Budapest Process
8th Working Group on the Silk Routes Region on International Protection of Refugees
Tehran, 18 – 19 May 2016

**FINAL summary/conclusions**

1. On 18-19 May 2016, the 8th meeting of the Budapest Process Working Group on the Silk Routes Region was held in Tehran, Islamic Republic of Iran.

2. Against the background of the ongoing migration, refugee and asylum trends taking place in the Budapest Process region, the meeting focused on the sixth priority area of the Istanbul Ministerial Declaration, namely to “**promote international protection and the respect of the rights of refugees, in line with international standards**”. The meeting specifically addressed current asylum trends and flows, discussed the global, regional and European frameworks of international protection, and dealt with several specific areas that are relevant for the participating countries in this field.

3. The meeting gathered 78 participants from 30 countries – Afghanistan, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Bulgaria, Czech Republic, Finland, Georgia, Germany, Hungary, Iran, Iraq, Italy, Kyrgyz Republic, The former Yugoslav Republic of Macedonia, Moldova, Netherlands, Norway, Pakistan, Poland, Russian Federation, Sweden, Switzerland, Tajikistan, Turkey, Ukraine and the United Kingdom – as well as the European Commission (EC), the Economic Cooperation Organisation (ECO), the International Centre for Migration Policy Development (ICMPD), International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), United Nations Office on Drugs and Crime (UNODC), the European Council on Refugees and Exiles (ECRE), the Friedrich-Schiller-Universität in Jena and HAMI Association for Protection of Refugee Women & Children (Iran).

4. The meeting was opened by Iran (host), followed by welcoming remarks from Turkey (Chair of the BP and the Working Group), Afghanistan (Co-Chair of the Working Group) Hungary (Co-Chair of the BP) and the European Commission (EC).

   i. **Iran** – hosting several million refugees for decades – stressed that the current migratory flows are a challenge that needs to be addressed at the global level and that all states would need to live up to their obligations. Iran also reminded participants about the hazardous and dangerous travels people undertake in order to find protection.

   ii. **Turkey** underlined that several of the Budapest Process participating states were struggling with the current migration and refugee situation, have reached their limits with regard to space, money and capacities to deal with the situation. As a result of the influx foreign aid budgets are being cut in Europe, which limits possibilities to address root causes of migration. At the same time in many countries anti-immigrant sentiments are increasing and far right political parties are gaining more support.
iii. Afghanistan – the third largest country of origin for migrants including refugees – stressed the need for durable solutions for refugees and structural development for the countries of origin.

iv. Hungary underlined the significance of the Budapest Process as a forum to discuss international protection of refugees jointly with countries of origin, transit and destination.

v. The EC expressed that the migration crisis has put the EU in one of the most challenging situations ever which has required and continues to demand a comprehensive EU-wide approach and a concerted global approach and action. It exposed weaknesses in the Common European Asylum System and the EU is moving towards a revision of the Dublin system with an aim to replace the disorganised and dangerous migratory flows by safe and legal pathways to the EU for those in need of international protection. Whilst a more robust and fairer distribution system is planned among the Member States, solidarity and joint approaches are required at global level too.

5. During the first session, UNHCR presented the global and regional framework in international protection and highlighted that the majority of refugees worldwide live in neighbouring countries, many of which are developing countries. At the same time, the overall refugee situation is currently frequently overshadowed by the ongoing crisis. People are often not aware of the difference between refugees and other migrants, which creates a backlash in many countries. Therefore, a fundamental rethink is needed on how to respond to the current situation: addressing root causes jointly with countries concerned and the international community, including further investment in development projects; addressing xenophobia and reducing tensions between refugees and host communities; strengthening urban settlements, increasing the application of appropriate durable solutions outside of refugee camps; providing proper access to education and healthcare; and enhancing legal migration channels including through resettlement.

6. In the following presentation on the European framework on refugee protection Prof. Burke highlighted that the recent flows are mixed and do not only include refugees. In addition, the issue of secondary movements was raised, since many people are not applying for international protection in the first safe country they reach. The European framework for refugee protection has come under enormous pressure, and frontline countries have been disproportionally burdened by its operation. According to Prof. Burke, any reforms of the system and new approaches such as the EU-Turkey action plan must continue to comply with international human rights norms such as individual assessment of asylum claims, non-refoulement and the safe country provision.

7. In the subsequent discussion, although being responsive to criticism, participants underlined the need for constructive solutions and global responses. Several EU countries also stressed that asylum claims are in fact being assessed individually via in-depth procedures by taking into account particular country of origin information. It was also emphasised that acceptance rate for certain nationalities is very high in the EU, which might be seen as creating pull factors for migratory flows.

8. The second session featured various presentations on mixed migration flows and asylum trends in the Silk Routes Region and in Europe.
i. Afghanistan underlined that their objective was to re-establish security, combat corruption and increase economic stability in the country as well as to attract voluntary return of their nationals.

ii. Bangladesh highlighted that it was continuing to struggle with issues related to Rohingya refugees and the development of a related strategy.

iii. Bulgaria – mainly being a transit country for migrants – expects continuation of the efforts to avoid registration or be detained in the territory of the country and to cross the green border to move onwards to the EU. As Chair of the Black Sea Region Working Group, Bulgaria will continue the efforts to extend the cooperation of this WG with the SR countries.

iv. Germany in 2015 received approximately 1.1 million migrants, mainly from Syria, Afghanistan and Iraq, and to a lesser extent from Iran and the Maghreb region.

v. Iran has hosted refugees for over 40 years, and currently hosts an estimated 4 million people. Most refugees in Iran live in urban settlements and have access to health services, education and employment – while less than 5% live in camps.

vi. Iraq is interested in voluntary return of its nationals, but requires further assistance in order to enable reintegration and proper reconstruction of the country. The KRG also emphasised the need for further international assistance.

vii. Italy referred to the numerous rescue operations that the country has conducted and is conducting. As distinct from other EU countries, the main countries of origin of persons seeking international protection in Italy are African states.

viii. Pakistan emphasised that its borders were particularly difficult to manage, especially due the long border with Afghanistan. Like Iran, Pakistan has been hosting large numbers of refugees for decades, with a majority coming from Afghanistan.

ix. The UK reported that the biggest problem for their country is intra-EU migration. Nonetheless, asylum seekers and irregular migrants from the Silk Routes and other countries play an important role in the politics of migration, which are very powerful in the UK. The UK further stressed that global responsibility sharing would lie at the core of the refugee issue. More attention should be given to conflict prevention and building up resilience in frontline states.

x. According to IOM, the current situation was rather a management than a refugee crisis. In this regard, IOM underlined that a security oriented approach or closing the routes would only open up new routes and strengthen the smuggling networks. Instead money should be invested in those countries in need of support in line with the Sustainable Development Goals.

9. In the afternoon of the first day, two panel discussions took place – one on access to international protection and one on the respective rights and obligations of refugees and host countries.

10. During the first panel, Austria emphasised that the question of access to protection would depend on the number of asylum seekers, since any asylum system would eventually reach its limit at a certain point. Austria also highlighted challenges such as secondary movements, the increasing backlog of asylum claims and reaching those persons in need of protection. In response to a sharp increase in irregular migration, the
former Yugoslav Republic of Macedonia referred to the official closure of the West Balkan route and the EU-Turkey deal in March 2016, which resulted in a sharp decrease of asylum applications. The Netherlands highlighted registration as a key element in the process, the relevance of reliable country of origin information and the proper training of personnel dealing with asylum decision making. In Turkey, 2.7 million Syrian refugees, largely living outside temporary accommodation centres, enjoy temporary protection status. UNHCR emphasised the need for proper registration to give persons access to certain rights and the host countries access to relevant information. UNHCR invited countries to consider alternatives to the current complex refugee status determination. Overall, the cost of denying support would be much higher than providing support.

11. During the second panel, it was emphasised that rights and obligations work both ways – being incumbent upon both refugees and host countries – while vulnerable groups would need special attention. Iran underlined that every state has the responsibility to respect and uphold its international human rights obligations. Sweden – generally known for its comprehensive protection framework – has recently introduced restrictions due to the tremendous pressure on its asylum system, no longer granting permanent residence to refugees, and rendering family reunification more difficult. ECRE reminded the participants that although integration was a lengthy process, obstacles such as limited access to the labour market could be removed at comparatively low costs and would have a high impact on the integration of refugees into host societies. HAMI highlighted a recent achievement in Iran, which adopted a law providing access to education to refugees free of charge. In addition, HAMI raised the question of security, which often hinders the return of highly skilled and educated youth to their countries of origin.

12. On the second day of the meeting, three expert facilitated breakout sessions took place.

i. **Durable solutions:** Participants identified voluntary returns, integration and resettlement as the main solutions. While voluntary returns were understood as the most favourable option, it was not always the first available solution, due to root causes of migratory flows. As regards integration, urban settlements – as implemented in Iran – would be preferred over camps. As regards resettlement, the need for more burden and responsibility sharing was underlined.

ii. **International cooperation and solidarity:** Participants emphasised the need for solidarity among states. Since refugees would usually stay in the neighbourhood close to their country of origin, the respective host countries or countries of first reception would need support from the international community. In addition to emergency support and humanitarian assistance, participants emphasised the need for more mid- and long-term solutions, including provision of education and job opportunities, also with a view to reducing incentives for secondary movements. Overall, participants underlined the need for a greater number of regional unified/harmonised asylum systems.

iii. **Asylum-return nexus:** It was emphasised that effective return is part of a credible asylum policy providing for sufficient protection to those persons in need. A step-by-step voluntary return process, giving the person concerned time to reflect and decide, reintegration support given over a longer period of time rather than solely at the beginning, and use of ILOs to improve cooperation was considered as good practices. Overall, successful readmission agreements would require political will on both sides and good bi-lateral contacts and cooperation.
13. In closing, the Budapest Process Secretariat summarised the following points:

i. Overall, participants agreed that: addressing the root causes of forced migration is crucial, but remains at an inadequate level; the underlying principle of international protection is non-refoulement – considered customary international law; registration is key and undocumented migrants and refugees need to be duly registered; asylum claims need to be assessed individually; a certain harmonisation of protection systems is desirable to avoid secondary movements; and international protection needs to be addressed at the global level.

ii. People in need of protection often choose to stay in proximity to their countries of origin, and countries in the SR region have been providing protection to refugees for decades. However, protection space in the SR region is getting smaller, which has a direct effect on other countries and regions including Europe. Therefore, there is an urgent need to continue to look for suitable durable solutions including resettlement.

iii. In Europe, the current migration crisis has revealed weaknesses in the Common European Asylum System. The coming months will show the effect of the reforms which are currently under way. However, it should be noted that Europe is not the only place where this crisis is taking place.

iv. It is crucial to understand that not every migrant is entitled to international protection according to the standards prescribed by the 1951 Refugee Convention and customary international law. A credible and generous asylum system also needs to encompass a functioning return system for those who are not in need of protection and who do not have the legal right to remain in the country of destination. Countries need to continue to cooperate in the field of return and readmission, while forced return should be implemented only as a last resort once all remedies have been exhausted.

v. Proper integration of those persons entitled to remain in the country of destination is crucial. Integration opportunities for those entitled to stay would also help to avoid secondary movements. Sometimes, there are conflicting policies of migration and integration: policies lowering the level of protection in order to be less attractive for migrants/asylum seekers can undermine inclusion policies. To reduce irregular migration, orderly and safe legal migration channels should be provided.

vi. Joint approaches, increased burden sharing, solidarity and international cooperation is vital, because offering support to those in need of protection cannot be provided by one country or region alone. The Budapest Process is understood as a unique forum bringing together countries of origin, transit and destination along the Silk Routes around one table.

14. The Chair confirmed that the next Working Group on the Silk Routes Region is scheduled to take place in Cappadocia in Turkey in October 2016. The meeting will cover the second priority area of the Istanbul Ministerial Declaration, namely integration of migrants. The exact dates will be communicated in due course.

15. The Chair, Co-Chair, Secretariat and Host thanked all participating countries and organisations for their engagement and contributions to the meeting. The Secretariat
was tasked to summarise the discussions and to circulate results within the Budapest Process network.