

To the Kind Attention of
UNHCR Protection Office for Europe

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Dear all,

as Italian Association for Juridical Studies on Migration (ASGI - www.asgi.it - <https://en.asgi.it/>) we have been committed to protect foreigners and refugees' rights for over 30 years.

Considering what is happening in Afghanistan, we write to request that UNHCR take all possible measures to ensure the protection of people who are fleeing.

ASGI welcomes what UNHCR has stated in its position regarding the suspension of forced returns to Afghanistan and the need to re-evaluate the protection needs of asylum seekers whose applications for international protection have been denied.

ASGI agrees with UNHCR regarding the duty of States to ensure full respect of the principle of non-refoulement and prompt access to the procedure for recognition of international protection.

ASGI stresses the need to take into consideration the situation of many Afghan citizens who are stranded in Turkey, or in other countries of the so-called Balkan route, repeatedly rejected at the borders of the European Union to whom it is necessary to guarantee full protection and access to the territory of the European Union.

ASGI has doubts about the decision taken by some Member States, and accepted by the UNHCR, to suspend the examination of applications for international protection submitted by Afghan citizens. ASGI believes that the need for protection for Afghan refugees is already sufficiently well-founded to guarantee access to refugee recognition. The dramatic events of the last few days have only aggravated a situation already characterized by serious human rights violations in Afghanistan.

In this sense, Italy has recognized the need for protection of Afghan citizens in recent years, as demonstrated by the higher rates of recognition of international protection compared to other EU countries. In contrast, the policy of forced repatriations adopted by other European member States has been characterized by denials based on the presumed existence of internal protection alternatives. Furthermore, it is believed that the state of uncertainty that the suspension of the procedure would entail could further compromise the psycho-physical well-being of applicants already tested by other events.

ASGI also believes that it should be more strongly expressed the opposition to any policy of externalization and to any agreement providing for the repatriation of Afghan citizens to third countries considered "safe countries" or considered countries of first asylum such as Iran, Pakistan and Turkey.

ASGI is also very concerned about the situation that could soon arise in Greece due to the arrival of new asylum seekers, with a consequent worsening of the existing conditions in reception centers, especially those located on the Greek islands, which are already characterized by degradation and abandonment. We really hope that actions will be taken to ensure the rapid transfer of people to suitable reception facilities.

As NGO working on refugees' rights protection, we are aware of many cases of Afghan refugees whose families were waiting for the family reunification procedure.

Based on the 1951 Geneva Refugee Convention, UNHCR's core mandate is to provide international protection to displaced people worldwide, promoting the fundamental human rights of refugees and ensuring that they are not involuntarily returned to a country where they face persecution.

We are fully aware that UNHCR is called upon in its mandate as a UN refugee agency to activate instruments to protect and guarantee the rights of refugees and their families. In particular, UNHCR is called upon to take action for the concrete protection of the best interests of every child and for the prevention of situations of violation of refugees' rights. We are aware of many cases in Italy and other European countries of refugees who were undergoing family reunification procedures.

Therefore, we ask that UNHCR, also in collaboration with the consular representations of EU countries and with IOM as far as it is competent, ensure that they are activated wherever possible:

- the immediate evacuation of Afghan citizens with visas for family reunification who were only waiting to leave the country, therefore working with the various embassies of neighboring countries such as Pakistan, Iran, etc.;
- immediate protection and access to the identification and protection procedure, resettlement and/or family unity for Afghan citizens who are on their way to Pakistan, Iran and Turkey, and other neighboring countries in particular, allowing them to be registered by UNHCR offices without having to go through the offices of national bodies that have already been restricting access to the asylum procedure for many Afghans who have been waiting for years;
- the guarantee that Afghan citizens who are in Pakistan, Turkey, Iran, etc. and who have already been registered by UNHCR can have immediate access to resettlement procedures, humanitarian corridors and family reunification.

UNHCR Italy, already contacted by some of our members has told us that it has no mandate on these issues, so we turn to the Protection Europe Office to have a more immediate feedback.

Thank you for your kind attention

Torino, 23 agosto 2021

Mr. Lorenzo Trucco
President of the A.S.G.I (*Association for Legal Studies on Immigration*)