



Journalists Sanjar and Sitara with their daughter in Warsaw. © UNHCR/Anna Liminowicz

UNHCR'S 2025 RECOMMENDATIONS FOR THE POLISH AND DANISH PRESIDENCIES OF THE COUNCIL OF THE EUROPEAN UNION (EU)

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Introduction

Migration and asylum remain central issues in domestic and regional politics across the EU. The upcoming Polish and Danish Presidencies of the EU Council will play a key role in guiding Member States (MS) toward aligning their asylum systems with the Pact on Migration and Asylum. Concurrently, they will oversee efforts to strengthen the EU's migration partnerships with third countries, aiming to enhance migration management. As these Presidencies coincide with new leaderships in the European Commission and several Member States, there are opportunities to explore innovative approaches for improved border management, more efficient processing of arrivals, and effective returns of rejected asylum seekers.

Furthermore, as negotiations for the Multiannual Financial Framework (MFF) 2028–2034 begin, ensuring sufficient resources to address forced displacement through humanitarian aid, development support and private sector investment will be vital.

In this context, the UNHCR highlights the following key recommendations for the 2025 Presidencies of the EU Council.

Lead on Pact implementation as a priority

Prioritizing the implementation of the Pact on Migration and Asylum in 2025 will be essential to ensuring that enhanced cooperation and more efficient asylum procedures deliver tangible results as early as possible.

Strike the right balance when “frontloading” the Pact. In late 2024, the European Commission proposed that Member States (MS) “frontload” certain elements of the Pact on a voluntary basis, prior to June 2026. Piloting specific provisions in advance could help MS address existing challenges within their national

asylum and reception systems while demonstrating, in practical terms, the benefits of streamlined and efficient processes.

However, UNHCR urges the Presidencies to advocate against selective “frontloading” of restrictive measures under the Pact without ensuring the necessary safeguards are in place. These safeguards include robust Independent National Monitoring Mechanisms, free legal counselling and assistance at the administrative stage, and effective systems for promptly identifying and supporting asylum seekers with specific vulnerabilities, ensuring access to specialized care and services. To ensure implementation is balanced and effective, it will also be critical for MS to secure additional resources and technical support from the European Commission, EUAA (European Union Agency for Asylum), Frontex, and other relevant actors.

Invest in key areas. Through the Council's technical working groups, such as the Asylum Working Party, the Presidencies have a unique opportunity to drive meaningful progress in implementing the Pact. UNHCR recommends that the Presidencies prioritize investments in the following critical areas:

- Prioritize Identifying Vulnerabilities:** The Presidencies should lead efforts to ensure asylum and reception systems are equipped to quickly and accurately identify and address the needs of vulnerable individuals. This requires well-trained staff and adequately resourced, specialized services, tailored reception conditions for individuals with specific needs, as well as streamlined processes for vulnerable individuals, from screening and registration to asylum determination. These measures are foundational for efficient asylum systems, enabling applicants to be channeled into appropriate procedures with the necessary support, improving decision accuracy and fostering better integration outcomes. UNHCR stands ready to provide expertise and insights from its global operations to support these efforts.

- *Invest in Alternatives to Detention (ATDs):* While detention of asylum seekers irregularly entering the EU may be justified under specific, limited conditions with adequate procedural safeguards, MS must first demonstrate that all less restrictive alternatives have been considered. ATDs including regular reporting requirements, assigned residence, sponsorship programs, financial guarantees (economically accessible to asylum seekers), or surrendering IDs can be just as effective, cheaper and offer better value for money than detention.¹ UNHCR encourages the Presidencies, in collaboration with EUAA and other stakeholders, to advocate for investments in ATDs and promote regular exchanges of best practices. UNHCR offers technical advice to assist in designing effective ATDs aligned with the Pact.
- *Promote Timely and High-Quality Legal Support:* Access to quality legal counselling and assistance from the outset of asylum procedures enhances fairness, improves compliance, reduces appeals, and saves time and resources.² The Presidencies should advocate for high standards in legal counselling beyond basic information provision, in addition to retaining or introducing higher standards than the baseline set by the Asylum Procedures Regulation (APR). Adequate funding is required to ensure the availability of these services. UNHCR encourages the Presidencies to foster collaboration between MS, UNHCR and NGOs as these organizations are crucial in providing information about the asylum process, legal counselling and assistance.
- *Advance robust Independent National Monitoring Mechanisms (INMMs):* UNHCR urges the Presidencies to prioritize the establishment and reinforcement of robust, independent INMMs. MS should be encouraged to implement legal reforms granting INMMs unrestricted access to individuals and facilities involved in asylum procedures, particu-

larly in contexts involving de facto detention. Expanding INMM mandates to include border management activities, such as surveillance and screening, is essential to address fundamental rights concerns at the earliest stages. Such an extension, as permitted under the Pact, would help close gaps in the monitoring framework and enhance protections for individuals prior to admission into formal procedures.

Address situations of instrumentalization in line with international and EU law.

UNHCR acknowledges that in some circumstances MS face significant challenges in efforts to control their borders, including in situations of “instrumentalization”. UNHCR has repeatedly condemned the instrumentalization of persons on the move, which creates grave risks and compounds trauma and suffering.

UNHCR takes note of the recent European Commission [communication](#) on countering hybrid threats from the weaponisation of migration and strengthening security at the EU's external borders. UNHCR urges the Presidencies to advocate for measures taken in such circumstances to strike the right balance between addressing security concerns and upholding fundamental rights. UNHCR highlights that the 1951 Refugee Convention provides the necessary framework for States to address security concerns which may arise at their borders. Situations of instrumentalization alone do not justify anyone being returned to a country where they would suffer serious harm (violating the non-refoulement principle).

Accordingly, MS must be encouraged to invest in efficient asylum processing modalities at border areas which permit access to asylum procedures, identify at any early stage any individuals who may constitute a security risk, promptly processing manifestly unfounded claims for international protection and return those whose claims are rejected.³ MS should

1. UNHCR, Alternatives to Detention in the United Kingdom (August 2023), <https://www.unhcr.org/uk/media/alternatives-detention-united-kingdom>. Further examples can be found at: UNHCR, Options Paper 2: Options for governments on open reception and alternatives to detention (first published 2015, revised version 2020), www.refworld.org/policy/strategy/unhcr/2020/en/104606.
2. UNHCR, Position on legal representation for asylum-seekers (March 2017), <https://www.unhcr.org/au/media/position-legal-representation-asylum-seekers>.
3. Further suggestions on State responses in situations of instrumentalization can be found in: UNHCR, “Legal considerations on asylum and non-refoulement in the context of ‘instrumentalization’” (26 September 2024), <https://www.refworld.org/policy/legalguidance/unhcr/2024/en/148736>.

additionally be encouraged to utilize the mechanisms provided for under the Pact to address such situations, as articulated in the Crisis and Force Majeure Regulation.

A Whole-of-Route-Approach – Operationalization

When implementing the external dimension of the Pact on Migration and Asylum, UNHCR urges the Presidencies to encourage MS to:

Consider a whole-of-route-approach. Drawing on the route-based approach, collective efforts with IOM, UNHCR and other relevant stakeholders are required to design, implement and reinforce responses to mixed movements which effectively support people on the move. Addressing migration challenges at the earliest possible stage will prevent dangerous journeys and undermine trafficking networks. The EU should expand its focus beyond its immediate neighborhood, adopting a balanced strategy that includes stronger partnerships with countries of origin, first asylum and transit. The Commission is encouraged to actively engage with MS on these matters, alongside UNHCR, IOM and other relevant actors.

Put protection at the heart of migration partnerships. As the EU negotiates agreements with third countries along migration routes, these agreements must include human rights principles and monitoring mechanisms and should prioritize addressing the protection and assistance needs of individuals on the move, including refugees and asylum-seekers. UNHCR welcomes the new Pact for the Mediterranean under the leadership of the Commissioner for the Mediterranean as a key opportunity to foster strategic partnerships across the region. The Pact and other migration partnerships should focus on creating the conditions for persons on the move to access the services and protection that they need, as well as promoting genuine

responsibility sharing (for example, through developing pathways for safe and legal migration).

Prioritize safe journeys. The EU and its MS should collaborate with UNHCR and IOM to set-up multi-purpose hubs/one-stop shops along migration routes. These hubs can provide life-saving support, protection, and essential information on access to asylum and risks of irregular movements, as well as on available alternatives to dangerous journeys, while increasing the availability of such alternatives. Such alternatives include long-term solutions such as complementary pathways including access to labour pathways, family reunification as well as return and reintegration.

Strengthen the fight against trafficking. The EU must ramp up coordinated efforts to combat trafficking along migration routes. The Presidencies must promote strong cross-border collaboration between law enforcement and closer engagement with countries of origin, transit and destination. At all entry points to the Union, prioritizing well-resourced, protection-sensitive procedures must ensure security while safeguarding fundamental rights.

Multiannual Financial Framework (MFF)

Commit to multilateralism and global commitments. Amid growing instability, the EU must uphold its multilateral and global commitments, including those from the UN Summit of the Future 2024. The Presidencies must ask the Commission and MS to strengthen the EU's global leadership through a robust MFF, prioritizing investments in peace, sustainable development, and resources to respond to emergencies and fragile contexts.

Prioritize addressing forced displacement. The EU should continue to prioritize addressing forced displacement in its current and future financial frameworks. The Presidencies must

secure strong commitment to tackle root causes and impact of forced displacement, protect the rights of displaced populations, and support lasting solutions. By addressing forced displacement, the EU can mitigate conflict and instability, contributing to sustainable development and peace.

Boost humanitarian funding. Humanitarian needs are growing, but funding is lagging. The EU must continue to lead the way. In the upcoming MFF discussions, the Presidencies should advocate to increase the humanitarian aid budget, as per the Council's May 2023 recommendations. The EU has had to tap into other budget lines for humanitarian funding, often through lengthy processes. Allocating adequate resources upfront will increase efficiency, strengthen the EU's global leadership, and ensure a timely response to crises.

Track the spending. The Presidencies should ensure a clear and transparent breakdown of the spending for migration and forced displacement, detailing the 10 per cent target under the EU's development instrument. This transparency will not only help prioritize actions effectively but also build trust among stakeholders. By providing clear funding insights, the EU can enable better decision-making, strategic planning, and efficient use of resources to tackle urgent global challenges, while fostering accountability.

Enhance the quality of EU funding. Flexible funding should become standard practice to allow responders reach people in need quickly and effectively. The Presidencies should encourage the Commission to implement the Council's May 2023 conclusions on closing the humanitarian funding gap, which specifically called for greater flexibility in funding. Through flexible funding, the EU will be able to respond faster to new and unforeseen crises, saving lives and delivering aid wherever and whenever it is needed most.

Conflict-affected and fragile contexts

Demonstrate strong political commitment to tackling fragility, making it a focus of the EU's foreign policy and international partnerships. While UNHCR acknowledges the EU's efforts to build mutually beneficial partnerships through the Global Gateway, the Presidencies must champion a balanced and inclusive approach to development.

Adopt a coherent approach to fragility. The Presidencies must ensure that the EU prioritize strategies to address fragility, focusing on the root causes of poverty and insecurity that lead to displacement. This requires aligning political and financial efforts across the EU and MS, integrating humanitarian, development and peacebuilding initiatives to support the achievement of the Sustainable Development Goals. By acting swiftly and in a coordinated way – from investing in countries of origin and of transit, the EU can deliver sustainable, cost-effective solutions that align with its interests and international commitments, serving people on the move and host communities.

Make forced displacement a priority in EU's Response. Conflict and instability drive displacement, with most refugees and internally displaced people living in fragile areas. The EU should support the integration of displaced populations into national systems, promoting inclusion, self-reliance and economic opportunities. Supporting host countries, strengthening community-based initiatives and partnering with development actors and the private sector, including through the Global Gateway, is vital to reducing reliance on short-term aid and advancing the EU's commitments to resilience, social cohesion and sustainable development.

Review of the Safe Third Country concept

As the review of the Safe Third Country concept approaches in June 2025, UNHCR urges that the following key principles guide eventual new approaches:

Guarantee effective and enduring access to protection. It is essential that states must ensure that there are no barriers that would prevent individuals from being admitted and accessing effective access to human rights standards and standards of treatment commensurate with the 1951 Convention and its 1967 Protocol in the Safe Third Country they are being transferred to.⁴

Connection requirement. Requiring a connection between an asylum-seeker and a Safe Third Country is not mandatory under international law.⁵ However, the existence of such a connection can help reduce the risk of irregular onward movement following transfer.⁶

Facilitation Directive

Protect, do not criminalize: As negotiations continue on the Facilitation Directive, migrants, asylum-seekers, those acting based on family ties or for the purpose of providing humanitarian assistance should be protected from criminalization. Accordingly, UNHCR urges the Presidencies to support key amendments in the Commission's proposal, including a mandatory humanitarian exception clause to protect those helping migrants; clearer language specifying intent (e.g., financial gain) in Article 3 to avoid penalizing acts of solidarity, as well as the removal of the "public instigation" offence from the Directive, which could unjustly target humanitarian efforts. For more detailed

information, please refer to [UNHCR Comments on the European Commission Proposal for a Facilitation Directive](#).

Ukraine

Promote legal certainty for refugees. While some individuals have chosen to return to Ukraine, most refugees report that they are currently unable to do so due to the ongoing international armed conflict.⁷ Given the volatile and unpredictable situation within the country, the Presidencies should work with MS to ensure continued safety and stability for refugees until conditions allow for safe, dignified, and sustainable returns. Extending the application of the Temporary Protection Directive beyond March 2026—for one or more years—presents a pragmatic approach to achieving this goal.

Additionally, facilitating access to alternative residency pathways within Member States, outside the Temporary Protection framework, may be appropriate, provided vulnerable groups are guaranteed legal certainty and all individuals are equipped with the necessary information to make informed decisions about their options. UNHCR, drawing on its global expertise, remains available to support the Presidencies in exploring and developing strategies for the continued protection of Ukrainian refugees.

Supported informed decision making.

Individuals should be empowered to make well-informed, voluntary decisions about whether to remain in the EU or return to Ukraine. The Presidencies are encouraged to facilitate access to comprehensive, up-to-date information in this regard, leveraging platforms such as Ukraine is Home to support informed decision-making. Additionally, the Presidencies should collaborate with MS to enable refugees to undertake short-term visits to Ukraine—for

4. UNHCR, Legal considerations regarding access to protection and a connection between the refugee and the third country in the context of return or transfer to safe third countries (April 2018), <https://www.refworld.org/policy/legalguidance/unhcr/2018/en/120729>.

5. Ibid.

6. Ibid.

7. UNHCR, Lives on hold: Intentions and Perspectives of Refugees, Refugee Returnees and IDPs from Ukraine #6 Summary Findings (November 2024), <https://data.unhcr.org/en/documents/details/112600>.

family reunification, property checks, or maintaining cultural ties—without risking the premature loss of their legal status in the EU. Research indicates that such connections positively influence longer-term return decisions.⁸

Given the ongoing humanitarian challenges and fluid situation inside Ukraine, the UNHCR urges caution against premature returns, which could heighten protection risks and lead to renewed displacement. Special attention must be given to the most vulnerable refugees, ensuring they receive targeted support to address challenges in sustaining themselves within host communities.

Syria

No forced return, ensure access to asylum procedures. Syria is at a crossroads, with a potential to move toward peace and for its people to begin returning home. The country continues to face, however, many challenges including a large-scale humanitarian crisis, continued high levels of internal displacement and widespread destruction and damage of homes and critical infrastructure.

As per [UNHCR's Position on Returns to Syria](#), now is not the time to enforce returns to the country. No national or former habitual resident of Syria, including Palestinians previously residing in Syria, should be forcibly returned to any part of the country at the current time. UNHCR continues to call on all States to allow civilians fleeing Syria access to their territories, to guarantee the right to seek asylum, and to ensure respect for the principle of non-refoulement at all times. In addition, UNHCR calls on asylum States to suspend the issuance of negative decisions on applications for international protection by Syrian nationals or by stateless persons who were former habitual residents of Syria in light of the evolving

situation inside the country. UNHCR asks the Presidencies to support these calls within the EU.

Promote flexibility around “go and see” visits. Some Syrian nationals have started to voluntarily return to the country, to reconnect with loved ones and understand better first-hand the developing situation. As in many other refugee contexts, such trips are influential in informing longer term decisions on return. UNHCR urges the Presidency to advocate for MS to exercise as much flexibility as possible towards these “go and see” visits and refrain from prematurely withdrawing legal status as a result. It will be important to rapidly share information with refugees from Syria, informing them how they may undertake such visits without jeopardizing their legal status in MS and the measures they should take in advance (for example, notifying the relevant authorities of their absence).

Resettlement and Complementary Pathways

The Presidencies must lead in reaffirming the EU's commitment to offering long-term solutions to the most vulnerable refugees and to supporting countries hosting large numbers of displaced people. The adoption of the Pact and the Union Resettlement Framework provide a vital opportunity to expand legal pathways to protection to the EU and to:

Promote solidarity with resettlement programs. Resettlement is a lifeline for the world's most vulnerable refugees with over 2.9 million refugees in need of a third-country solution. MS are encouraged to step up and increase the number of resettlement places available for refugees.

Invest in sustainable solutions with increased reception capacity. UNHCR calls for increased investment in reception and housing capacities across MS to ensure that resettled refugees are

8. Ibid

welcomed and supported. In this respect, the Presidencies may promote community sponsorship programs to strengthen public reception systems whilst working to unlock longer-term housing solutions, fostering a more inclusive and sustainable approach to refugee integration.

Unlock the talents of refugees. As Europe deals with demographic changes and growing labour shortages, refugees represent an untapped pool of talents. With the right support and access to opportunities, refugees can contribute significantly to the EU's workforce. The Presidencies should leverage programmes like the EU Talent Pool and Talent Partnership. EU MS are encouraged to make their migration systems more flexible to ensure greater inclusion of refugees, including ensuring access to travel documents.

Promote avenues for family reunification: Too many refugees in the EU experience extended separation from family members due to lengthy, complex procedures to reunify. UNHCR urges the Presidencies to join advocacy efforts focused on a flexible approach to family reunification procedures in the EU.⁹

Statelessness

As of 2023, there are an estimated 340,000 stateless individuals or people with undetermined nationality living in the EU.¹⁰ The EU Conclusions on Statelessness adopted by the Council of the EU in 2015 acknowledge the importance of identifying stateless persons and strengthening their protection. The EU can play a leading role in ending statelessness within as well as beyond its borders.

Develop a comprehensive EU strategy and action plan to establish clear procedures for identifying and protecting stateless individuals, improve data collection and ensure consistent recognition of their rights across all MS.

Strengthen prevention and ensure the identification and protection of stateless individuals in the EU. The Presidencies should encourage MS which have not done so yet to accede to the UN Statelessness Conventions and to join the new Global Alliance to End Statelessness. The Presidencies should also urge MS to strengthen their legal framework to prevent childhood statelessness and establish determination procedures to ensure that stateless persons are identified, recognized, protected and able to access their rights.

Returns of rejected asylum seekers

Returns of rejected asylum seekers are an essential part of maintaining the integrity of the EU's asylum system. With the upcoming revision of the EU's Return framework, UNHCR urges the Presidencies to prioritize the following key recommendations to ensure returns are fair, efficient and humane:

Prioritize Pact implementation. Effective and sustainable returns start with fair and efficient asylum procedures. To avoid backlogs and delays, it is crucial to invest in high quality processes that deliver results from the start. Most importantly, the Pact introduces key innovations to support more effective returns – such as mutual recognition of return decisions and stronger readmission agreements with third countries. Now is the time to ensure the Pact is fully implemented including in relation to returns.

9. UNHCR, UNHCR Recommendations on flexible approaches to family reunification procedures in Europe (February 2023), <https://www.refworld.org/policy/legalguidance/unhcr/2023/en/96763>; UNHCR, UNHCR Guidelines on international legal standards relating to family reunification for refugees and other beneficiaries of international protection (December 2024), <https://www.refworld.org/policy/legalguidance/unhcr/2024/en/149243>.

10. UNHCR 2024 Mid-Year Trends Report, 9 October 2024 available at [Annexes for Global and Mid-Year Trends](#)

Invest in humane and dignified returns. The Presidencies should lead MS in ensuring serious efforts to effect return, in the first instance on a voluntary basis wherever possible. Such efforts should include investing in Assisted Voluntary Returns (AVR) and reintegration programmes. AVR is a proven, effective and cost-efficient solution, offering a more sustainable approach than forced returns. AVR should be available at any stage of the asylum process without undue pressure. AVR must be accompanied by the appropriate level of financial and other support in terms of reintegration, both at individual and community levels.

In cases where return to the country of origin is not immediately possible, Return Hubs in third countries can be considered if they adhere to fundamental rights standards to ensure safe and dignified returns. Accompanied by appropriate reintegration interventions, they may contribute to ensuring the sustainability of returns.

Rely on accurate data. Accurate data is essential for effective return policies. EU level data should clearly distinguish between returns of asylum seekers with rejected claims and irregular migrants not in the asylum system, including EU nationals. To make informed, evidence-based decisions, the Presidencies should advocate for better data collection. This should include a cost-benefit analysis and a thorough impact assessment of new measures, ensuring EU policies are driven by reliable and precise data.