

Bratislava

13 September  
2016

FORUM ON REFUGEE INTEGRATION AND RESETTLEMENT  
IN CENTRAL AND EASTERN EUROPE:

NGOS PERSPECTIVE

**RECOMMENDATIONS TO THE GOVERNMENT OF THE SLOVAK  
REPUBLIC IN RELATION TO SLOVAK PRESIDENCY OF THE COUNCIL OF  
THE EUROPEAN UNION**

We, the **non-governmental organizations** working with migrants and refugees in countries of **Central and Eastern Europe** (listed at the end of the letter) have met on 23 August 2016 with other NGOs and representatives of governmental institutions at the **Forum on Refugee Integration and Resettlement** in Bratislava. As a result of the Forum and with special focus on upcoming **EU Summit in Bratislava on EU's future** on 16 September 2016 and **UN Summit for Refugees and Migrants** in New York on 19 September 2016, we would like to offer our experience and **joint recommendations to the Government of the Slovak Republic at the time of its Presidency** of the Council of the European Union and beyond in the following areas of refugee protection and integration and to offer our expertise and assistance therein:

## **1. Protection of Refugees**

Protection of refugees is a cornerstone of the international system of human rights and States have important legal obligations in this regard.

As NGOs formed by concerned citizens of our respective countries, we believe that **our countries have a great potential to become reliable and important partners** in international solidarity with refugees and in the process of finding effective solutions for their safety and well-being.

At the same time, we acknowledge various challenges associated with migration in such unprecedented numbers as witnessed in 2015, especially those faced by host societies or risked by individuals. Worried, we see the rise of xenophobia and anti-solidarity movements here and around the world, which seek to undermine existing legitimate and democratic national and transnational systems of cooperation.

For the same reasons we believe that it is crucial for our countries and their governments to **repeatedly remind themselves and their societies of the international obligations** towards protection of refugees, international solidarity, cooperation and to **rebuild the trust** of their citizens into functioning of the system. The

necessity and importance of abiding international law even in changing circumstances shall be communicated to the citizens. Governments should communicate to the public the importance of protection of and assistance to refugees **with courage** and **in constructive, calm and reasonable manner** in order to prevent social conflicts and moderate people's fears of the future.

We should embrace our obligation to help both as a moral and legal commitment. As non-governmental organizations assembling concerned citizens, we stand ready to assist our governments in this endeavour.

## 2. Safe and Legal Paths to Europe

People fleeing violence, war and human rights violations frequently rely on smugglers, often fall prey to traffickers, and risk their lives in unseaworthy boats or climb fences at the external land borders of the European Union. UNHCR estimated that 3151 women, children and men have lost their lives or went missing in the Mediterranean alone in 2016<sup>1</sup>.

Why do refugees choose irregular and dangerous paths to get to Europe? Simply because legal and safe pathways have proven to be inaccessible.

People who flee from countries subjected to widespread violence and war, cannot obtain all documents necessary for a Schengen visa, quite simply because state authorities of their home countries usually do not function well, if at all, at times of war. Regimes abusing human rights often refuse issuance of these documents to those whom they target with persecution. People fleeing imminent danger do not have time to go to an embassy and request a humanitarian visa.

We would like to encourage the Slovak Republic as the presiding EU Member State **to advocate for the introduction of safe and legal pathways for people fleeing war and persecution**, alongside the measures which the European Union adopts to combat irregular migration. Such positive measures would motivate migrants to come in a regulated manner and in an effect curb irregular migration.

Safe and legal pathways should be understood as a set of **mutually-beneficial legal solutions** for the most vulnerable refugees who can be identified and vetted prior to

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<sup>1</sup>Data available as on 17 August 2016 at [<http://data.unhcr.org/mediterranean/regional.php>]

their arrival to the destination country and whose integration can be well prepared in advance.

Legal pathways would allow persons seeking protection to travel safely and spend their money on ordinary travel means rather than paying smugglers. Examples of safe and legal paths shall include organization of refugee resettlement, support to private sponsorship, facilitation of family reunification, and issuance of humanitarian visa or uplifting of visa requirements in situations where greater number of persons must flee their home country and seek protection.

Therefore we recommend that the Slovak presidency along with other countries of Central and Eastern Europe **actively supports** the proposal of European Commission to create an **EU Resettlement Framework**. This proposal, as presented in July 2016, seeks to establish a common European policy on resettlement to ensure orderly and safe pathways to Europe for persons in need of international protection.<sup>2</sup> Furthermore, we believe that our countries are ready to take an active role in such framework. We would like to encourage our countries to start **preparing resettlement programs and to estimate real numbers of refugees who can be successfully welcomed each year**. We, as communities of active and experienced citizens, are ready to help governments in these processes.

In relation to economic immigration, we are convinced that **clear and transparent legal rules for the economic migration** to fill in job vacancies unable to make use of the domestic labor force, as well as supporting innovations and attracting high-skilled workers would be beneficial for our societies and would also contribute to the elimination of undesirable irregular migration. Therefore we would like to encourage countries to support establishing such programs and legal schemes.

### 3. **Overcoming Integration Challenges Together**

Integration is a two-way process, involving an individual refugee and/or their families on one side and host society on the other. When governments, municipalities, communities and other actors (NGOs, religious organizations, private sector, etc.) cooperate together they can successfully manage the process of integration of refugees. At challenging times like these, it has become more important than ever that the

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<sup>2</sup> European Commission, Press release, 13 July 2016, [[http://europa.eu/rapid/press-release\\_IP-16-2434\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2434_en.htm)]

governments take charge of this process from position of authority and invest their resources in order to yield tangible and mutually beneficial results.

Therefore the issue of **integration of refugees** is crucial and should not be overlooked by the Slovak Presidency of the Council of the EU, even if its programme<sup>3</sup> itself does not specifically mention it. Member States shall be encouraged in their efforts to further harmonize the Common European Asylum System in order to achieve high level of protection across the EU and **ensure broad access to fair and efficient asylum procedures**. Regardless of the responsible Member State **recognized refugees should receive the same level of protection and rights**. Such harmonization would also contribute to **better integration** of beneficiaries of international protection and to contribute to social cohesion within the society and could have an impact on **reducing irregular secondary movements** within the EU.

Available research and data show that in the long term the investment into refugee integration is not only **economically favorable**, but also that it serves as **prevention of social tensions and radicalization and** enables individual refugees to live **fulfilled lives**.

Refugee integration is imperative for the prevention of risks mentioned in the Programme of the Slovak Presidency, not only in short term, but also when we focus on long term achievements for next generations of migrants settled in our host societies. We believe our common goal shall be to build an **inclusive society where everyone has equal opportunities to reach his or her potential**.

#### 4. Involving Local Communities and Municipalities

**Communities** play significant role in refugee integration. Integration always takes place inside communities, neighborhoods, at local level. **Local representative bodies are best equipped** for the identification of and response to the needs of the local populations, of which refugees become part, when granted protection. Participation of all groups of population in local life supports social cohesion of the community.

Therefore local policies should be **inclusive and mindful of diversity**. Nevertheless, the implementation of the local policies requires not only **good-will** from the local village/town/municipality, but also **support from the central government**.

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<sup>3</sup>Programme of the Slovak Presidency of the Council of the European Union, 1 July – 31 December 2016, <http://www.eu2016.sk/data/documents/presidency-programme-eng-final5.pdf>

However, in our countries, far too often municipalities and communities are **absent in the processes on formulating and implementing integration measures**. We believe that this situation has to change and national strategic documents shall not only formally declare its support to municipalities, but should also **prepare environment for their translation into practice**.

Municipalities and communities shall be encouraged and supported to take the most active role in integration of the refugees and migrants, who are gradually becoming fellow citizens. These include not only formal declarations and calls, but also **real transfer of competencies and support of capacities, including financial funds towards municipalities and communities** to undertake this role.

## 5. Working with Public Opinion

**Public opinion** significantly impacts the overall public approval or rejection of migration and integration measures and policies. Also, **political will** is strongly influenced by public opinion. Quite often it unfortunately becomes a **vicious circle**, when politicians make decisions based on (negative) public opinion and the public is further reassured in their negative view by negative political discourse.

In order to support social cohesion and effective policies, governments are required to utilize **pragmatic approach with a long term perspective** – to inform the public about **risks and challenges objectively** and - at the same time highlight the **opportunities** migration brings along.

Democratic culture and rule of law provides **no room for populism and exclusive or intolerant language** by elected political leaders. **Local media and municipalities** also play an influential role in communication with the public, targeting local population more effectively than actors at the central level.

## 6. Shifting from “Transit” Thinking

Countries with relatively new immigration experience frequently tend to **refer to themselves as transit countries**, which is fairly used in order to describe the prevailing **baseline situation** in our region with the view of refugee onward movements.

However, following the numbers of immigrants in countries of our region, legal immigration and the number of people with residence permits staying either temporarily or permanently grows steadily in each country of the region. Available data reveal that the **notion of transit countries may thus be only a myth**. Immigration and asylum policies should be based on available data and progressive approaches, similarly to other public policies paid from tax-payers money.

If our asylum and immigration policies remain to be formulated around the notion of a transit country, they do not only ignore the reality, but also run contrary to the goals and well-functioning of Common European Asylum System and the Dublin Regulation. It is important to emphasize that the **Dublin system**, which assigns the responsibility for examination of asylum applications among Member States, **recognizes no transit country. People fleeing persecution cannot choose their destination country**. It is the objective criteria of the Dublin system which determine which one Member State is responsible, and thus in practice determined as a destination country in an individual asylum case.

We stay convinced that the Slovak Presidency has a sound opportunity to remind countries in our region of the fact that the **concept of transit country has no place in the Common European Asylum System** or any other future system distributing responsibility for asylum cases among EU Member States. **All Member States must take up the full responsibility for becoming destination countries for the allocated asylum seekers.**

## 7. Prevention of secondary movements

As the presiding EU Member State, Slovakia should lead the discussion over the inevitable **reform of the EU asylum acquis** with the aim of translating the idea of the Common European Asylum System into reality. Until **major discrepancies in recognition** of the need for international protection as well as in **content of the international protection** granted persist, EU will fail to act as a single area of freedom and security for everyone.

Having stressed the need for accepting full responsibility as a destination country, we encourage our countries to adopt **essential and necessary incentives motivating successful integration** of persons granted international protection and **preventing their secondary movements rather than sanctioning them**. We believe these

incentives should include **clear legal pathways** to long term residence and citizenship of their host country as well as facilitated timely family reunification of extended family members as an advantage conferred upon persons utilizing legal and regular paths compared to engaging in non/regular migration and smuggling.

## 8. Elimination of Detention

We have monitored in our countries **rising trend in use of detention** as a deterrent measure to prevent secondary migration of irregular migrants. Not only we would like to stress out that it has not been proven that detention works as a deterrent measure, at the same time, it has significant impact on individual physical and mental health. Also, the system of alternative measures to detention is underdeveloped and rarely used in our countries.

Use of detention should be limited and subject to the principle of proportionality with regard to the means used and objectives pursued. **Detention is justified only for the time necessary** to prepare the return or carry out the removal process if such removal is actually possible. We would like to recommend to Slovak authorities to highlight that the detention should be used by Member States **only if other alternative measures cannot guarantee the same result**. Member States should endeavor **in developing a functional system of alternative measures to detention** with state-guaranteed **minimal standard of living conditions**, in order to secure that people are not detained simply because they cannot afford to live outside of the detention center from their own financial means.

Conditions in detention should ensure **full respect of dignity** and fundamental rights of detained individuals, while the regime in detention center shall **restrict their fundamental rights**, such as right to personal integrity, their communication with outside world and right to privacy and family life **only if it is inevitable to ensure public order**.

Specifically, **children should not be detained on the basis of their or their parents' immigration status** and Member States shall put in practice alternatives to detention that allow **children to remain with family members** and/or guardians in non-custodial, **community-based contexts**. Conditions for children should ensure humane living conditions, access to education and adequate health care.

**List of signatories:**

(listed in order of expressing their support to recommendations)

1. **Human Rights League**, Štúrova 3, 811 02 Bratislava, Slovak Republic (represented by Ms. Zuzana Številová, Director)
2. **CVEK - Centre for Research of Culture and Ethnicity**, Dobrovičova 33, 811 02 Bratislava, Slovak Republic (represented by Ms. Elena Gallová Kriglerová, Director)
3. **Helsinki Foundation for Human Rights**, Zgoda 11 St., 00-018 Warsaw, Poland (represented by Ms. Danuta Przywara, President of the Board)
4. **ICAR Foundation**, 70 Unirii Boulevard, Bloc J5, Sector 3, Bucharest, Romania (represented by Dr. Camelia Doru, President, Medical Director)
5. **Open Society Fund Prague**, Prokopova 9, Praha 3, 130 00, Czech Republic (represented by Mr. Robert Basch, Director)
6. **Association for Integration and Migration** (Sdružení pro integraci a migraci), Baranova 33, 130 00 Praha 3, Czech Republic (represented by Ms. Magda Faltova, Director)
7. **Hungarian Helsinki Committee** (Magyar Helsinki Bizottság), Bajcsy-Zsilinszky út 36-38, 1054 Budapest, Hungary (represented by Márta Pardavi, Co-President)
8. **SLOGA - NGO Platform for Development Cooperation and Humanitarian Aid**, Metelkova 6, 1000 Ljubljana, Slovenia (represented by Mr. Albin Keuc, Director).
9. **Migrant Integration Center Brasov**, Aurel Vlaicu no. 26bis, 2nd floor, Brasov, Romania (represented by Ms. Astrid Hamberger, President)
10. **The Romanian National Council for Refugees**, Viesparilor nr.19, et.2, Bucharest, Romania (represented by Mr. Niculae Carcu, President)
11. **Refugees Welcome Poland, Fundacja Ocalenie**, ul. Koszykowa 24 lokal 1, 00-553 Warszawa, Poland (represented by Mr. Piotr Bystrianin and Mr. Maciej Bulanda)
12. **PDCS - Partners for Democratic Change Slovakia**, Štúrová 13, 811 02, Bratislava, Slovak Republic (represented by Ms. Karolína Miková, Director)
13. **Človek v ohrození, People in Need**, Požiarnicka 17, 08001 Prešov, Slovak Republic, (represented by Mr. Braňo Tichý, Director)
14. **SME SPOLU**, Čsl. parašutistov, 23, 83103 Bratislava, Slovak Republic (represented by Ms. Ganna Shvachka, Director)

15. **Multicultural Centre Prague, Multikulturální centrum Praha**, Prokopova 9, 130 00 Praha 3, Czech Republic (represented by Mr. Marek Čaněk, Statutory Representative)
16. **The Fellowship of Ladislav Hanus (Initiative „Kto pomoze?“ „Who will help?“)**, Pavlovova 20, 821 08 Bratislava, Slovak Republic (represented by Mr. Juraj Sust, Statutory Representative)
17. **Consortium of Migrant Assisting Organizations in the Czech Republic**, Kubelíkova 827/55, 130 00 Praha 3-Žižkov, Czech Republic (represented by Ms. Masha Volynsky, Coordinator) on behalf of **18 NGOs Assisting Migrants in Czech Republic**:
  - **Organization for Aid to Refugees**, Kovářská 4, Prague 9, 190 00, Czech Republic (represented by Mr. Martin Rozumek, Director)
  - **Counselling Centre for Integration**, Opletalova 6, 110 00 Praha 1, Czech Republic (represented by Ms. Monika Korábová, Director)
  - **Registered Society In Báze**, Legerova 357/50, 120 00 Praha 2, Czech Republic (represented by Mr. Alexandr Zpěvák, Director)
  - **People in Need - Člověk v tísni**, Šafaříkova 635/24, 120 00 Praha 2, Czech Republic (represented by Mr. Šimon Pánek, Director)
  - **Association of Citizens Concerned with Migrants**, Mostecká 855/5, 614 00 Brno, Czech Republic (represented by Mr. Christian Popescu, Director)
  - **META – Association for Development of Opportunities of Young Migrants**, Ječná 17, 120 00 Praha 2, Czech Republic (represented by Ms. Zuzana Vodňanská, Director)
  - **European Contact Point**, Dejvická 28, Praha 6, 160 00, Czech Republic, (represented by Ms. Lenka Pancová, Office Manager)
  - **Centre for Integration of Foreigners**, Pernerova 10/32, Karlín, 186 00, Praha 8, Czech Republic (represented by Mr. Vladislav Gunter, Director)
  - **Bridge In Favour/Most Pro**, 17. listopadu 216, 530 02 Pardubice, Czech Republic (represented by Ms. Helena Grundmanová, Director)
  - **NESEHNUTÍ Brno** (Independent Social Ecological Movement), třída Kpt. Jaroše 18, 602 00 Brno, Czech Republic (represented by Ms. Tatiana Dumbrava, Co-ordinator of Programme Together for Diversity)
  - **Word 21 - Slovo 21**, Štěpánská 1, 120 00 Praha 2, Czech Republic (represented by Ms. Jelena Silajdžić, Executive Director)
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- **Diakonie of Czech Brother Church of Evangelists**, Belgická 22, 120 00 Praha 2, Czech Republic (represented by Mr. Petr Haška, Director)

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