



JOINT STATEMENT

Statement on Refugee Return, On Suspending Asylum Applications of Syrians



The following Syrian organizations express serious concern at the irresponsible decision among European countries to freeze Syrian asylum processes.

Less than two days after the fall of the Assad regime in Syria, the UK, many EU countries including Germany and Austria, and Norway, have said they will suspend the processing of asylum applications from Syrians.

Whilst we understand the need to update country guidance relating to asylum claims to respond to these emerging issues, this should not come in parallel with such a freeze. This type of discourse is irresponsible and will leave tens of thousands of families in indefinite turmoil.

Syria is not a safe zone of return. Instability prevails and what the future holds is unclear. Chaos and aggression persist and there is neither a stable authority nor functioning state structures. After five decades of dictatorship, there are not yet effective and accessible legal safeguards for remedy and protection in case of human rights abuses against returnees. Millions of people inside Syria continue to be displaced and there is no sign of achieving the basics of living conditions. Syrians are at a decisive moment where they have the opportunity to build the country and render Syria a safe country. The focus on asylum and not on support of civic space is therefore particularly problematic.

We have yet to see pathways for transitional justice in Syria. Many refugees will not feel safe to return as long as they risk encountering war criminals or individuals who committed atrocities against them. To put those families seeking protection into a situation that would once again put their lives in danger shows a lack of responsibility towards people who have already experienced unimaginable suffering. As the head of the UN's refugee agency responded to this move saying "Patience and vigilance will be necessary, hoping that developments on the ground will evolve in a positive manner, allowing voluntary, safe and sustainable returns to finally occur – with refugees able to make informed decisions".

Within this context, the organizations reaffirm:

1. Right to asylum must be upheld and guaranteed: Syrian individuals still maintain their right to seek and enjoy asylum, in accordance with international law. Notwithstanding the changes on the ground, this right must be respected and accessible in relation to new and ongoing asylum applications.

2. Prohibition of constructive refoulement: refugees' return remains voluntary, and any form of coercion, disguised expulsions or "constructive refoulement" are unlawful under international law and EU law. Suspending the processing of asylum applications may result in coercing Syrians to return to Syria rather than live in uncertainty in Europe, a risk exacerbated in cases of families worried about their children's future. States do not have the right to utilize disguised, indirect acts, or omissions in order to bring about the same result that it could obtain through the adoption of forced return policies.

3. Retention of refugee status: even in case of voluntary return, a refugee does not immediately lose his or her refugee status. In accordance with international refugee law, until the point at which a refugee becomes re-established in his or her country of origin, legal status as a refugee is retained. This must remain a critical safeguard moving forward.

Signatories

- 1-Access Center for Human Rights (ACHR)
- 2-Alseeraj Sweden
- 3-Baytna pour le soutien de la société civile
- 4-Child Guardians
- 5-Danish-Syrian Cultural Association
- 6-Dozana
- 7-Families for Freedom
- 8-Finjan
- 9-Lawyers and Doctors for Human Rights LDHR
- 10-Musawa
- 11-Shabaka
- 12-SOAS Syrian Society
- 13-Syrian Center for Media and Freedom of Expression (SCM)
- 14-Syrian Network in Denmark- SND
- 15-Syrisk-svenska Demokratiförbundet
- 16-The Day After
- 17-The Syrian legal Development Programme
- 18-The Syria Campaign
- 19-The Syrian British Consortium
- 20-Verband Deutsch-Syrische Hilfsvereine e.V.
- 21-Women Now for Development