustments introduced should always strive for the highest standard. The avenue through which a person seeks protection should not be used as an argument against the introduction of new support activities, even if initially not all refugees will benefit from them.

Finally, it is important that the principle of additionality is stated, so that admissions through community sponsorship provide additional resettlement places within a State, and are not used to substitute resettlement, either in part or all together.



## 4. Humanitarian visas

Visas on humanitarian grounds can be issued by Schengen-associated States according to the Schengen Border Code (SBC)<sup>27</sup>. However, in March 2017, the Court of Justice of the European Union<sup>28</sup> ruled that Schengen short-stay visas issued on humanitarian grounds could not be used for the purpose of seeking international protection and thus staying in the Schengen area for a period exceeding the 90-day validity of such visas. Humanitarian visas for seeking international protection can now only be issued by States according to their domestic legal framework.

In 2017, discussions took place concerning the revision of the Schengen Border Code, however a decision was not reached. Again, in 2018, the Committee on Civil Liberties of the EU Parliament presented a legislative proposal on the introduction of a European wide Humanitarian Visa Scheme, which eventually was not passed. Currently, there is no EU framework concerning the regulation of humanitarian visas and a legal gap remains within the EU law. Similarly, there are no clear procedures in the visa and border acquis, nor in the Common European Asylum System (CEAS) regarding the admission of those seeking international protection. As a result, approximately 90% of those who obtain either refugee status or subsidiary protection<sup>29</sup> arrive on the territory of the Member States in an irregular manner, often via routes that put their lives in danger<sup>29</sup>.

Humanitarian visas can grant protection to vulnerable persons quickly with consideration for their circumstances, providing an effective and important safe avenue. There is a need for wider use, alongside resettlement and family reunification pathways.

<sup>27</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code): [EUR-Lex - 32016R0399 - EN - EUR-Lex \(europa.eu\)](#).

<sup>28</sup> X. and X. v. Belgian State, ECLI:EU:C:2017:173; C-638/16, Council of Europe: European Court of Human Rights, 7 March 2017, available [here](#).

<sup>29</sup> Definition of [subsidiary protection \(europa.eu\)](#).

<sup>30</sup> European parliament, European Added Value Assessment Accompanying the European parliament's own initiative Report. (2018). [online] [here](#).

<sup>31</sup> SEM, Ordonnance sur l'entrée et l'octroi de visas. [\[online\]](#).

## 4.1 Red Cross activities supporting humanitarian visas

Very few EU countries have cohesive and transparent national frameworks regarding humanitarian visas. This leads to very few National Red Cross and Red Crescent Societies or other civil society actors working on humanitarian visas.

Switzerland is one of the few States in Europe which issue humanitarian visas to individuals whose lives are imminently endangered. After delivering humanitarian visas under the "Schengen Border Code" until 2017, Switzerland adapted its legislation and practice in line with the jurisprudence of the European Court. A new ordinance on entry and visas (OEV<sup>31</sup>) came into force in 2018, creating a new national legal basis. Taking the EU context into consideration, it appears that Switzerland, with its system of examining applications and issuing humanitarian visas, is a pioneer in this area.

Because of this, Swiss Red Cross has been able to engage actively in the provision of support for humanitarian visas since 2014 by providing information and advice but also with advocacy and humanitarian diplomacy. However, despite an increasing need and a large amount of resources invested, Swiss Red Cross found very few humanitarian visas approved. In December 2021, they closed their Humanitarian Visa Advisory Service. Drawing on the experience and expertise gathered during the 7 years of operations, Swiss Red Cross nevertheless continues advocating for humanitarian visas.

### Swiss Red Cross

#### Humanitarian Visa advisory service

The Swiss Red Cross ran the Humanitarian Visa Advisory Service from 2014 to December 2021. The service provided information on the legal frameworks, requirements and application process for the visa. It also assessed individual situations and provided advice to potential applicants on the likelihood of success. In a small number of highly vulnerable cases, the Swiss Red Cross helped liaise with authorities and requested a pre-assessment prior to an official application.

In parallel to these operational activities and using the evidence they provided, the Swiss Red Cross has been a continuous advocate of enhancing both the quality and the fairness of the procedures, as well as for a broader use of this safe avenue.

In 2021, Swiss Red Cross received over 4,800 requests for support (compared to 1693 requests in 2020). About 4,100 of these requests concerned humanitarian visas, and the remaining 300 were questions regarding safe passage to Switzerland or family reunification. The majority of requests were linked to the crisis in Afghanistan. In contrast, the Swiss State Secretariat for Migration (SEM) granted 94 humanitarian visas in 2021 (37 to Afghan nationals).

The Swiss Red Cross now focuses its activities supporting family reunification but continues to advocate for humanitarian visas despite the closure of the Advisory Service. The Swiss Red Cross will continue monitoring developments concerning humanitarian visas and safe avenues to access protection in Switzerland and the EU and continues sharing its expertise with national and international partners.



## 4.2 Reflections on supporting humanitarian visas

### Implementing humanitarian visas

Engaging and supporting humanitarian visas widens the scope of possible safe avenues for beneficiaries and promotes the use of safe avenues by States.

As resettlement pledges fail to meet the protection needs, it is important to also engage in other safe avenues that can complement and increase the numbers of people accessing protection by safe and regular means.

Information provision on the procedure and requirements can have an important impact when the framework is in place but is not widely known. If no national legal framework is in place, engaging in advocacy will be key.

Counselling and supporting individual cases will enhance the quality and quantity of requests and will provide greater visibility to State authorities on the needs of people seeking protection. Individual support is crucial in overcoming the practical obstacles beneficiaries experience. During the COVID-19 pandemic, as embassies suspended operations and travel was subject to additional public health measures, counselling has been crucial. However, even without a pandemic, we know that many obstacles still remain. Supporting individual cases is crucial therefore necessary at all times. In addition, the establishment of a regular dialogue with the authorities and other partners on reducing practical obstacles to accessing humanitarian visas is also essential in to moving things forward.

### Advocating for humanitarian visas

Humanitarian visas are unique and complementary to other types of safe avenues and allow for the possibility of finding individualised solutions for people in highly vulnerable situations. These visas provide protection for persons who cannot access other safe avenues like resettlement (because they are not registered with UNHCR or because they are still living in their country of origin) or family reunification (because they do not meet the requirements or are not entitled to it). It therefore should be used more widely.

Another asset to the humanitarian visa is that vulnerable persons can apply without leaving their country of origin or registering with UNHCR. As such, humanitarian visas target groups outside of resettlement or family reunification. Another important advantage of the humanitarian visas is that applications can be processed quickly in urgent cases. Humanitarian visas also allow people to choose their country of destination. This is often based on if they have family members in that country, and can obtain support through them, which contributes to their integration.

Finally, humanitarian visas can relatively easily be put in place as each Schengen State can develop its own framework and it is generally not bound to quotas.

When the Taliban took control of Afghanistan in August 2021, many European States tried to evacuate people at risk. In the absence of a common European approach to humanitarian visas, these countries used various forms of visas or entry permits, lacking transparency and coherence to facilitate evacuations. A clear and established framework on humanitarian visas at an EU level would have greatly facilitated and expedited these procedures.



## 5. Family reunification

Family separation has profound consequences on the well-being and emotional state of those affected. Family reunification is often the only way for beneficiaries of international protection<sup>32</sup> to enjoy the right to private family life, allowing them to live in a safe country with their family.

The importance of family reunification for beneficiaries of international protection is acknowledged in the Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification EU Family Reunification Directive. The Family Reunification Directive is the main tool for EU Member States<sup>33</sup>, regulating family reunification for third country nationals, including refugees and other beneficiaries of international protection. In fact, the European Court of Justice (ECJ) has found that The EU Family Reunification Directive establishes a right to family reunification for refugees, the exercise of which is subject to certain requirements determined by The EU Family Reunification Directive<sup>34</sup>.

The EU Family Reunification Directive obliges EU Member States to exercise more favourable provisions for the family reunification of individuals who meet the definition of refugee under the 1951 Convention relating to the Status of Refugees, compared to other third country nationals holding a residence permit issued by a Member State. Refugees are entitled to reunite with their family as soon as they have been granted refugee status and are

<sup>32</sup> The term "beneficiaries of international protection" encompasses both refugees within the meaning of 1951 Convention relating to the Status of Refugees ("1951 Convention refugees") and beneficiaries of subsidiary protection who formally are not 1951 Convention refugees but according to the EU secondary law they cannot be returned to their country as they face "serious harm" upon return, namely the death penalty or execution, torture, inhuman or degrading treatment and some individual risks from indiscriminate violence in conflict. Moreover, Article 3 of the European Convention on Human Rights prohibits the return of persons to face torture, or inhuman or degrading treatment, even if they do not meet the conditions set out in the 1951 Refugee Convention.

<sup>33</sup> The EU Family Reunification Directive has been transposed into national law by all EU Member States, except for Ireland and Denmark, as they are not bound by the EU Family Reunification Directive. Similarly, the EU Family Reunification Directive is not binding for Norway, Switzerland and Iceland as non-EU members. Nevertheless, the EU Family Reunification Directive is of relevance to those countries that have adopted similar laws out of their willingness for harmonisation with other EU countries.

<sup>34</sup> see Case C-578/08, Chakroun, 4 March 2010; Cases C-356/11 and C-357/11, O. & S., 6 December 2012, C-540/03 Parliament v Council 27 June 2006.



exempt from providing evidence of accommodation, health insurance and income. They also benefit from more lenient rules when providing proof of family relationships. The EU Family Reunification Directive allows Member States<sup>35</sup> to decide whether persons with a subsidiary or complementary protection status should be granted the same provisions as refugees. As a result, there are at least 10 Member States in which beneficiaries of subsidiary protection cannot access family reunification on the same basis as those granted refugee status<sup>36</sup>.

Family reunification is intertwined with the right to family life. The European Convention on Human Rights (ECHR) recognises in Article 8 that “Everyone has the right to respect for his private and family life, his home and his correspondence.” Article 8 of the ECHR does not grant a direct right to family reunification in that it does not allow a person to enter and reside in a Member State for the purpose of family reunification. States have discretionary control over whether families are admitted, or not, to their territory. Despite this discretionary element available to Member States, the European Court of Human Rights has consistently ruled that States must always examine the personal circumstances of the applicant and sponsor, with a number of factors taken into account such as the extent to which family life is effectively ruptured, as well as the crucial consideration in this context, of whether there are insurmountable obstacles to the family living in the country of origin. This has been established by the European Court of Human Rights in numerous cases<sup>37</sup>.

Similarly, the concept of family life is protected in other international human rights instruments. The Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR) provide that a family, as a fundamental unit of society, should be respected and protected in article 16 (3) and Article 23 (1) respectively.

The UN Convention on the Rights of the Child (CRC) refers explicitly to the family reunification for children, as “(...) applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States ... in a positive, humane and expeditious manner” (Art. 10). According to CRC General Comments 32 to 38, States have the obligation to bring children and their parents together in an expedited manner, especially when family reunification in the country of origin is not in the best interest of the child, as there is a reasonable risk that such a return would lead to the violation of the human rights of the child (see CRC General Comment 35). States should not only take timely and deliberate measures to maintain the family unit, including the reunion of separated family members but also, refrain from actions which could result in family separation or other arbitrary interference in the right to family life (Article 16 CRC).

National Red Cross and Red Crescent Societies across Europe play a vital role in supporting the right to family life and the reunification of migrant families including those separated by armed conflict, as a result of persecution or other situations of violence. This is also acknowledged through several resolutions<sup>38</sup> adopted by the International Conference of the Red Cross and Red Crescent Movement and most recently through the Restoring Family Links Strategy 2020-2025<sup>39</sup>. Through the witnessing of the negative impacts of family separation, National Red Cross and Red Crescent Societies adapt their activities to address not only the obstacles created through law and policy but also practical challenges that affected individuals may face in the process of family reunification<sup>40</sup>.

## 5.1 Red Cross activities supporting family reunification

The Red Cross Red Crescent Movement is a longstanding interlocutor with States regarding tracing and family reunification. Many National Red Cross and Red Crescent Societies in Europe provide both tracing and family reunification services. Such services involve restoring and maintaining contact between family members and are a key activity of National Red Cross and Red Crescent Societies as part of the Family Links Network of the International Red Cross Red Crescent Movement. The objective of these activities is to prevent separation and persons from going missing, to clarify the fate and whereabouts of people reported missing or those who might have died during their passage to Europe and restore and maintain contact between family members. In addition to restoring contact between family members, many National Red Cross and Red Crescent Societies may support people in reuniting with their family members and relatives. They implement a range of activities that build upon the Restoring Family Links service: provision of legal and practical assistance, counselling, providing information throughout the family reunification process including assistance with travel arrangements and covering flight costs, and integration support for beneficiaries and their admitted family members. National Red Cross and Red Crescent Societies seek to manage family reunification as a holistic process beginning with tracing missing family members and ending with their reunion with meaningful support given to reunited families as they try to settle into their new life.

National Red Cross and Red Crescent Societies are assisted by a broad network consisting of delegation of the International Committee of the Red Cross (ICRC) and National Red Cross and Red Crescent Societies located in the countries of origin or transit where the beneficiary's family members are residing. The Red Cross Red Crescent Family Reunification Working Group<sup>41</sup>, established in 2018, aims to enhance cooperation across the Red Cross Red Crescent Movement and increase opportunities to support the right to family reunification of international protection beneficiaries, both from an operational and a policy perspective. In addition, National Red Cross and Red Crescent Societies often need to coordinate and cooperate closely with relevant national authorities and intergovernmental or non-governmental organisations to ensure family reunification activities work efficiently and effectively. For example, travel arrangements for persons granted family reunification may be made in cooperation with IOM.

At least 20 National Red Cross and Red Crescent Societies in Europe<sup>42</sup> implement activities related to family reunification, while several others engage in advocacy with the purpose of removing barriers and improving avenues for family reunification. Their services are accessible to all migrants in need of humanitarian assistance and protection, including adults and families with refugee status, persons with subsidiary protection and unaccompanied children and young people. While there is a very small number of National Red Cross and Red Crescent Societies not providing these services, they are nonetheless actively working on restoring family links and referring cases in need of family reunification to other organisations.

**Annex II (p.32)** identifies the types of family reunification activities implemented by National Societies under the EU Family Reunification Directive, or in the case of non-signatory countries other relevant national legislation.

<sup>35</sup> Article 3, Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (FRD)

<sup>36</sup> UNHCR, Families together. (2019) [online] [here](#)

<sup>37</sup> See for example, ECtHR, Gül v. Switzerland, Application no. 23218/94, 19 February 1996; ECtHR, Hode and Abdi v. the United Kingdom, Application No. 22341/09, 6 February 2013 and ECtHR, Tuquabo-tekle v. the Netherlands, Application no. no. 60665/00, 1 March 2006.

<sup>38</sup> see: The Resolution XIXth International conference, the XXVth International Conference, Recommendations of the XXVth International Conference.

<sup>39</sup> Restoring Family Links Strategy for the International Red Cross and Red Crescent Movement 2020-2025. (2019) [online] [here](#).

<sup>40</sup> See ECRE/RCEU, Disrupted Flight: The realities of separated refugee families in the EU. (2014) [online]; British Red Cross/International Committee of the Red Cross/Red Cross EU Office/Swedish Red Cross/Swiss Red Cross, Humanitarian consequences of family separation. (2019) [online].

<sup>41</sup> UNHCR, Red Cross Red Crescent Working Group on Family Reunification (FRWG). [online].

<sup>42</sup> Annex II is completed by means of information collected through PERCO members for the purpose of this handbook as well as with the support of the Red Cross EU Office. This information may be non-exhaustive. 60665/00, 1 March 2006.





## Belgian Red Cross (Flemish-speaking) Provision of information

The Belgian Red Cross focuses largely on providing beneficiaries of international protection information on family reunification procedures in Belgium. The Belgian Red Cross organises one-on-one and group sessions for recognised refugees and individuals with subsidiary protection status to inform them about their rights and avenues for family reunification. The Belgian Red Cross have also created a **dedicated website** that includes information on the national family reunification processes in 8 languages, including an option for audio support.

## Austrian Red Cross Reunification & integration support

The **Austrian Red Cross** supports persons with international protection and their family members throughout both the family reunification procedure and assistance to adjust to their new life in Austria.

Through a team of counsellors and volunteers, the Austrian Red Cross provides support for travel arrangements, legal support, and representation, counselling, strategic litigation, and support during the integration process for beneficiaries and their families following reunification. **“FamilienTreffen”** is a flagship project implemented by the Austrian Red Cross involving “Integration Buddies”; volunteers from local communities that help beneficiaries to settle smoothly and adjust into life in Austria.

## German Red Cross Counselling

The **German Red Cross** counselling service operates from more than 100 locations, with over 200 counsellors with an online counselling available in 19 languages. Once family members arrive in the country, German Red Cross supports integration through mentoring projects, welcome cafes and other programmes which advise on access and participation in the labour market.

## Finnish Red Cross Working together with stakeholders

The **Finnish Red Cross** guides beneficiaries in finding the necessary information about the rules and requirements of family reunification. It works with municipalities in the distribution of information and in jointly supporting sponsors and their family members throughout the process.

In some cases, the Finnish Red Cross facilitates processes by carrying out advocacy with the authorities and other organisations in Finland and abroad. The Finnish Red Cross works together with National Societies, the ICRC, UNHCR, IOM and is in contact with Finnish embassies abroad, the Ministry of Foreign Affairs and the Finnish Immigration Service as well as legal aid providers.

The Finnish government pays the costs of travelling to Finland for family members of resettled refugees only when the family was existing already before coming to Finland. In conjunction with IOM, the Finnish Red Cross commences travel arrangements for family members who have granted residence permits to enter Finland.

## Reunification Pathways for Integration (REPAIR) project

Funded by the European Union’s Asylum Migration and Integration Fund (AMIF), in partnership with the Austrian Red Cross, British Red Cross, French Red Cross, and Slovenian Red Cross, and led by IFRC, the REunification PathwAy for IntegRation (REPAIR) project will run over three years, commencing in 2022 through to 2024. The programme assists people granted international protection and their family members to access avenues for family reunification before, during, and after arrival in the EU.

National Red Cross Societies in these four countries are scaling up their support by offering a range of services including counselling, visa application support, socio-cultural orientation sessions, psychosocial support and language classes. They also provide integration support to help family members reconnect after a long period of separation.

Supported by the ICRC and the Red Cross EU Office, the project overall aims to improve and expand the current service provision through the development of new tools and approaches, also to be shared with key stakeholders.



## 5.2 Reflections on supporting family reunification

### Implementing family reunification

Despite the commitment of the Red Cross and Red Crescent to respond to individual family reunification needs, several challenges persist. National Red Cross and Red Crescent Societies continue to report both the legal and practical obstacles experienced by beneficiaries during their family reunification process.

Key obstacles<sup>43</sup> include the limited entitlements of people with subsidiary and other temporary forms of protection, the definition of who is considered a family member as well as the significant divergence in Member States' national practices when allowing for reunification with other family members beyond nuclear family. In addition to restrictive interpretations of existing rules by European States, practical hurdles have meant that family reunification in Europe is a lengthy and unsafe process. Some of these practical hurdles are; strict time limits in which sponsors can apply for family reunification, difficulties for family members outside Europe to access embassies to complete their applications or receive visas due to lack of consular presence or protection risks associated with cross-border trips, a lack of information and assistance for sponsors and their family members, prohibitive costs, and stringent documentary requirements.

States' measures to respond and contain the spread of COVID-19 exacerbated the situation causing a significant impact on Red Cross and Red Crescent and other actors' operational work and service provision. Travel bans were imposed with limited exceptions for people travelling for the purposes of family reunification. Despite visas being issued, they have often expired or been suspended whilst families were unable to enter their destination country. In some cases, embassy closures have made it impossible to submit visa applications, have claims examined, or receive timely information about the progress of their case. Since embassies have started reopening, delays have been common due to the backlog accumulated during the pandemic – adding to the already lengthy process.

As noted previously, States have shown flexible and creative responses in facilitating family reunification procedures. For instance, in-person requirements were replaced by remote interviews and digital means were used in the remote processing of visa applications. Such approaches have been sporadic in their use and it remains uncertain whether these will be retained in the future. The conflict in Ukraine and resulting displacement which has enormous ramifications for family unity and future reunification of separated families proves this need, yet again.

Funding for family reunification activities, such as information provision<sup>44</sup> and free legal

aid, is key for actors, including the Red Cross Red Crescent Movement, to offer support to beneficiaries. This is because the legal and policy framework can change rapidly and has become complex to navigate. Funding should be adequate to address the needs of beneficiaries and their family members, while preserving the neutrality and operational independence of actors in decision-making and action. A principled approach to funding should be upheld, to allow for needs-based interventions and help maintain trust between beneficiaries and humanitarian actors.

### Advocating for family reunification

Effective and fair family reunification procedures require a strong political commitment at national and EU level. This commitment was reiterated in the Red Cross Red Crescent Movement Resolution<sup>45</sup> on “Restoring Family Links while respecting privacy, including as it relates to personal data protection” calling upon States to “take effective measures to (...) facilitate reunification of families, and to avoid, as far as possible, family separation, consistent with applicable legal frameworks”.

States should acknowledge that family reunification is an essential precondition of the right to family life for all third country nationals and key in achieving integration in receiving communities, especially for beneficiaries of international protection who oftentimes cannot enjoy their family life elsewhere but in Europe due to insurmountable obstacles in their countries of origin (for example risk of non-refoulement and other safety concerns). Family reunification is also a significant safe avenue to protection so family members left behind avoid taking dangerous journeys. Therefore, family reunification procedures should not be used as a policy tool to restrict the access and entry to Europe.

Authorities should implement streamlined procedures that are practical and address the administrative and legal obstacles that individuals may face. Such procedures may include, but should not be limited to, facilitating access through their authorities to embassies and more lenient evidentiary requirements or visa waivers for the purposes of family reunification. States should not discriminate because of different protection statuses (1951 Convention refugees, subsidiary and other protection beneficiaries) when ensuring family reunification. The definition of family should be broadened, to encompass de facto family ties in a non-discriminatory manner which are in the best interests of children and young people. Notably, the term ‘parents’ must be interpreted to include biological, adoptive, and foster parents, where applicable, the members of the extended family or community as guardians provided for by local custom.

Family reunification can be considered as a complementary pathway only in contexts where the scope of family reunification legislation does not allow reuniting with family members beyond the nuclear family such as extended family members and those who have a relationship of dependency. It should be first and foremost ensured that Member States comply with the Family Reunification Directive and that family reunification remains a right, not limited by resettlement quotas or other pathways, especially considering the overall scarcity of existing safe avenues.

<sup>43</sup> British Red Cross/Swedish Red Cross/Swiss Red Cross, Humanitarian consequences of family separation. (2019) [online]; European Commission, Report on the implementation of Directive 2003/86/EC, (2019) [online]; EMN, Family Reunification of Third-Country Nationals in the EU plus Norway: EMN Synthesis Report. (2017) [online]; UNHCR, Families together. (2019) [online] [here](#).

<sup>44</sup> National Red Cross and Red Crescent Societies cooperate closely with their authorities to ensure that the personal data of beneficiaries is adequately protected and not provided without the permission of the beneficiaries involved, in line with the “do not harm” principle and the fundamental right to private life. See: Resolution 4: [Restoring Family Links while respecting privacy, including as it relates to personal data protection](#) (33IC/19/R4); the [RFL strategy 2020-2025](#) and Restoring Family Links Code of Conduct on Data Protection, 2015; RCEU, [Position Paper](#) “Protecting the humanitarian space to access and support migrants” 2021.

<sup>45</sup> Resolution 4: [Restoring Family Links while respecting privacy, including as it relates to personal data protection](#) (33IC/19/R4).





## 6. Conclusion

This Handbook provides a comprehensive overview of the activities undertaken by National Red Cross and Red Crescent Societies providing safe avenues to Europe. It draws on our expertise in this field, which varies depending on capacity and the national context, and locates our work within broader global initiatives that seek to strengthen durable solutions for people in need of protection.

There are opportunities to enhance protection in Europe, through improved access, efficient procedures and sustained dialogue with relevant actors, partners and impacted individuals and their communities. Safe avenues should not differentiate or exclude people seeking protection, regardless of how or where they arrive. Doing so would allow for people to seek protection in a safe and dignified manner, improve capacity when responding to crises, as well as meeting the EU's commitment to legal pathways to protection, through the EU Pact on Migration and Asylum.

Safe avenues provide an opportunity to foster integration and social inclusion by involving volunteers, communities, civil society, and beneficiaries of international protection and their families. Inclusion of local communities and people with lived experience in the design and implementation of safe avenues is key. To achieve aims of integration, inclusion and belonging, greater investment in national systems and non-State actors is needed, supported by predictable planning and clear responsibility-sharing arrangements between States, civil society, and National Red Cross and Red Crescent Societies.

Finally, the Projected Global Resettlement Needs Assessment identifies more than 2 million refugees will need resettlement in 2023, an increase of 36 percent in comparison to 2022. Today over 1.25 percent of humanity is considered forcibly displaced, a three-fold increase in the space of just ten years. As humanitarian needs increase, we encourage European States to further expand their programmes, work collaboratively to harmonise and improve their approaches and embrace innovation. With greater ambition, we can ensure that Europe's long history of welcoming refugees is able to meet protection needs, now and in the future.

## 7. PERCO recommendations on safe avenues to protection in Europe

### General recommendations on safe avenues to protection in Europe

The establishment and increase of safe avenues for people in need of protection must be strongly encouraged with the aim of increasing the numbers of people accessing protection in a safe, orderly and regular manner which avoids the separation of families and prevents death along migration routes .

- States should facilitate access to a variety of safe avenues to access protection. In doing this, they should carefully examine the profile of people in need of protection and match individual needs to the most appropriate scheme.
- Safe avenues to protection should be established to provide safe access to protection and thus, the access to an asylum claim after the arrival must be guaranteed.
- Safe avenues to protection should be developed in a complementary manner and without replacing or reducing the quotas of other safe avenues.
- Safe avenues to protection should be developed in addition to both State's existing resettlement commitments, as well as commitments made in the context of the Global Refugee Forum and the EU Resettlement schemes, to grant access to asylum for persons in need of protection.
- Establishing or increasing safe avenues should not be used as a migration management tool, nor constrain the right of people to seek and access international protection irrespective of the way they arrive in Europe. Access to international protection at borders must remain possible and the principle of non-refoulement must be respected. Spontaneous arrivals cannot be criminalised or result in a 'two-tier' protection and integration system where people have fewer rights. This must be prevented while higher standards are maintained.
- Beneficiaries of international protection with lived experience should be consulted when developing programmes to ensure that the services meet the needs of the affected people and their families.
- States should respect the role and services of humanitarian actors. This includes not demanding information for the purposes of compliance that may undermine the trust of the people the Red Cross Red Crescent Movement serve, or the independence, impartiality and neutrality of services we provide. By prioritising safety and exercising greater discretion, States can play an important role in reducing fear and encouraging people to seek assistance.
- States should allocate adequate funding for activities supporting persons in need of protection to access safe avenues.
- European States must capitalise on any flexible, alternative solutions successfully used during the COVID-19 pandemic and past humanitarian crises that can help streamline procedures and improve access to each safe avenue in place.

## Recommendations on resettlement

- Resettlement is an effective protection tool that allows for global responsibility sharing. It is a long-established and global pathway: States should build on UNHCR support to further use and develop this safe avenue by increasing their pledges and the quality of services allocated to resettled refugees.
- Yearly resettlement pledges should be transparently and regularly monitored and implemented to make sure that the number of resettled refugees effectively matches with States' commitments.
- Establishing resettlement programmes allows for predictable admission and arrivals. Reception of refugees should effectively be arranged at a pre-arrival stage and the receiving communities should be informed and prepared. This can improve reception and social inclusion efforts.
- Vulnerability must remain the key criteria for resettlement, irrespective of integration prospects, nationality or religion. Geographic priorities should reflect concrete humanitarian needs.
- Resettlement programmes should not contribute to the establishment of a two-tier system. Beneficiaries of international protection should benefit from the same rights and integration measures irrespective of the way they arrive in a country, be it through resettlement, other safe avenues or irregularly.
- While resettlement plays an essential role in providing access to protection it is not accessible to all people in need of protection, due to its limited numbers, specific requirements and geographic priorities or limitations. It is necessary to develop safe avenues that target other vulnerable groups.

## Recommendations on community sponsorship

- Community sponsorships provide additional pathways to protection, in a manner which is safe and engages host communities to show solidarity and take a leading role in enabling welcoming communities. Community sponsorship should be developed in addition to resettlement and other safe avenues and not diminish resettlement quotas.
- Community sponsorship programmes should be developed with consideration to the local context, accounting for specific particularities such as access to social welfare and health systems.
- Adequate safeguards for the sponsorship system should be in place. Community sponsorship programmes should include clear delineation responsibilities and be resourced to address foreseeable needs. At the same time, a system needs to be in place to ensure that over-dependency and exploitation do not arise from the relationship between the sponsors and the refugees.
- Community sponsorship programmes should not be seen as a means to reduce responsibilities that States have towards people seeking international protection. These responsibilities arise out of national, European and international law. Shifting part or all of these responsibilities towards civil society actors can result in disparities in outcomes and enjoyment of the basic rights all beneficiaries of international protection should receive.

## Recommendations on humanitarian visas

- Humanitarian visas should be increasingly used and promoted by European States as they are complementary to other types of safe avenues and have a great potential when it comes to finding individualised solutions for people in highly vulnerable situations. The relatively easy access for beneficiaries and fast processing of applications are two main assets of this safe avenue for very urgent vulnerable cases.
- Humanitarian visas allow people to move to a country in which they have existing links, very often based on the fact that they have family members in that country. Integration can therefore be highly facilitated.
- An EU legal framework for humanitarian visas should be put in place in order to allow for better responsibility sharing among States, as well as coherent and transparent practices.
- Clear and detailed information about the requirements and procedures must be publicly available in order to improve the access of beneficiaries to this safe avenue. Clear and transparent information on the procedures also helps reduce the numbers of unsubstantiated applications, and to improve the selection and prioritisation of files for the authorities in charge.
- Humanitarian visas must be put in place as a complementary to other pathways and not for the purpose of replacing or reducing the quotas for other safe avenues.

## Recommendations on family reunification

- States should take all necessary steps to uphold the right to family life, including through effectively applying more favorable rules for beneficiaries of international protection and their family members, and more broadly facilitating access to swift family reunification procedures.
- Family reunification should not be limited by resettlement quotas or other safe avenues.
- Developing safe avenues for the reunification of extended family members is key to increase the number of people admitted to safety and protection.
- Disproportionate administrative and practical obstacles imposed by States must be lifted so that all beneficiaries of international protection, including 1951 Convention refugees and individuals with complementary forms of international protection, and their family members can effectively exercise their right to family life in a fair and expeditious manner. Once admitted, beneficiaries' family members should enjoy the same rights and secure status as their sponsors.
- Restrictive legislation and policies need to be reviewed so as to ensure that a broad interpretation of the term family member is allowed, including by considering dependency aspects and other vulnerabilities. The best interest of a child must be a primary consideration in the development and implementation of any family reunification-related legislation and policy.
- Overall, a more holistic, protection-oriented approach in family reunification that is safe, inclusive and provides the necessary support to families at every step of the way must be in place.



## Resettlement support by National Red Cross and Red Crescent Societies in Europe

(this table is not exhaustive).

National Red Cross or Red Crescent Society	Reception upon arrival	Support for integration	Access to rights
British Red Cross	✓	✓	✓
Bulgarian Red Cross		✓	✓
Croatian Red Cross		✓	
Finnish Red Cross	✓	✓	
French Red Cross	✓	✓	✓
Lithuanian Red Cross			✓
Luxembourg Red Cross		✓	✓
Norwegian Red Cross		✓	✓
Spanish Red Cross	✓	✓	
Swiss Red Cross			✓

Family reunification activities of National Red Cross and Red Crescent Societies in Europe  
(this table is not exhaustive).

National Red Cross Red Crescent Society	Advocacy & humanitarian diplomacy	Information provision	Legal assistance e.g., representation, legal counselling	Strategic litigation	Assistance with travel arrangements	Integration support following admission	Liaising with authorities & other organisations in & outside Europe	Referrals to other organisations for more specialised family reunification support
Austrian Red Cross	√	√	√	√	√	√	√	
British Red Cross	√	√	√		√	√	√	
Belgian Red Cross		√						√
Bulgarian Red Cross	√	√				√		√
Croatian Red Cross						√		
Cyprus Red Cross Society						√		√
Czech Red Cross								√
Danish Red Cross	√	√				√		
Estonian Red Cross								√
Finnish Red Cross	√	√			√	√	√	√

National Red Cross Red Crescent Society	Advocacy & humanitarian diplomacy	Information provision	Legal assistance e.g., representation, legal counselling	Strategic litigation	Assistance with travel arrangements	Integration support following admission	Liaising with authorities & other organisations in & outside Europe	Referrals to other organisations for more specialised family reunification support
French Red Cross	√	√	√		√	√	√	√
German Red Cross	√	√	√				√	
Hellenic Red Cross		√	√			√	√	√
Hungarian Red Cross								√
Irish Red Cross		√			√		√	
Italian Red Cross	√	√					√	
Latvian Red Cross								√
Lithuanian Red Cross	√					√		
Luxembourg Red Cross						√	√	√
Malta Red Cross						√	√	√



National Red Cross Red Crescent Society	Advocacy & humanitarian diplomacy	Information provision	Legal assistance e.g., representation, legal counselling	Strategic litigation	Assistance with travel arrangements	Integration support following admission	Liaising with authorities & other organisations in & outside Europe	Referrals to other organisations for more specialised family reunification support
Red Cross of Montenegro					✓	✓	✓	
Netherlands Red Cross	✓							✓
Norwegian Red Cross	✓	✓				✓		
Polish Red Cross								✓
Portuguese Red Cross							✓	✓
Slovenian Red Cross	✓	✓			✓	✓	✓	✓
Spanish Red Cross	✓	✓			✓	✓	✓	
Swedish Red Cross	✓	✓	✓	✓	✓		✓	
Swiss Red Cross	✓	✓	✓	✓			✓	



2023

# HANDBOOK

on safe avenues to access protection in Europe

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