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BLOG
— **POST**

The hasty return of Syrian refugees would not serve European interests



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In the aftermath of the fall of Bashar el Assad’s regime, following the unexpected offensive by HTS fighters, several European governments expressed their intention to “suspend” the examination of applications for protection from Syrian nationals. There is every reason to believe that this intention, if followed up, would be contrary to the spirit and even the letter of the obligations to which these States have subscribed within the framework of the Common European Asylum Area. Furthermore, its application would be very complex and its effects would be negative for the long-term interests of the European Union. The international protection conventions to which the EU and its Member States have subscribed do provide for the possibility of withdrawing this protection if the initial justifications for granting it have clearly disappeared¹. However, it would be to the advantage of the EU Member States to undertake such a review in a coordinated manner.

Since Syria entered a civil war in 2013, sparked by the exceptional repression led by President Bashar el Assad, Syrian nationals have fled their country en masse. It is estimated that a total of 6 million people have fled Syria. Nearly 1.4 million of them sought and were granted protection in EU countries between 2015 and 2023². More than half

¹ The UNHCR recently reiterated that this review must be based on evidence of lasting structural change.

² Source European Asylum Agency.

of them were welcomed in Germany. Sweden (198,000), Norway, the Netherlands and Austria have also taken in Syrian refugees. In France, according to OFPRA, the total number of Syrians benefiting from protection at the end of 2023 was 43,000 (23,000 with refugee status and 20,000 under subsidiary protection). Syrians thus constitute the largest population of people under international protection in Europe. While the flow of Syrian arrivals fell sharply in 2017, the years 2021 to 2023³ saw a resurgence in these arrivals, which is partly attributed to the exhaustion of reception capacity in neighbouring countries, particularly Turkey and Lebanon.

From a legal point of view, the announced suspension of current asylum applications (around 150,000 for the EU as a whole) does not comply with the European Union's Reception Conditions Directive, which defines the material and administrative conditions for processing applications for protection⁴. This directive stipulates that the examination procedure must run its course until a final decision to grant or reject the application, with a right of appeal in the latter case, is taken. We can certainly wait for the situation in Syria to become clearer before deciding to grant new protection, but once an asylum application has been lodged and recognised by the competent administration, suspending its examination simply means lengthening the procedure, a lengthening which does not dispense with the need to ensure essential needs (housing, basic resources, health, education for children). The announcement made by Magnus Brunner, the new European Commissioner responsible for migration and asylum, excluding at this stage a revision of the European Union's guidelines for Syrian asylum applications, is therefore welcome.

The prospect of an accelerated, if not forced, return of Syrian refugees who are currently protected, as advocated by certain political forces in Europe, raises even more formidable objections under another European directive which applies to returns⁵. This specifies that under no circumstances can return be prescribed if the people concerned are under serious threat to their integrity, either because of the oppressive nature of the regime in place, or because they belong to a minority that is being persecuted. The evidence, confirmed by the declarations of the main European political leaders and by the state of war that persists throughout Syrian territory, is that none of these risks has really been averted.

These common-sense considerations should lead the European Commission to request the European Asylum Agency as a matter of urgency. This Agency, whose competences and resources were strengthened during the previous legislature, has the capacity to carry out a joint mission of continuous evaluation of the "country" risk presented by Syria, combining the knowledge on the ground available to the various national asylum agencies. There is an urgent need for a unified European view on the criteria that will guide two types of decision in the future: the assessment of the admissibility of new asylum applications of Syrian origin and the appropriateness of calling into question the protection already granted. This is clearly a European issue: if there is no coordination between States, the most sensible could be drawn into a bidding war for the lowest bidder of hospitality. Coordinating the drafting of country risk sheets is a common coo-

³ Ditto

⁴ Directive 2024/1346 of the European Parliament and of the Council:
<https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32024L1346>

⁵ Directive 2008/115/EC of the European Parliament and of the Council:
<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:fr:PDF>

peration practice recognised by the national asylum agencies as effective and helping to avoid differences between national rates of granting protection. Unfortunately the latest meeting of the Council of European Home Affairs Ministers held on 13 December in Brussels has not raised the issue of Syrian refugees.

There are two other considerations against rushing into this matter, contrary to the feverish enthusiasm spread by extreme right-wing currents banking on host country fatigue.

Although there is no overall assessment of the integration of Syrian nationals in the countries of the European Union since 2015, there are some indications of real success: in Germany, where the majority of them are, the employment rate for Syrian men has reached 86%, higher than that observed for the male population as a whole, and many of them have played an important role in the front-line jobs that helped overcome the COVID crisis⁶. In Sweden, according to Eurostat estimates, 75% of the population of Syrian origin had acquired Swedish nationality. In fact, it is the most highly qualified and educated Syrian nationals who have come to Europe, where they often work in jobs that are less highly qualified than those for which they are eligible. It would be highly damaging for both parties if the economic, social and cultural fruits of these trajectories, which on average date back 7 years, were to be abandoned in one fell swoop. It is rather on the basis of a system of voluntary returns that the links forged through Syrian refugees would have the greatest chance of being beneficial in the long term for the Syrians and for Europe.

Ultimately, the possibility of the Syrian population returning to Europe must be assessed over the long term. We can only hope that those who wish to return to their roots and their battered families will be able to fulfil this wish, under the protection of “enlightened European monitoring” that will protect them from the threats still hanging over them. It is not unrealistic to think that the protection already afforded by Europe will create, in the long term, for those who leave as well as for those who remain, a form of lasting bond likely to contradict the new narratives carried by a “global South”, including in the Muslim world, which only want to see selfishness and domination in Europe.

6 See the analysis published by Judith Kohlenberger « La course au moins disant de l’asile, un jeu de perdants », Hertie School Jacques Delors Center, October 2024.

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