



## Rabat Process

Euro-African Dialogue on  
Migration and Development

Reference country action

## Roundtable

# "Protection and asylum: risks, support and durable solutions, in particular for unaccompanied minors"

13<sup>th</sup> October 2021

Geneva, Switzerland

Outcome  
document



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra



**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

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Under the co-chairmanship of Switzerland and Chad, with the support of the Rabat Process Secretariat and the technical support of UNHCR.

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## Introduction

This round table is the first activity of its kind, organised and initiated by two reference countries, Switzerland and Chad, on the theme of **protection and asylum**, which is included in domain 3 of the Marrakesh Action Plan.

The reference country system was introduced at the 2019 Ouagadougou Senior Officials' Meeting (SOM) to ensure better follow-up of the implementation of each domain of the Action Plan.

### The reference country system

- ✓ **Increases partners' participation in the Rabat Process/ Marrakesh Action Plan implementation**
- ✓ **Opportunities for European and African partners to collaborate closely**
- ✓ **Strengthens Rabat Process' sustainability as a migration dialogue and cooperation platform**
- ✓ **Leads to concrete results**

As the first activity of this type piloted by the reference countries (with support from the Rabat Process Secretariat /ICMPD and UNHCR) in this particular format, this activity was a success in its own right.

The last technical meeting on protection and asylum organised as part of the Rabat Process took place in Rabat in 2015. Switzerland and Chad are seeking to revitalise the dialogue on these two priority issues and to put them back at the centre of the "agenda".

This activity targeted a restricted group of countries that were selected - for the first time ever – based on an expression of interest, their knowledge of protection and asylum and the *practical* application of national policies and legislation in these areas.

The format was to invite one technical representative per country, in order to allow practitioners to discuss the implementation of migration policies in their respective countries and to exchange on their experiences and difficulties. There were 34 participants at the Geneva roundtable: 7 European and 6 African countries, the EU as well as technical experts (ICRC, ICMPD, IOM and UNHCR).

International and regional texts (Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees as well as the European Commission's proposal for a new pact on migration and asylum) have given rise to the need to renew the practical discussion and the legal framework on issues directly related to the protection and asylum of migrants. This international attention is in line with the increasing development of asylum legislation or legislative reforms, such as the introduction of a new asylum law in Chad in 2020<sup>1</sup> or the new procedure in force in Switzerland since 2019<sup>2</sup>.

This roundtable followed a virtual roundtable held on July 7, 2021, focusing on asylum procedures for unaccompanied minors entitled "Asylum Procedures for Unaccompanied Minors."<sup>3</sup>

Within this theme, the two co-organising countries wished to focus the discussions a little more, enabling more specialised discussions on the issue of unaccompanied migrants (hereafter "UAMs"), which is constantly in the spotlight.

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<sup>1</sup>Adopted in December 2020, this law moves protection practices for refugees and asylum seekers forwards, and includes increased freedom of movement, the right to work and access to health care, education and justice (source: UNHCR).

<sup>2</sup>Adopted in March 2019, this law aims to speed up the procedure to allow people in need of protection to obtain this as quickly as possible. It brought all the stakeholders in the asylum procedure under one roof, spread over 6 federal accommodation centres across Switzerland.

<sup>3</sup> The final document will be shared with Rabat Process partners in December

This daylong roundtable discussion highlighted a little-discussed but increasingly necessary topic: the treatment of missing migrants led by practitioners in this field, representatives of the Missing Persons Department of the International Committee of the Red Cross and representatives of the Swiss Global Initiative on missing persons in the context of migration and forced displacement.

The day was broken down into different phases, corresponding to the phases of a migratory journey, namely:

**1. Along the road**

- "Protection of unaccompanied minors on migration routes".
- "Family separation/missing persons in the context of migration and family reunification"

**2. On arrival:** "Local integration in the destination country".

**Objectives**

- **Short-term:** Exchange of knowledge and best practices
- **Medium to long term:** Capacity building (with a bilateral "twinning" project between Switzerland and Chad)

## Contextual elements

In preparation for the discussions on the three main sub-themes of the day, the Mixed Migration Centre presented the latest figures on intra-African and Afro-European migration, based on data collected from July to September 2021 along the Mediterranean routes, and reasons given by the migrants themselves for their migration. Among the figures mentioned, the data collected showed an increase of 30% compared to last year's arrivals for the last six months. Regarding the number of missing migrants, an increase of between 3 and 5 times was noted as compared to the same period last year.

This document provides an overview of the **main conclusions of the round table**, as well as the challenges and good practices identified by participants in the development and implementation of protection and asylum policies. Finally, it identifies the next steps that the reference countries hope for, in order to continue the exchanges between practitioners on protection and asylum (each of the participants agreeing that more exchanges on these topics were necessary). In addition, Switzerland expressed its intention to finance or co-finance a project aimed at strengthening the capacity of authorities in charge of reception, assistance and protection of migrants (including asylum seekers) in Chad.

### → The need to exchange practices on protection and asylum policies

This round table provided an opportunity for fruitful exchanges between practitioners. The participants were selected on the basis of their practical knowledge of the fields of protection and asylum. All the participants praised the round table for giving them the opportunity to exchange with their peers from other States.

***"I ask my Chadian colleagues: do you also encounter difficulties between refugees and host communities?"***

***...Cameroon hosts many refugees: nearly 460,000 refugees and asylum seekers. Cameroon has opted for the empowerment of refugees...***

***But the challenge is the lack of available arable land. 70% of the refugees live in rural communities and there is already insufficient arable land for local communities. How do you support access to employment for refugees?"*** Norbert TIRLAMO, Deputy Coordinator of the Technical Secretariat in charge of refugee status determination (Cameroon)

**"In response to my Cameroonian colleague, it is quite true that disputes exist between refugees and host communities on the issue of employment, whether in the countryside or in the city. We are trying to prevent and find a solution to these disputes"**, Mahamat Saleh Seïd, Chief Administrator of the National Commission for the Reception and Reintegration of Refugees and Returnees (CNARR)

**"Following the relocations from Greece, an important follow-up on what worked and what didn't work was set up with the UNHCR and the IOM as part of an evaluation on the best interests of the child and how to avoid disappointment We are waiting for the lessons learnt from this ongoing evaluation, which will enable us to refine our vulnerability criteria"**, Coralie CAPDEBOSCQ, Head of the Vulnerability Mission at the French Office for the Protection of Refugees and Stateless Persons (OFPRA)

**"I found Chad's analysis very interesting, and I wonder how we can raise awareness among children who would potentially pass through Libya, alerting them to the risks?"**, Åsa EVRENSEL, Specialist, Swedish Migration Agency, Department of Digitization and Development

**"My department is quite willing to exchange on its practical experience linked to these themes and to share our difficulties, such as the difficulty of integrating migrants into Belgian society, when some of them would like to go to the United Kingdom."**

**"...UAMs know what they can benefit from in each country: how can we avoid 'asylum shopping', which is an intra-European problem?"**, Camille DE BRABANT-BIBI Attaché, International Unit / Belgian Contact Point of the European Migration Network, FedAsil

### → **The need for solidarity in the field of asylum and protection of migrants**

Many speakers mentioned the crucial need for inter-state solidarity in managing asylum seekers/migrant arrivals and assistance, including the reception of those who have been relocated or resettled. This solidarity should not lead to frustration between the host population and the refugee or internally displaced population.

**"Portugal took in 500 migrants during the fires that hit asylum seeker and migrant reception centres in Moria, Greece. It set up a multidisciplinary team to provide effective legal and material assistance for this purpose."**

**Portugal does not distinguish in its legislation nor its assistance system between a national and a foreigner when it comes to assisting children"**, Renata CURADO , Inspector, Service for Foreigners and Borders/SEF, Portugal )

**"In Chad, refugees are receiving biometric identity cards, for which I congratulate [Chad]! This document has legal value and authorises refugees to work, in accordance with the December 2020 law on asylum"**, Iris BLOM, Deputy Representative, UNHCR Chad

**"In order not to create a gap or frustration between the host and refugee population: new strategy, with activities for both types of population"**, Mahamat Saleh Seïd, Chief Administrator of the National Commission for the Reception and Reintegration of Refugees and Returnees (CNARR)

**"My service is operational in terms of relocation. As for the legal framework: Belgium relies on solidarity for relocation"**, Camille DE BRABANT-BIBI Attaché, International Unit / Belgian Contact Point of the European Migration Network, FedAsil

**"Even if migration is primarily the responsibility of the Member States, the EU plays a key role in supporting the States and developing partnerships. As part of the 'Global Europe' programme,<sup>4</sup> a fund of several billion euros will be dedicated to migration"**. Georgiana Plesu, International Relations Officer, DG HOME, European Union

### → The need to build trust with UAMs

All participants noted the importance of building trust with UAMs. This trust is the basis for identifying their real needs and enabling the most appropriate response from among the available options.

One of the reasons for reforming the Swiss law on asylum was to foster trust building with UAMs: the new law allows UAMs to be assigned a guardian (person of trust), who is at the centre of the Swiss asylum system, and legally represents the UAM and ensures the link with legal and child welfare services.

Trust building was one of the reasons for the reform of the Swiss law on asylum: UAMs are now assigned a person of trust ("guardian"), who legally represents the UAM and ensures the link with legal and child welfare services.

### → The issue of 18-24 year olds

Several speakers noted the delicate situation of migrants in the 18-24 age group who, as adults, no longer benefit from the specific protections reserved for minors but, because of their young age, still have the same needs as children in many respects.

Many participants reported that studies and assessments were underway in their respective countries (e.g. France and Niger) to identify vulnerability criteria for this age group so that, if the criteria are met, they can continue to benefit partially from the protection regime designed for minors.

**"The issue of transition to 18-24 years is also a challenge in the Netherlands for asylum seekers when they are rejected. More support is needed for this group"**, Dirk WESTHOEK, Policy Officer, Directorate General of Migration, Ministry of Justice and Security of the Netherlands

### → Preventing the breakdown of family links for migrant children

Several speakers raised the issue of the difficulty of finding an adequate and satisfactory outcome, both in terms of legal responses and restoring family links.

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<sup>4</sup> [https://ec.europa.eu/international-partnerships/global-europe\\_en](https://ec.europa.eu/international-partnerships/global-europe_en)

***"It is crucial in protection matters that we do not see children as a homogeneous group, even if this category helps us with data..."***

***One of the things I have noted with my colleagues is that it is important to prevent children from becoming UAMs. In this respect, case management must focus on preventing break-up or restoring, if possible, family links. Otherwise, the risk is that the child will be an UAM for the rest of his or her life.***

***I appreciate the Portuguese approach whereby all children, migrant or not, receive the same protection"***, Alexandra JACKSON, Global Advisor on Child Protection, International Committee of the Red Cross

## The importance of better protection for missing migrants

### → The issue of missing migrants is not well known

Switzerland, the International Committee of the Red Cross (hereinafter "ICRC") and IOM presented their respective activities on this issue. Switzerland outlined the consequences of disappearance on individuals and communities in countries of origin, transit and arrival, and the common interest in finding solutions to this transregional problem.

The new [Resolution on missing migrants and refugees in Africa and the impact on their families](#), of the African Commission on Human and Peoples' Rights was recalled<sup>5</sup>. Switzerland is engaging on this issue in various ways and invites other states to do the same. Among other things, Switzerland cooperates with and supports specialised organisations such as the ICRC, IOM and ICMP (International Commission on Missing Persons). In 2020, Switzerland, together with the ICRC, launched a Global Alliance on Missing Persons to draw attention to this issue. Although focused on missing persons in general, the initiative also includes missing migrants.

In 2019, Switzerland set up an informal working group to develop standards and mechanisms for cooperation between the various national actors on the question of missing persons. **Switzerland offered to follow up discussions on the issue of missing migrants within the Rabat Process in the future.**

The ICRC presented its work to prevent family separation and improve the response to missing persons in the context of migration (in particular through its "missing persons' project"). The ICRC highlighted the need for a better response to missing migrants, which undoubtedly requires better inter- and intra-state coordination in this field.

A series of recommendations was made to improve the response to missing migrants including:

- The recognition that this is first and foremost a **humanitarian issue** and not just a security issue,
- The need for enhanced cross-border cooperation, with each country creating a clearly identified focal point for missing persons to enable other states to contact them easily. These entities would then be responsible for establishing links between reported cases of disappearances and recovered cases of migrants.
- The need for bilateral or multilateral responses for complex cases. Indeed, the response to the issue of missing migrants cannot be solved by one single entity or actor

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<sup>5</sup> Res. 486 (EXT.OS/XXXIII) 2021

***Food for thought: What role can the Rabat Process play in facilitating coordination on these issues among states? Could it act as a trans-regional platform enabling states to exchange on the issue of missing migrants?***

The need to strengthen the knowledge and means allocated to the issue of missing migrants is reflected in the lack of data on the number of missing migrants. The families of missing migrants are often at a loss as to which institution to contact to find out about the fate of the migrant in question, given that many migrants found dead are not registered or are registered in files that cannot be accessed by the authorities in contact with families. Better co-ordination within and between states is urgently needed, as this phenomenon is becoming more widespread, in line with the growing scale of migration flows.

In response to the tragic issue of missing migrants, projects have already been set up. For example, the IOM has set up a project dedicated to collecting and sharing available data. IOM is aware that this data is far from exhaustive and that many cases of disappearance go unreported. Since 2014, IOM has strengthened its Missing Migrants Project by reporting every known disappearance, knowing that these disappearances happen all over the world, not just in the Sahara and the Mediterranean Sea.

***"The story is one of missing migrants but also of missing data", Kate Dearden, Project Officer, IOM Missing Migrants Project***

The challenges identified by IOM in this area are numerous, and without being exhaustive, relate not only to the number of reported cases, but also to the data that is missing from these few reported cases: for example, 30% of the cases reported in Africa have no information on the age of the missing migrant. This lack of information means that we do not have the full picture reflecting the extent of this phenomenon and, consequently, the means adapted to resolve it. It should be recalled that the need for **data on migration is the sixth crosscutting priority of the Marrakesh Action Plan.**

#### → **Missing migrants and the Marrakesh Action Plan**

Given the growing importance of issues such as prevention, identification and tracing of missing migrants, as well as the restoration of family links, the return of bodies and the pursuit of legal investigations, **coordination between agencies within a State and between States is essential.** In light of Rabat Process' role as a platform for regional cooperation, it would be relevant to include the issue of missing migrants in its framework, potentially through inclusion in its Action Plan.

## **Strengthening Euro-African and South-South cooperation and partnerships**

#### → **Regional programmes providing practical help to migrants along the road**

The presentation of the project financed by Switzerland and implemented by a consortium of NGOs led by Helvetas enabled us to understand this project's ambitious objectives. The two main features of this transnational project - apart from the fact that it is centred on countries along the migration routes - are that it was jointly designed by federal and cantonal services responsible for asylum in Switzerland, and that it builds upon and supports existing structures and actors involved in assisting UAMs along migration routes in the target area. There is a similar project, also financed by the Swiss cooperation, in East Africa.

This project met with the interest of the participants and was welcomed by the representatives of the target countries present at the round table, namely Morocco, Mali and Niger.

***"The consultant working on this project in Niger - on the identification of Nigerien actors - had a very interesting approach to identifying the needs of children that I strongly commend,***

***"I thank the Helvetas project and the Swiss cooperation, because this project fills a gap"***, Soly Amadou, Permanent Secretary, Cadre de Concertation sur la Migration, Ministry of Interior and Decentralization

## **Next steps, Domain 3**

In the **short term**, Chad and Switzerland will report back to Dialogue partners on this roundtable, at the Senior Officials' Meeting in Malabo (mid November) and will propose follow up activities.

In the medium term, future roundtables and thematic workshops are proposed on three key themes identified:

1. Unaccompanied minors and their protection along the migration routes
2. Family separation and missing migrants
3. Local integration as a durable solution

These roundtables could be accompanied by study visits, in order to deepen the exchange of knowledge and skills

**Twinning projects:** Switzerland and Chad have agreed to pilot a project to build capacity and exchange knowledge on refugee reception. Other countries are invited to propose such bilateral projects.

In the **long term**, these three key themes could be specifically taken into account if and when the Marrakesh Action Plan is updated or replaced.