

European Humanitarian Corridors Concept Paper

Project Goal and Envisaged Outcomes

Envisaged Outcome

Safe and legal transfer of thousands of vulnerable migrants and refugees out of Libya and neighboring countries along the Central Mediterranean Route¹ over two years. According to available information regarding the regional situation and the potential capacity of host countries, we consider 50,000 to be the appropriate number.

Route to Outcome

- Development of humanitarian corridors (HC) mechanism pioneered in 2015;
 - Expansion of HC mechanism beyond the Lebanon/Italy pilot and subsequent legacy corridors to a wider group of European host countries;
 - Creation of a flexible model, easy to integrate within different national legal frameworks, building on existing complementary pathways, such as:
 - (1) HC based on art. 25 of the Schengen Visa Code²;
 - (2) Community sponsorship programs;
 - (3) Medical evacuation
- Use of resettlement and voluntary repatriation schemes;
- Multi-stakeholder approach involving government, INGOs and civil society.

Irrespective of the type of model adopted, the European Humanitarian Corridors (EHC) quotas must be additional to existing resettlement commitments, resulting in a net increase in protection places.

Policy context

Since the mid-2010s, there have been calls to expand resettlement and other safe and regulated pathways for migrants and refugees to reach Europe and provide legal status. In 2016, EU Member States signed the *UN New York Declaration for Refugees and Migrants*, which proposes, inter alia, several actions to expand complementary pathways for admission of refugees, such as private sponsorship programs. Similarly, both the *Global Compact for Safe, Orderly and Regular Migration (GCM)* and the *Global Compact on Refugees (GMR)* emphasize the importance of enhancing availability and flexibility of pathways for regular migration, including pathways which are complementary to resettlement.

At EU level, since the adoption of the *European Agenda on Migration* in 2015, the EU has recognized the need to develop additional legal entry channels for people in need of protection. Thus, while resettlement

¹ Algeria, Burkina Faso, Cameroon, Chad, Djibouti, Egypt, Ethiopia, Kenya, Libya, Mali, Mauritania, Morocco, Niger, Sudan, Tunisia per <https://www.unhcr.org/5aa78775c.pdf>

² EC Regulation n. 810/2009 of 13 July 2009 (Community Code on Visas)

remains one of the most important tools at States' disposal to meet the protection needs of refugees, complementary pathways provide an option through which European Member States, together with civil society, can scale up their contribution to international protection efforts.

Far from replacing resettlement or other routes to migration, complementary pathways provide additional avenues for refugees to access international protection. They are not intended to substitute States' obligations to provide international protection to refugees. By facilitating safe entry to the EU, they offer refugees an alternative to unregulated and dangerous onward movement. By making more solutions available to refugees, complementary pathways serve the important objective of increasing access to protection.

Background and Rationale

Together, FCEI and the Comunità di Sant'Egidio (CSE) developed the HC mechanism, now well-established in Lebanon, which offers lasting solutions for vulnerable migrants and refugees brought to Italy on the basis of article 25 of EC Regulation n. 810/2009 of 13 July 2009 (Community Code on Visas). This permits Member States to issue visas with limited territorial validity for, among others, humanitarian reasons.

This is a multi-stakeholder mechanism which sees faith-based organizations working in partnership with the relevant ministries of the Italian government in offering lasting solutions for persons in a situation of acute concern. Following the success of the 2015-2017 pilot, which saw the safe and legal admission of 1,000 vulnerable migrants and refugees to Italy, a second protocol was agreed with the Italian government to permit a further 1,000 vulnerable migrants and refugees to come to Italy over the period 2017-2019, and negotiations for a third protocol will shortly begin. This success has spawned legacy corridors to France, Belgium, Andorra, San Marino and from Ethiopia, Niger and Jordan. There has been widespread recognition of the value of the mechanism as an example of good practice.

The mechanism provides a safe, legal, orderly, durable and viable migration pathway:

- Safe, in that transport is organized via standard channels which circumvent traffickers and people-smugglers;
- Legal, in that humanitarian visas permit beneficiaries to enter Europe and thereafter pursue applications for international protection;
- Orderly, in that corridors are planned and scheduled;
- Durable, in that beneficiaries are matched with appropriate host communities, prepared for departure, placed in diverse parts the host country on arrival, supported with language learning, preparation and training for employment, social and legal input, all with a view to fostering integration and self-sufficiency within a time-frame of approximately eighteen months;
- Viable, in that responsibility is shared among diverse actors including government, INGOs, and civil society.

Notwithstanding the foregoing, the mechanism itself is of a **temporary** nature, representing a fixed-term commitment by stakeholders to the beneficiaries concerned.

FCEI and CSE have built significant experience in managing the HC program in the four-year period since its inception. They have been able to improve and refine the system for identifying beneficiaries, preparing them for departure, supporting them upon arrival, matching their profiles with host communities and equipping them for smooth integration. FCEI is mobilizing a wide network of faith-based organizations from across Europe willing to support a strategic initiative which provides structured safe passage for migrants in the region.

Libya is currently unable to safeguard the human rights of persons of concern who are trapped there. Before the conflict worsened, it was estimated that there were approximately 700,000 migrants in Libya³ including some 48,000 persons registered with UNHCR and that between 4,000 and 9,300 people were held in centres under the control of the Libyan authorities. The number doubles when one takes into account persons of concern held in centres under the control of non-state actors, i.e. militias or non-institutional factions.⁴ Various international agencies including UNHCR have condemned the human rights violations recorded in these centres⁵, whose numbers are being swelled by interceptions and returns to Libya of those attempting to escape in boats crossing the Mediterranean Sea.

Transfers of persons of concern out of Libya via the Emergency Transit Mechanism (ETM) in Niger and humanitarian evacuations programs to Italy are already underway. Although hugely important, the number of beneficiaries remains far below the actual level of need. Furthermore, there is significant pressure on neighbouring countries through which migrants are transiting as they travel north.

A joint initiative involving a coalition of willing European partners is needed to respond to this acute situation and to ease pressure on host countries. The numbers involved should balance the level of need within the region with the capacity of receiving countries to host migrants. The model used should not only address the urgent need to remove vulnerable migrants and refugees safely from immediate danger but also offer a long-term prospect of successful integration into another society. Our experience tells us that the HC model pioneered in Lebanon can do both.

We are therefore proposing that the HC model be expanded across Europe to help to open places for 50,000 migrants who are currently trapped in Libya and in countries along the Central Med Route. We acknowledge that the number carries two potential risks: (a) creation of a pull factor and (b) resistance by states and the public at large to supporting that number.

(a) Pull Factor

Opening a safe channel for migration, whatever the numbers involved, may create additional pressure for the countries concerned, as those seeking safe passage try to access the program. This could, in addition, cause those concerned to expose themselves to further danger by making an ultimately fruitless journey to a different, more dangerous, location. In order to address that, one option would be to define strict criteria for accessing the program, for example, by making it available only to those registered with UNHCR on a specific date in the countries concerned. The temporary, fixed-term nature of the program also minimizes the pull factor risk.

(b) Resistance

The proposal envisages a coalition of willing partners among whom responsibility will be shared. The larger the coalition, the smaller the burden on the parties concerned. For example, 50,000 shared among ten European countries would translate as 5,000 per country or 2,500 each year.

Furthermore, not all of those included in the number will in any event come to Europe. The project envisages that a certain number will voluntarily repatriate. Provided appropriate safeguards can be put in place and there is a genuine will on the part of the persons concerned, a certain number could be helped to return home in safety and dignity.

³ IOM Displacement Tracking Matrix, Libya Detention Centre Profile, August 2018, <http://www.globaldtm.info/libya/>

⁴ <https://www.ilfattoquotidiano.it/2018/06/12/libia-ora-i-gommoni-salpano-a-est-di-tripoli-per-fermare-le-partenze-allitalia-serve-un-nuovo-accordo-con-tre-milizie/4420092/>

⁵ See, for example, IOM data on Al Zintan, which housed 935 people in March 2019, had no functioning latrines or ventilation and suffered frequent power cuts.

<https://www.globaldtm.info/libya-detention-centre-profile-generator-march-2019/>

Methodology and Approach

The project neatly divides into six distinct phases:

1. Mapping host countries and applicable regimes
2. Identification of beneficiaries;
3. Identification of host countries;
4. Pre-departure orientation (PDO);
5. Travel and arrival process;
6. Post-arrival support

1 Mapping

It would be crucial to establish an agreement both among the States that, on a voluntary basis, agree to subscribe to the European Humanitarian Corridors and, where possible, among governments and the civil society of each State. The mapping will identify which countries will commit to hosting and the precise extent of their capacity to do so as well as the relevant national legal regimes, the number of entry permits made available and the extent to which subsequent integration paths will be resourced by governments and public resources and, in part, by civil society.

2 Identification of beneficiaries

The multi-stakeholder approach would see more than one agency involved in every phase of the project. We anticipate that beneficiaries would be identified primarily by UNHCR with a modest number of referrals from other organizations working on the ground, provided that operational aspects can be jointly agreed through the development of protocols, Standard Operating Procedures and arrangements for data sharing. See further, regarding selection criteria, at *Expectations* below.

3 Identification of host countries/voluntary repatriation

Ideally, in matching candidates with potential host countries, consideration would be given to existing links (familial or otherwise) and skills (linguistic and vocational) of those concerned, together with needs and constraints which may affect their integration into the country of relocation. Consideration must be given to who would undertake the review of candidates destined for EU countries. The relevant authorities would undertake screening and, on the basis of the applicable legal framework permit entry to the host country. It is assumed that reception would be implemented (a) within government-run facilities and (b) within facilities run by civil society.

It is also assumed that a number of those identified do not seek relocation to Europe. For those opting to return home, voluntary repatriation in safety and dignity needs to be made available, mobilizing support for returnees through INGOs and other possible stakeholders.

4 PDO

The current mechanism permits a certain level of PDO in the form of “survival” language tuition, cultural orientation and psychotherapeutic input, provided via digital technology, INGOs, civil society and other professionals. It is an opportunity to present a realistic picture of the host country, and scope of the program, as well as allowing beneficiaries time to set out their concerns and expectations. Whether or not that level of PDO can be replicated will depend on a number of factors, not least of all, whether interim transfers are made to a third country before reaching the intended destination.

5 Travel and arrival process

Before persons can be admitted to any host country, travel documentation and exit permits/visas as well as admission documentation (entry visa) must be attended to. These procedures can differ according to which country will host and the specific program chosen, but often include issuing visas, immigration and customs paperwork, clearance of security checks and other country-specific vetting protocols. A transit visa may also

be needed. Travel arrangements would be effected by INGOs in co-operation with government and civil society personnel from the relevant host country.

6 *Post-arrival support*

Post-arrival support would be effected in the host country by civil society. Under the current model, that includes language tuition, social orientation, psychotherapeutic support (via independent psychologists), legal information, support into employment and modest financial provision to help beneficiaries transition to self-sufficiency. The same level of support is envisaged under the present proposal, with an enhanced level of psychotherapeutic support which takes account of the particularly challenging context.

Hosting itself could be effected by different actors, be they state or non-state, including, where appropriately equipped, diaspora organizations, provided that sufficient funding is made available for that.

The HC model is agile and, as has already been demonstrated, can be adapted to meet the exigencies of diverse host countries. There is therefore scope for each phase to be delivered in the manner which best suits local and national partners in each host country without deviating from the overarching objectives.

The present proposal directly supports a number of UNHCR's current Global Strategic Priorities:

- **A favorable protection environment**

Those presently trapped in the region have little access to international protection and there are no asylum procedures in place. Should they embark on a journey across the Mediterranean and be intercepted by the Libyan coastguard, they will certainly be returned to deplorable conditions in Libya. The expansion of the HC model would provide beneficiaries with a safe means of accessing international protection without risk of *refoulement*.

- **Security from Violence and Exploitation**

The extraordinarily high level of exposure to violence and, in particular sexual and gender-based violence, of those detained in Libya has been well-documented. Indeed, some victims understand that violence will be a routine part of the price to be paid for fleeing through Libya to Europe. Anecdotal evidence suggests that many detainees are in a situation of servitude and that violence within a forced labor context is commonplace. Specific risks are faced by children, a high number of whom are Unaccompanied and Separated Children, and who are routinely detained in severely overcrowded conditions where they are at risk of molestation. The present proposal would safely remove potential victims from this context.

- **Basic Needs and Services**

Evidence from those detention centers to which UNHCR has access suggests that detainees in Libya are existing in seriously sub-standard facilities with scant access to clean water, sanitation, sufficient food, power or appropriate accommodation. Hosting in appropriate facilities is a fundamental aspect of the HC model and enables beneficiaries to live in countries which can meet all of these needs.

- **Community Empowerment and Self-Reliance**

The situation of potential beneficiaries is currently one of survival. The HC model goes well beyond meeting beneficiaries' basic needs and services, the overarching aim being to provide a long-term solution which permits self-sufficiency and integration within another society. Maximizing the potential of every beneficiary to learn, train and work is a key element of the model.

- **Durable Solutions**

According to the Global Compact on Refugees (GCR)⁶, complementary pathways should stand alongside resettlement and that the number of countries offering these should be expanded. The UNHCR three-year strategy on resettlement deriving from the GCR makes direct reference to the advancement of complementary pathways through expansion of their scope and size, and sets an ambitious target of 2,000,000 places by 2028. This project has the potential to contribute directly to the expansion in scope and size of a complementary pathway and, thereby, achieve the target set by UNHCR in the three-year strategy.

Technical Capacity

FCEI and CSE have proven technical capacity in

- (1) Developing the legal framework for the model in an Italian context;
- (2) Developing the logistical framework for the model in an Italian context;
- (3) Implementing the model in all its phases within an Italian context;
- (4) Providing support for the development of legacy corridors

FCEI and CSE have been engaged in the development and implementation of the mechanism since its inception. They have developed a strong working relationship with the Italian Ministries of the Interior and of Foreign Affairs, essential to provision of visas. Through small teams based in host countries and departure countries, (on the part of FCEI) strong links with the Diaconia Valdese and a reception center for highly vulnerable migrants in Sicily, (on the part of CSE) a network of parishes across Europe, FCEI and CSE have been able to coordinate and implement the model in all its phases. Using the know-how gained, they have been able to support other organisations in the development of legacy corridors. Along with a consortium of other partners, FCEI is currently involved in an AMIF project⁷ to devise best practice guidelines for the HC model.

The present project is on a significantly grander scale and would involve other European countries as hosts. FCEI and CSE have strong links with faith-based organizations in a number of European countries but do not pretend knowledge of legal systems other than the Italian legal system nor links with other Governments other than the Italian Government. It currently has no team within the target region. FCEI and CSE would therefore require support in co-ordinating a project of this scale.

Expectations

Given UNHCR's presence in the region and its experience in the context of resettlement and humanitarian emergency evacuation programs, the following role for UNHCR could be envisaged:

- Identification of beneficiaries

Drawing on our experience of implementing humanitarian corridors in Lebanon, it is crucial to have well-defined selection criteria and a proper process for identifying beneficiaries based on agreed protocols and Standard Operating Procedures, taking into account minimum protection standards and data sharing arrangements. The selection criteria used in the Lebanese context included protection *and* vulnerability criteria, which could be appropriate for the regional context given the intolerable conditions which are faced by vulnerable migrants and refugees. We are not proposing a resettlement program and so, although likely to do so in the vast majority of cases, the very narrow protection criteria need not therefore apply, as appears to have been in the case for recent humanitarian evacuations to Italy. This may require the involvement of more than one INGO, for

⁶ Paragraphs 94-95

⁷ *Private Sponsorship for Integration: Building a European Model*

example, UNHCR and IOM. Before finalizing selection criteria, a thorough review of the diverse legal frameworks and existing admissions programs of potential partner countries requires to be undertaken to establish whether entry for those not meeting protection criteria is legally viable.

We envisage that the primary referral source for beneficiaries would be UNHCR but that this would not exclude referrals from NGOs working on the ground in the region. Health assessments should also be carried out, not only to assess eligibility but also to assist in matching beneficiaries to the community best suited to meet their needs.

- Transfer logistics

We understand that humanitarian evacuations from Libya are currently being effected via Niger and Rwanda, and appreciate that a third country may need to be involved to effect safe transfers. Transfers would need to be effected with the assistance of INGOs.

Protection Considerations and Safeguards

EHC are likely to build on and bring under the same overarching umbrella various existing entry or migration pathways, albeit differentiated at local level. Participating countries, in collaboration with other stakeholders, would need to take into account a number of protection considerations and safeguards when establishing or implementing their own EHC mechanism for admission of vulnerable migrants:

The right to seek asylum and protection against *refoulement*

Systems and procedures need to be in place to guarantee protection against *refoulement* for refugees benefiting from HC. If migrants and refugees cannot return to the host country or to their country of origin, they need to be able to seek asylum, or attain another secure legal status allowing them to remain after completion of the program.

Access to justice, rights and services

Migrants and refugees benefiting from EHC will require access to institutional mechanisms and procedures that provide access to justice, including fair employment practices, freedom from discrimination and exploitation or from other risks associated with third-country mobility, irrespective of their legal status. Support services such as health, education, legal aid/assistance, housing, counselling and psychosocial services, and language support are also important. Consideration needs to be given to providing migrants and refugees with initial targeted support upon arrival and ensuring that there is adequate social and legal support until such time as a longer-term option or durable solution is found.

Respect for the right to family unity

It is important to ensure that refugees arriving through complementary pathways are able to maintain family unity wherever possible.

Monitoring

FCEI has recently implemented a new monitoring system for the pioneer Lebanese corridor. Supported by MPI in the context of the EU-FRANK project, FCEI has developed a pertinent set of indicators which permit progress to be tracked and evaluated through record-keeping and direct feedback from beneficiaries and staff.

The existing tool currently monitors pre-departure orientation, travel and the post-arrival experience (including integration) at two points, namely, at six and eighteen months after arrival. Like others, we acknowledge that integration is multi-dimensional and can depend on a broad range of factors. It is therefore

necessary to monitor aspects such as access to resources like education and healthcare, opportunities for work and leisure as well as broader concepts like social mixing.

This monitoring tool could be adapted to measure progress in implementing the proposed project. We foresee a continuing role for FCEI in working with other stakeholders to effect monitoring and evaluation in each phase of the program.

Communication

We acknowledge in order for the program to be adopted successfully, it will need to be accompanied an information campaign which raises awareness of the positive impact on beneficiaries and host communities of the pioneer corridors, and the potential benefit of expanding the concept.

As at 5th December 2019