

**CALL FOR SUBMISSION FOR THE REPORT OF THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS**

**“How to expand and diversify regularisation mechanisms and programs to enhance the protection of the human rights of migrants”**

***Report submitted by: Associazione Comunità Papa Giovanni XXIII (APG23)***

***NGO in Special Consultative Status***

*Geneva 15 February 2023*

Associazione Comunità Papa Giovanni XXIII (APG23) welcomes the opportunity to provide input to the upcoming report to the 53rd session of the Human Rights Council on “how to expand and diversify regularisation mechanisms and programs to enhance the protection of the human rights of migrants in irregular situations”.

The main source of this report is based on APG23[[1]](#footnote-1) experience both in Greece and Lebanon. APG23 has been operating in Lebanon since September 2013 with its Nonviolent Peace Corps, Operazione Colomba[[2]](#footnote-2) (OP). In April 2014 the volunteers settled in a refugee camp in the village of Tel Abbas. The presence of APG23 in Greece dates back to 2011, while in 2014 it opened a permanent family-home in Athens. Since 2019 APG23 has undertaken monitoring activities on the island of Lesvos through the presence of the volunteers of OP.



**1. Please indicate how can regularisation processes facilitate the enjoyment of human rights by migrants as well as their cultural, social and economic integration into the host communities, taking into account that migrants in an irregular situation live in constant fear of detention or deportation, becoming excluded from the social protection system as a result of a change affecting the regularity of their residence in the country.**

1. **SYRIAN POPULATION SETTLED IN LEBANON**

The condition of the Syrian population that fled the war and is seeking refuge in Lebanon is overall critical. First of all, the possibility itself of being recognized is only partially granted, because since Lebanon did not sign the Geneva Convention, the status of refugees is and will never be recognized for those migrants. Even the possibility of obtaining a regular permit is precarious and often hindered by numerous requirements. For instance, to apply for a permit in Lebanon an individual needs to have regular and valid (Syrian) documents, which are impossible to renew from outside the country, and often it ends up with migrants having to pay large sums for a permit that will have a very short validity period.

Moreover, since April 2019 the Lebanese government, through its General Security, took the decision to deport, to Syria, all Syrians who entered the country after that date, which makes it legally impossible for those migrants to obtain regular documents in Lebanon. Hate levels in the country are very high and are perpetrated both by the police and the population.

Due to their illegal status, the majority of Syrian refugees are practically denied their right to adequate housing: they are excluded from standard housing and forced to live in informal camps without any kind of security. Such settlements are subject to continuous attacks and threats from civilians and military raids, which often lead to arbitrary detention and fires, and leave women and children without a place to spend the night. The inhabitants of such camps are left in the hands of small groups of local organised crime, who regularly oppress and force them to buy from their shops at higher prices and resort to violence if they refuse. The same holds for services such as taxis and school buses, meaning that the lack of proper regularisation leads to the impossibility of fulfilling numerous aspects of everyday life.

Denied regularisation also affects the right to work. Syrians left without permits and denied refugee status are forced to work illegally, without a proper contract. Being in the country illegally and due to their fear of being deported to Syria, workers can’t report the violations they’re subject to. For instance, often the salary agreed upon with employers is not actually paid and threats of physical violence follow any request for payment or adequate working conditions. In order to meet the survival needs of their families, which are abandoned by the government, often also children are forced to work, especially in the harvest of strawberries and other vegetables, and their right to education is severely denied.



It is evident, the illegal status in which Syrian refugees live doesn’t allow them to enjoy their fundamental human rights. The fact that they are not granted regular documents makes them extremely invisible and vulnerable, as APG23 alone collected hundreds of stories of physical, and, in some cases, sexual, violence gone unreported because victims, not having regular documents, fear a backlash.

1. **ASYLUM SEEKERS AND MIGRANTS IN GREECE**

In Greece, new measures and procedures to manage European migration flows are being tested. For instance, in 2020, the EU decided to launch a series of reforms through a package called the "New Pact on Immigration and Asylum." In brief, the Pact prescribes to the state members to 1) cooperate with third countries of origin and transit to curb departures and enforce returns; 2) strengthen the management of external borders; and 3) intensify action on returns and ban secondary movements. The package is not a substantial innovation in the legislative framework on the issue, but rather it constitutes a strengthening of already existing mechanisms.

Today, migrants encounter several difficulties during the regularisation procedure: first and foremost, it is extremely time-consuming. Indeed, months or years pass between one stage and the next one; for example, if an individual has received a positive result after the first interview, he or she usually will receive the physical documents after a minimum of six months. Another issue is represented by the crossing of Turkey, a path taken by many migrants to arrive in Greece. However, in the current legislation, the interviews for international protection do not refer to the country of origin from which the person flees, but rather they focus on the last “safe” country of stay. The fact that Turkey is considered a "safe" country by Greece, results in many requests for international protection being rejected and leading to many situations of illegal stay in the country.

Moreover, on Greek soil, irregular migrants are increasingly pushed to the outskirts/fringes of society: since September 2022, the Eleonas camp, the only one in the city of Athens, is closed and its residents have been divided and moved to various camps, far from the city and isolated in the countryside. In addition, from 2020 onwards, one of the Greek policies toward migrants is the construction of closed detention camps in increasingly isolated locations, from which people ideally do not need to leave, such as the new camps on the Aegean islands (Lesvos and Chios). The purpose is to limit any kind of integration and avoid social contact with the Greek population.

APG23's experience on the ground in Greece shows that people not locked up in the isolated camps on the islands can more easily integrate into the territory, as they can enter the world of work, even if illegally. The increase in economic possibilities allows migrants to have more adequate housing (i.e. renting rooms) and create relationships with other people; this helps them to get out of their isolation. It is important to underline that such stability still is generated by jobs held in illegal status, thus with

very low wages and the constant fear of being exposed to the police. Moreover, migrants who are denied refugee status automatically lose all their rights: to those who are in refugee camps, even if



they appeal against the rejection, the right to food is no longer guaranteed. Indeed, they live in a situation of illegality without any kind of protection.

Despite the uncertainties, a little economic stability promotes an improvement in the psychological condition of the refugees, as they see that a future is possible.

**3. Please share examples of promising practices, including ad-hoc programs and permanent regularisation mechanisms that your country or region has adopted to promote a human rights-based approach to migration. Please indicate any specific challenges that your country has encountered in regularisation processes, with particular attention on how such challenges affect migrant workers, women and girls, children, and other persons and groups.**

1. **HUMANITARIAN CORRIDORS**

Among examples of practices adopted to promote a human rights-based approach to migration, APG23 would like to highlight the practice of humanitarian corridors[[3]](#footnote-3). Humanitarian Corridors are a protected, safe and legal transfer programme and a model of social inclusion based on the participation of solidarity networks spread over all the national territories involved. In Europe, this practice has been defined by European Directive 2013/33 of 26 June 2013 and is addressed to people potentially entitled to international protection and living in vulnerable conditions.

Humanitarian Corridors are created through a memorandum of understanding signed with the competent public authorities by the proposing civil society organisations.

Humanitarian Corridors aim to achieve the following general objectives: to avoid the death of migrants who try to reach Europe by sea; to enable people in vulnerable situations (single women, children, sick/disabled people, elderly people, etc.) to access the international protection system through safe and legal entry into Europe; to fight the exploitation by traffickers and trafficking in human beings; to test a good practice which can then be replicated in other European contexts, as it is based on European legislation, namely Article 78 of the Lisbon Treaty on the Functioning of the European Union; to offer a significant trial regarding the possibility of introducing/reintroducing the Sponsorship instrument in the legislative-operational contexts of the Member States, also on the basis of those already in place since a long time in various countries of other continents (such as Canada and the United States).

Humanitarian Corridors are to be considered as a good practice that introduces the possibilities of both using the form of the humanitarian visa more widely (modifying the current discipline of art. 25, Regulation no. 810/2009), and affirming the Sponsorship as a channel of ordinary legal entry.

Moreover, the cooperation between the State and civil society, introduced by the Humanitarian Corridors, is characterised, among other things, by the latter’s funding of the direct costs of reception, making this model more easily admissible by governments than other instruments.



Humanitarian Corridors are potentially replicable in many contexts, on the basis of the availability of civil society, as they do not entail significant economic or political costs for the hosting State. The reception of refugees, in fact, is completely borne by the sponsoring associations, just as the responsibility and organisation of the entry of refugees admitted to the countries of destination fall on said organisations, on the basis of specific protocols signed with the competent authorities Once they have arrived safely in Europe, the refugees are accompanied along a pathway of integration by the associations sponsoring the corridors. They, therefore, receive hospitality, financial support, guidance to find work, and education and legal assistance, everything being financed with funds from the same associations. Refugees are assisted until they achieve full autonomy. Thanks to this support net, the inclusion and integration path has been fulfilled several times. In this widespread reception formula, civil society can play a primary role. Citizens, associations, non-profit organisations, and parishes have the opportunity to intervene in the migration phenomenon as key players.

Humanitarian Corridors are not the solution to the phenomenon of migratory flows, but they represent an effective response to inclusion which respects the rights of all.

APG23, together with the Community of Sant’Egidio, has taken part in the European project HUMCORE, which is studying the humanitarian corridors model to understand its strengths and weaknesses, with the aim that the program becomes standard European practice.

**AN EXAMPLE FROM LEBANON**

Humanitarian Corridors were implemented for the first time from Lebanon to Italy in favour of Syrian refugees who escaped the civil war, which broke out in Syria in 2011. Their first implementation was possible thanks to the signing of a Memorandum of Understanding called “Opening of Humanitarian Corridors” dated 15 December 2015, between the Ministry of Foreign Affairs and International Cooperation - Directorate General for Italians Abroad and Migration Policies, the Ministry of the Interior - Department for Civil Liberties and Immigration, the Community of Sant’Egidio, the Federation of Italian Evangelical Churches, the Waldensian Church.

The first Protocol allowed the safe arrival of 1,011 Syrian refugees from Lebanon, who were received in Italy - in 80 different cities in 18 regions - thanks to the collaboration of a dense network of associations and of informal groups of private citizens who supported the integration of refugees in different local realities, according to the widespread reception model.

**AN EXAMPLE FROM GREECE**

Concerning the Greek experience, Humanitarian Corridors from Greece to Italy were established in 2020 thanks to a Memorandum of Understanding signed by both Italian and Greek Governments, proposed by the Community of Sant’ Egidio. This agreement allowed the arrival of 300 migrants from refugee camps in Greece, starting 1st March 2021. APG23 has taken part together with the Community of Sant' Egidio in pre-departure activities, such as identification and selection of beneficiaries; moreover, the association has carried out the interviews of refugees who were then welcomed in the APG23 facilities and family-homes in Italy.



*Contact person:*

*Maria Mercedes Rossi, main representative of Associazione Comunità Papa Giovanni XXIII (APG23).*

*Address:150 route de Ferney,1218 Le Grand Saconnex, Geneva - Switzerland*

*Tel: +41 (0) 22 919 10 42, Mobile: +39 348 24 88 152, Email: mararossi@apg23.org - international@apg23.org*

1. https://www.apg23.org/en/ [↑](#footnote-ref-1)
2. https://www.operazionecolomba.it/en/ [↑](#footnote-ref-2)
3. [HUMANITARIAN CORRIDORS - Humanitarian Corridor](https://www.humanitariancorridor.org/en/humanitarian-corridors/): https://www.humanitariancorridor.org/en/humanitarian-corridors/ [↑](#footnote-ref-3)