



## **CASE STUDY**

# **Emergency Transit Mechanism**

Altai Consulting for EUTF | June 2021



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Cover picture: Retrieved from UNHCR ETM Quaterly report (April-June 2019)

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<sup>1</sup> L'Observatoire des Droits de l'Homme au Rwanda

<sup>2</sup> Association Rwandaise Pour La Défense Des Droits De La Personne Et Libertés Publiques

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## ABBREVIATIONS

CBI	Cash-based intervention
CLP	Complementary Legal Pathway
CMR	Central Mediterranean Route
CNE	National Eligibility Commission in Niger
CoA	Country of first asylum
CoO	Country of origin
CwC	Communication with communities
DCIM	Directorate for Combatting Illegal Immigration
ETM	Emergency Transit Mechanism
EUTF	European Union Emergency Trust Fund
FRC	<i>Forum Réfugiés-Cosi</i>
GCR	Global Compact for Refugees
GDF	Gathering & Departure Facility
GoN	Government of Niger
GoR	Government of Rwanda
IOM	International Organisation for Migration
IRC	International Rescue Committee
LCG	Libyan Coast Guards
MSF	<i>Médecins sans Frontières</i>
PoC	Person of Concern to UNHCR
RDPP	Regional Development and Protection Program
RSD	Refugee Status Determination
RST	Resettlement
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
VR	Voluntary Return

# 1. METHODOLOGY AND OBJECTIVES

## 1.1. CONTEXT

The *Learning lessons from the EUTF* exercise was initiated at the end of June 2019 as a light, forward looking exercise, intended as an internal and informal reflection on what could be learned from the implementation of the EUTF on the topic of migration and forced displacement. The report focused on seven thematic areas related to migration and forced mobility: migration governance, labour migration, forced displacement, protection, return and reintegration, trafficking and smuggling, and border management. A second phase of this exercise took place between June and November 2020 and consisted of collecting material from implementing partners working on EUTF projects, in-depth secondary research on migration and forced displacement, and key informant interviews with over 370 stakeholders from a variety of organisations. The report was also based on case studies that were run in parallel on a number of relevant projects related to each of the thematic areas.

A case study was initiated following a request from the EU to focus on protection and more specifically on the Emergency Transit Mechanism (ETM). Launched in 2017, the ETM was set up to evacuate most vulnerable refugees and asylum-seekers from Libya to Niger (and then expanded to Rwanda in 2019), where support to resettlement (RST) and complementary pathways (CLPs) are to be provided. It seems to be a necessary response to the dire situation of refugees and asylum-seekers in Libya, which builds on a burden-sharing principle, and the shared responsibility of the EU, third countries, and partner countries in Africa. However, the ETM is also a very complex and expensive mechanism, the potential scalability and sustainability of which can be questioned three years into programme implementation.

**The objectives of this case study are to:**

- Identify best practices and lessons learned from the ETM programme in terms of evacuation, RST and CLPs;
- Inform the debate on how to improve the extension of the ETM programme, with ideas and tentative solutions given by stakeholders on the ground and in the relevant literature;
- Issue recommendations to ensure EUTF programming can best support the ETM, but also alternative durable protection solutions for refugees and asylum-seekers stranded in Libya.

## 1.2. METHODOLOGY AND LIMITATIONS

During the inception phase, the research team conducted an extensive desk review of existing documents (from UNHCR, the EU and other sources from existing literature to: (1) gain a better understanding of the Libyan context and (2) delve into the current status of the ETM programme (main achievements, challenges and lessons learned). The list of key informants was also finalised during this phase. Around 38 Key Informant Interviews (KIIs) were conducted between the months of September 2020 and January 2021, with a variety of stakeholders, including members of UNHCR and NGO partners working in Libya, Niger and Rwanda, academics, journalists and specialists from think tanks. All these interviews were conducted remotely. Finally, the reporting phase consisted in analysing and triangulating the data collected to draft this case study.

Unfortunately, due to COVID-19 movement restrictions, no field work was conducted in Libya, Niger or Rwanda. Consequently, the extent to which the case study is able to analyse the conditions in the transit centres (see section 6) is limited. Field work would have been necessary to observe and report on aspects such as freedom of movement, work opportunities, cohesion with the local community and refugees' satisfaction levels in the centres. A second phase of the study could potentially address these questions.

The case study's primary focus is on the ETM Niger and Rwanda, covering sections 2 to 6. Complementary actions to the ETM are limited to section 7.

## 2. BACKGROUND AND PROGRAMME OVERVIEW

### 2.1 THE MIGRATION CONTEXT IN LIBYA

#### 2.1.1 MIGRATION TRENDS

**Libya has been a destination since the 1950's** for migrants coming from West and Central Africa as well as the Middle East and North Africa (MENA) region. In 1957, when the first oil fields were discovered in the country, Libyans needed migrant labour force to develop new economic opportunities.<sup>1</sup> Between 1998 and 2007, Qaddafi's interest in pan-Africanism also fostered an open-door policy whereby African nationals could enter Libya without a visa.<sup>2</sup> According to IOM estimates, the number of irregular migrants in the country reached around 2.5 million in 2011.<sup>3</sup>

**It then became a major transit hub towards Europe with the eruption of the Libyan civil wars in 2011 and 2014, and the liquidity crisis in 2018.** Rising violence and the absence of a unified government able to control the territory started limiting work opportunities and increasing protection risks within the country. In 2011, 800,000 migrants decided to flee into neighbouring Tunisia, Egypt, Chad, and Niger, while only 37,800 headed towards Europe.<sup>4</sup> However, in the aftermath of the second civil war, an increasing number of migrants and refugees reached Italian shores, and in 2016, more than 181,000 took the Central Mediterranean route (CMR), 90% of them departing from Libya.<sup>5</sup> They were escaping conflict or looking for new job opportunities with more interesting wages. With the liquidity crisis in 2018, the Libyan dinar lost nearly 55% of its value between 2016 and 2018.<sup>6</sup>

**Though Libya remains a major transit hub to reach Europe via the CMR, Algeria and Tunisia witnessed a dramatic increase in sea departures in 2020.** Compared to 2019, the number of people departing from Libya in 2020 (27,040 departures) increased by 58%, while it rose by 310% in Tunisia (22,900 departures) and 209% in Algeria (20,710 departures) during the same year.<sup>7</sup> There was also a significant increase in the number of arrivals (23,023) in the Canary Islands via the Atlantic route in 2020, nearly eight times as many as in 2019.<sup>8</sup>

#### 2.1.2 PROFILES AND INTENTIONS

**Libya is characterised by a mixed migration context, where people on the move<sup>9</sup> have different profiles, vulnerabilities and reasons to go to Libya.** The visual below provides an overview of their migration status, age, nationalities and gender. Data regarding migrants is retrieved from the latest IOM Data Tracking Matrix (DTM) report, covering their situation in Libya up to December 2020.<sup>10</sup> Data regarding refugees and asylum-seekers is retrieved from UNHCR's data portal, updated in March 2021. At the time of writing, UNHCR is registering individuals of the nine following nationalities: Iraqi, Syrian, Palestinian, Eritrean, Ethiopian, Somali, Sudanese, South Sudanese and Yemeni.<sup>11</sup> This limitation has

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<sup>1</sup> REACH, 'Mixed Migration routes and dynamics in Libya in 2018' June 2018. Retrieved [here](#).

<sup>2</sup> A.Malakooti, The Global Initiative, 'The Political Economy of Migrant Detention in Libya', April 2019.

<sup>3</sup> The Global Initiative, 'Responding to the Human Trafficking – Migrant Smuggling Nexus', July 2019.

<sup>4</sup> REACH, 'Mixed Migration routes and dynamics in Libya in 2018' June 2018. Retrieved [here](#).

<sup>5</sup> World Bank Group, 'Migration in Libya: A spatial network analysis', January 2020.

<sup>6</sup> REACH, 'Mixed Migration routes and dynamics in Libya in 2018', June 2018. Retrieved [here](#).

<sup>7</sup> UNHCR, 'Sea movement Trends from Africa to Europe, departures from Libya, Tunisia and Algeria', Jan. 2019 – Dec. 2020.

<sup>8</sup> UNHCR, 'Routes towards the western and central Mediterranean Sea', January 2021.

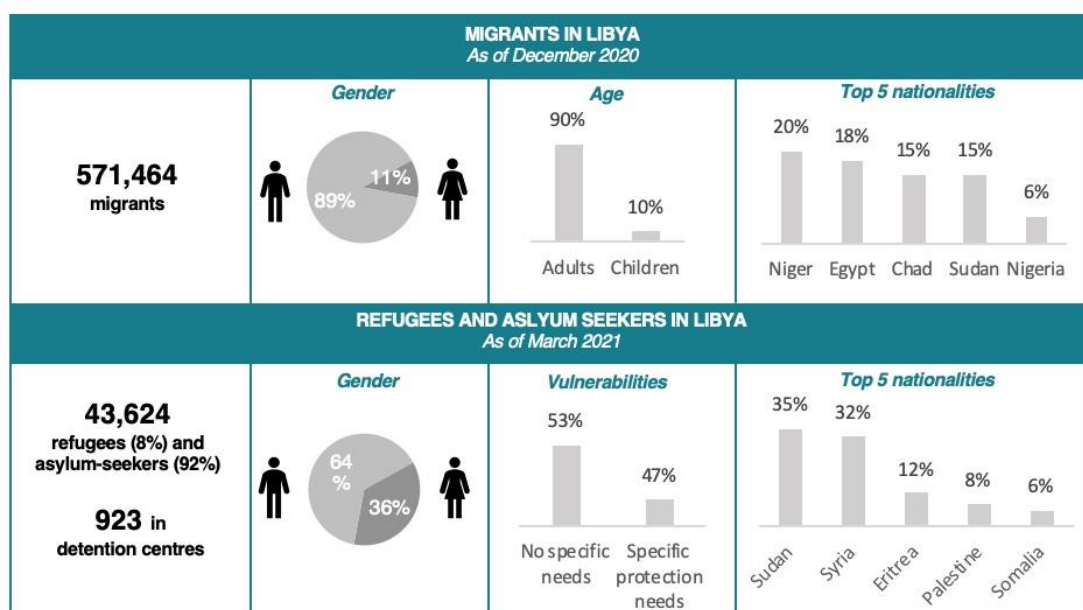
<sup>9</sup> This term will refer to migrants, refugees and asylum-seekers in this case study.

<sup>10</sup> It is based on 1,724 interviews of "migrants", defined by IOM as any person who moved away from his or her usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons.

<sup>11</sup> UNHCR 'Operational portal – Libya', March 2021. Retrieved [here](#).

reportedly been imposed by Libyan authorities since 1991, even though it is contrary to their obligation under the 1969 'Convention Governing the Specific Aspects of Refugee Problems in Africa'.<sup>1</sup>

Figure 1: Migrants, refugees and asylum-seekers' profiles in Libya



**Most migrants go to Libya to find job opportunities, and a vast majority are employed in the country and planning to stay.** The DTM's latest flow monitoring survey (FMS)<sup>2</sup> in Libya covered the period January to August 2019 and included information on migration dynamics, aspirations and intentions. Out of the 13,000 respondents, an overwhelming majority (93%) left their country of origin for economic reasons, and most reported being employed in Libya (76%) and were planning to stay in the country (73%). Those who wished to return to their country of origin often mentioned the dire living conditions in Libya or unemployment.<sup>3</sup>

## 2.2 PROTECTION RISKS IN LIBYA

**During the Qaddafi era, Libya was not a safe place for migrants and refugees, who suffered from stigmatisation, racism, and routine abuses by Libyan nationals.** Several authors and interviewees linked these protection risks, which are still reported by people on the move today, to the former existence of regional slave trades.<sup>4</sup> The Arabic word *abid*, meaning slave, is a common term used to refer to Black people, who also suffer from racist stereotypes which are often relayed by the Libyan media.<sup>5</sup> Xenophobia is also a major obstacle for sub-Saharan migrants' and refugees' access to decent jobs and wages as well as basic services. Some health partners on the ground reported that host communities refused to be treated in the same facilities as people on the move.<sup>6</sup>

**The situation worsened in the aftermath of the revolution, as violence and lack of political governance increased risks of trafficking and military attacks on civilians, including migrants**

<sup>1</sup> Interview with key informant from UNHCR. The 'Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa' (1969 OAU Refugee Convention) is Africa's treaty governing refugee protection on the continent. It was the world's first regional refugee protection instrument.

<sup>2</sup> The FMS also provides information on drivers of migration and migratory trends.

<sup>3</sup> T. Teppert, L. Rossi, 'Migration in Libya post-2016: recently arrived migrants and migrants who have been in Libya 5. for at least one year', 2019. Retrieved [here](#).

<sup>4</sup> REACH, 'Mixed Migration routes and dynamics in Libya in 2018', June 2018. Retrieved [here](#).

<sup>5</sup> Black people are sometimes depicted as 'animal-like, unintelligent, dirty and poor' in Libyan media or entertainment programmes. Amnesty international, 'Between life and death, refugees and migrants trapped in Libya's cycle of abused', 2020, Retrieved [here](#).

<sup>6</sup> Interviews with key informants from INGOs.



**and refugees.** After 2011, the proliferation of weapons and the entry of armed gangs and militias into the migrant-smuggling business fueled human trafficking practices across the country.<sup>1</sup> Armed groups took control of unofficial detentions centres (DCs) and built a business model relying on extortion, forced labour, prostitution, or migrant selling between DCs.<sup>2</sup> In 2012, the Department for Combating Illegal Migration (DCIM) was created in an attempt to oversee and improve the organisation of official DCs across the country, but most of them still rely on the support or buy-in of armed groups to operate effectively.<sup>3</sup>

The revolution also led to the eruption of two civil wars and created a hostile environment for civilians, including migrants and refugees. In 2019, the conflict escalated and UNHCR reported that 1,500 people on the move were trapped in DCs located close to the frontlines in the south of Tripoli.<sup>4</sup> Indiscriminate attacks related to the conflict also resulted in deaths among the civilians, including 53 migrants, refugees and asylum seekers killed in the bombing of the Tajoura DC, near Tripoli in July 2019.<sup>5</sup>

**Despite acute protection needs for people on the move, lack of migration governance and weak national capacities limit the implementation of an effective protection framework.** Libya has not signed the 1951 Convention relating to the Status of Refugees and does not have a functioning asylum system that would recognise the status of asylum-seekers and the obligation to provide them with protection.<sup>6</sup> The majority of Libyan migration-related laws are prosecutorial in nature. Law no. 19 of 2010 penalises irregular entry with a fine up to 1,000 Libyan dinars or prison sentences of up to three years.<sup>7</sup> Difficulties and abuses faced by people on the move in DCs have been widely reported in the news and literature. They are held in inhumane conditions, trapped in overcrowded facilities, lacking proper bedding and sanitation systems. Detainees often raise concerns about the scarcity of drinking water and food rations, which can lead to weight loss, severe cases of malnutrition and contribute to the spread of tuberculosis. They continue to report serious human rights violations and abuses committed by DCIM guards, members of militias, armed groups and traffickers; and suffer from extortion, torture, sexual and physical abuse, including beating, whipping and the use of electric shock. Children are not exempt from these practices, some reporting being beaten and raped by guards and smugglers.<sup>8</sup>

**The COVID-19 pandemic, combined with violence and political instability, largely contributed to escalate protection needs for people on the move in Libya.** In 2020, the number of confirmed COVID-19 cases in the country increased exponentially, from below 900 in June to over 34,500 cases by the end of September.<sup>9</sup> The disease has exacerbated migrants' and refugees' vulnerabilities, limiting their access to livelihoods, casual labour opportunities and daily wages. The pandemic has also hampered access to medical services, putting pressure on an already overstretched public health system which suffers from a shortage of medical supplies and health workers.

## 2.3 ETM OVERVIEW

**The ETM was set up in December 2017 to evacuate most vulnerable refugees and asylum-seekers from Libya to Niger, and from September 2019 to Rwanda. Access to Refugee Status Determination (RSD),<sup>10</sup> RST and CLPs is to be provided in these transit countries with the aim**

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<sup>1</sup> The Global Initiative, 'The Human Conveyor Belt : trends in human trafficking and smuggling in post-revolution Libya', March 2017. Retrieved [here](#).

<sup>2</sup> A.Malakooti, The Global Initiative, 'The Political Economy of Migrant Detention in Libya', April 2019.

<sup>3</sup> Ibid.

<sup>4</sup> UNHCR, 'UNHCR issues urgent appeal for release and evacuation of detained refugees caught in Libyan crossfire', April 2019.

<sup>5</sup> HRW, 'EU: Time to review and remedy cooperation policies facilitating abuse of refugees and migrants in Libya', April 2020.

<sup>6</sup> Amnesty international, 'Between life and death, refugees and migrants trapped in Libya's cycle of abused', September 2020. Retrieved [here](#)

<sup>7</sup> Ibid.

<sup>8</sup> HRW, 'No escape from hell: EU policies contribute to abuses of migrants in Libya', June 2019. Accessed [here](#).

<sup>9</sup> DTM, 'Covid-19 Mobility Tracking, impact on vulnerable population on the move in Libya', September 2020. Retrieved [here](#).

<sup>10</sup> Only refugees have access to RST. Beneficiaries thus need to fully complete the RSD process prior to applying for RST.

**to find durable solutions in third countries as well as countries of origin (CoO) or first asylum (CoA), or even local integration.** The dire human rights situation in DCs was brought to the attention of the public through a CNN documentary released in November 2017. It put pressure on the international community to lessen the ongoing suffering of people on the move stranded in Libya, and accelerated the start of the ETM. The European Union (EU), the United Nations (UN), and the African Union (AU) committed to support voluntary returns (VRs) of migrants back to their country of origin, and facilitate access to durable solutions through RST and CLPs through the ETM. The decision to launch the ETM was entirely UNHCR's, both in Niger and Rwanda. The EU is involved as a donor to UNHCR in the framework of the multi-donor action. While the AU did not play a role in the case of Niger, in Rwanda, the ETM was established under a Memorandum of Understanding between the Government of Rwanda (GoR), the UN and the AU. The AU does not contribute to the functioning of the ETM, but its involvement lends political support to the process. There is no distribution of tasks between the EU, the UN and the AU per se, however recently, the AU made a written intervention with the Libyan authorities aiming to unblock departures to Rwanda and Niger.<sup>1</sup> The ETM can thus be considered as a mechanism to implement the recommendations of the AU-EU-UN Tripartite Taskforce on the Situation of Stranded Migrants and Refugees in Libya, set up in 2017 to save and protect the lives of migrants and refugees along the migratory routes, and in particular inside Libya.<sup>2</sup>

The programme started in December 2017 in Niger, in September 2019 in Rwanda, and is extended until June 2021.<sup>3</sup> Though it initially targeted most vulnerable persons of concern (PoCs) in DCs, it also started focusing on PoCs residing in urban settings in 2019.

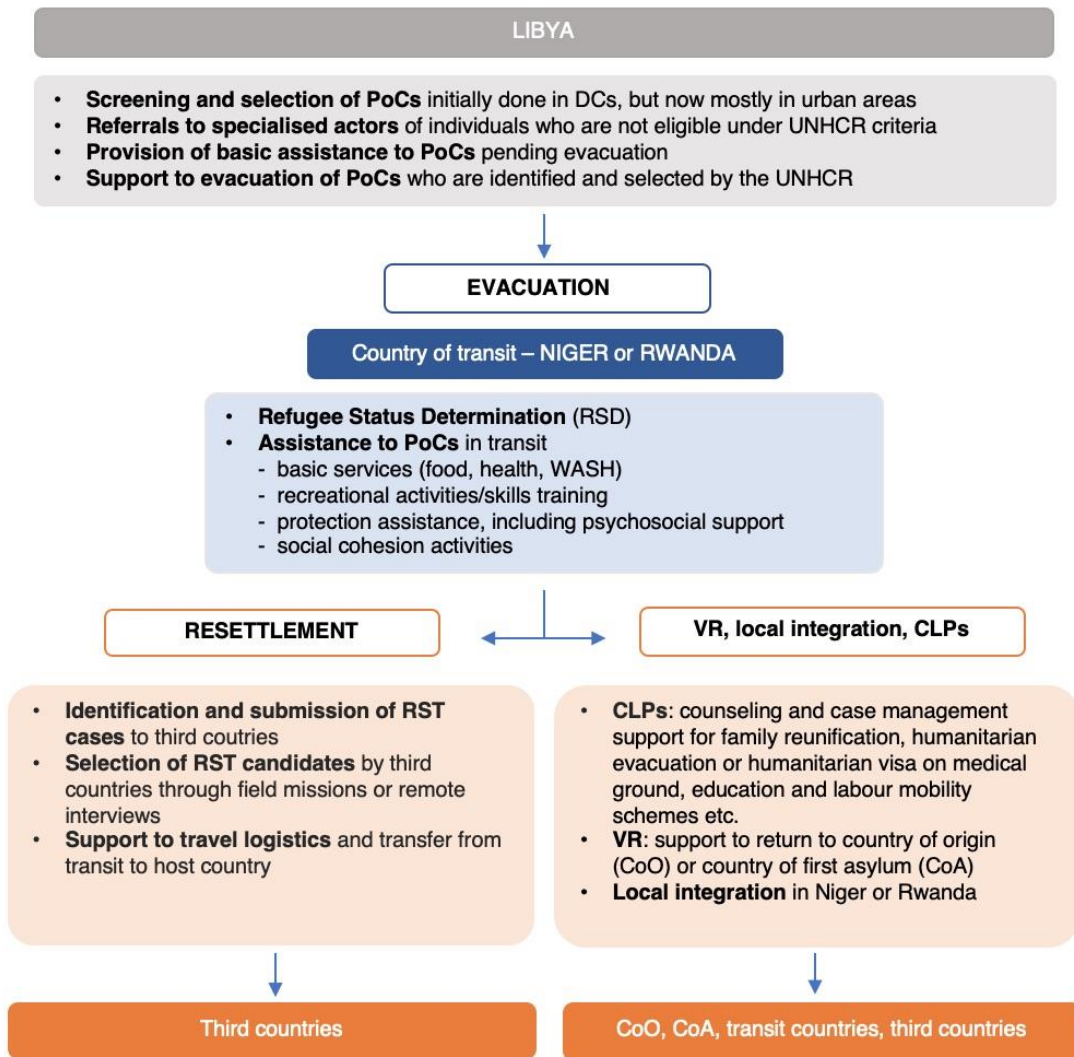
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<sup>1</sup> Interview with key informant from UNHCR.

<sup>2</sup> EEAS, 'Joint press release – Meeting of the joint AU-EU-UN Taskforce to address the migrant and refugee situation in Libya', 25 September 2019.

<sup>3</sup> UNHCR, 'Emergency Transit Mechanism – Factsheet', January 2021. Accessed [here](#).

Figure 2: ETM programme overview



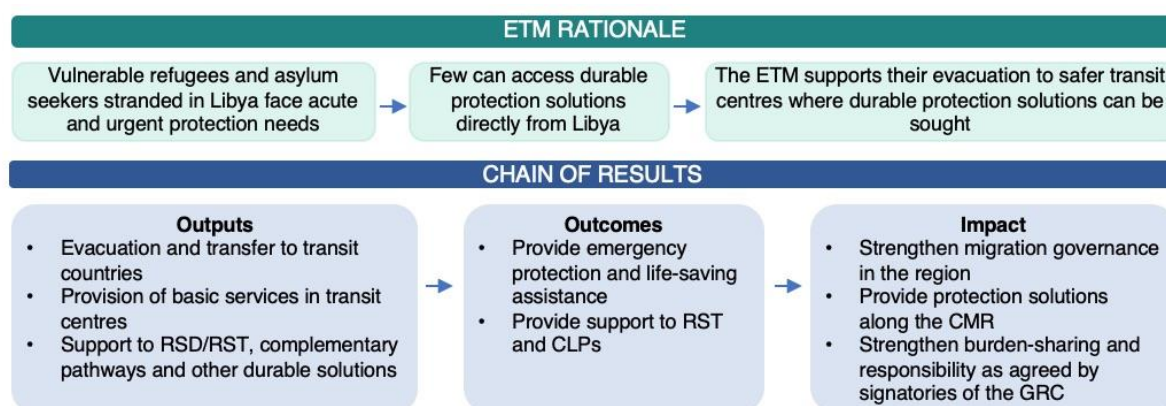
### 3. THE ETM PROGRAMME APPROACH AND OBJECTIVES

The ETM was set up as an exceptional and temporary mechanism to respond to an urgent situation in Libya.<sup>1</sup> As mentioned during an interview, UNHCR could not provide protection to people in the country, and thus decided to ‘bring them to protection’.<sup>2</sup> It was a completely new approach for the agency, designed in a context of emergency, with objectives and assumptions that could be re-assessed three years into programme implementation.

<sup>1</sup> Retrieved from ETM Niger DOA.

<sup>2</sup> Interview with key informant from UNHCR.

Figure 3: ETM theory of change<sup>1</sup>



### 3.1 TARGET GROUPS

Though the ETM initially aimed to evacuate the most vulnerable refugees and asylum-seekers from Libya, UNHCR had to limit its selection to beneficiaries of nine specific nationalities. It is currently registering individuals from the following countries: Iraq, Syria, Palestine, Eritrea, Ethiopia, Somalia, Sudan, South Sudan, and Yemen. Yet, according to the last DTM report, almost 60% of migrants living in Libya, including a small proportion of potential asylum-seekers, come from Niger (20%) Egypt (18%) Chad (15%) and Nigeria (6%).<sup>2</sup>

Since mid-2019, UNHCR also decided to focus its intervention on urban areas, where most evacuees now come from. Indeed, since the beginning of the ETM, the number of official detainees roughly decreased from 6,000 in 2017 to 4,000 in 2021.<sup>3</sup> UNHCR thus shifted its focus to urban areas, where a majority of asylum-seekers and refugees are located,<sup>4</sup> some after having been released from DCs.<sup>5</sup> UNHCR also had to limit the RST pull factor to DCs, as people were reportedly going into detention in the hope of being evacuated and resettled in a third country.<sup>6</sup> According to the agency, some paid DCIM staff or traffickers to be detained, and were promised better access to UNHCR and durable solutions once in DCs.<sup>7</sup>

However, the situation in DCs is constantly evolving, and reportedly remains extremely critical in non-official facilities. Though the number of DCIM centres went from 27 in 2019 to 11 in 2020, these closures are mostly due to the financial and liquidity crisis in Libya, rather than Libyan authorities' political will to end detention practices. As of March 2021, there were still 3,923 migrants and asylum-seekers detained in DCIM centres, which UNHCR could not regularly access.<sup>8</sup> The Al Mabani DC, which was never designed to be more than a temporary centre where detainees would spend up to 48 hours, is now the main facility to which persons are brought from disembarkation points. Despite its capacity of a few hundreds only, it accommodated 1,527 persons on 3 June 2021 and UNHCR estimates that more than 4,000 persons passed through it in the first half of 2021 alone.<sup>9</sup> Others are also being detained in informal centres.<sup>10</sup> These are not established by DCIM, and are generally managed by armed groups or traffickers who keep people on the move in squalid conditions and refuse

<sup>1</sup> This theory of change does not officially appear in UNHCR documents, but is based on information in the ETM's DOA.

<sup>2</sup> IOM, 'Libya - Migrant report 34 (November – December 2020)' February 2021. Retrieved [here](#).

<sup>3</sup> Interview with key informant from UNHCR. UNHCR, 'Expanded response in Libya 2017', Retrieved [here](#).

<sup>4</sup> Only 128 PoCs in DCs out of 43,624 in total as of March 2021

<sup>5</sup> UNHCR, 'Operational portal – Libya', accessed [here](#) and UNHCR, 'Statistical dashboard', accessed [here](#).

<sup>6</sup> Interviews with key informants from UNHCR and INGOs.

<sup>7</sup> Interviews with key informants from UNHCR.

<sup>8</sup> Interview with key informant from UNHCR.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

access to international aid actors.<sup>1</sup> The number of detainees in informal centres is unknown, but an estimate from the Danish Refugee Council suggests that as many as 80,000 people might have been confined in these facilities at some point in recent years.<sup>2</sup>

## 3.2 RATIONALE OF THE ACTION

**In 2017, the Libyan context allowed for limited in-country interventions to provide durable protection solutions for vulnerable refugees and asylum-seekers.** As part of its core mandate, UNHCR promotes three durable solutions: voluntary repatriation to CoOs or CoAs, local integration, and RST.<sup>3</sup> Local integration was challenging given the social and legal context prevailing in the country at the time, and voluntary repatriation was rarely an option for UNHCR's PoCs. Some were resettled directly out of Libya through activities co-funded by the Regional Development and Protection Programme – RDPP North Africa (RDPP-NA).<sup>4</sup> However, this solution only applied to extremely few beneficiaries responding to specific RST criteria and already having a refugee status. It was also supported by a very limited number of third countries, who were willing to conduct remote selection interviews and resettle people directly from Libya.<sup>5</sup>

**UNHCR thus started the ETM to evacuate most vulnerable refugees and asylum-seekers from Libya to Niger and Rwanda, where access to immediate protection services and durable solutions would be provided.** UNHCR provides emergency protection and basic life-saving assistance (food, health, shelter) in transit centres while supporting access to RSD, RST, CLP procedures and possibly identifying other durable solutions. It was a key strategic objective to create intra-African solidarity for the refugee situation in Libya and to establish these centres in Africa to improve migration governance capacities on the continent.<sup>6</sup>

**However, according to some interviewees, a protection space providing access to immediate services and more durable protection solutions could be directly built in Libya.** UNHCR tried to do so in late 2018, when they opened the Gathering Departure Facility (GDF), which intended to host for a maximum of 72 hours refugees for whom durable solutions in third countries had already been approved, while their cases for RST, family reunification, evacuation or voluntary humanitarian return were being processed. Though UNHCR had to empty the centre in early 2020, some argue a similar transit facility could exist if the security and political context in Libya continues to stabilise. It could also be more effective through a clearer agreement with Libyan authorities,<sup>7</sup> including regarding the centre's location and service providers.<sup>8</sup>

Figure 4: The Gathering Departure Facility (GDF)

**The GDF was launched in December 2018 and was managed by UNHCR, jointly with the Libyan Ministry of Interior (MOI) and a local organisation called Libaid.<sup>9</sup>** It had an initial capacity of 600 people,<sup>10</sup> but hosted up to 1,150 people in 2019, due to the intensification of the conflict in Libya. Refugees and asylum-seekers trapped in DCs were evacuated to the GDF, while others informally entered the centre after the attacks on the Tajoura DC in July 2019 and the mass release from the Abu Salim DC. They were not identified by UNHCR when entering the facility, and some

<sup>1</sup> A. Malakooti, The Global Initiative, 'The Political Economy of Migrant Detention in Libya', April 2019.

<sup>2</sup> TNH, 'What happens to migrants forcibly returned to Libya', August 2020. Retrieved [here](#).

<sup>3</sup> UNHCR, 'Solution for refugees', Retrieved [here](#).

<sup>4</sup> EU, 'RDPP NA-Libya factsheet', March 2020. Retrieved [here](#).

<sup>5</sup> Interviews with key informants from UNHCR and INGO.

<sup>6</sup> Retrieved from ETM DOA.

<sup>7</sup> Interview with key informant from INGO.

<sup>8</sup> Interview with key informant from UNHCR.

<sup>9</sup> UNHCR, 'First group of refugees evacuated from new departure facility in Libya', December 2018.

<sup>10</sup> UNHCR, 'Press release on the Gathering Departure Facility, October 2019. Retrieved [here](#).

even bribed guards to access the GDF, where living conditions were severely declining due to the increasing number of beneficiaries.<sup>1</sup> PoCs were then encouraged by UNHCR to leave the GDF, including through the offer of an 'urban package' including food, cash, primary healthcare, and medical referrals,<sup>2</sup> and on January 2020, UNHCR suspended its operational work in the centre.<sup>3</sup>

**Though conflict intensification and spontaneous entries increased the number of persons in the centre, other factors also contributed to the closure of the GDF.**

- It was located across the street from the Triq al Sika DC, which allowed detainees to bribe guards to access the GDF. DCIM headquarters were also nearby, which meant, according to multiple sources, that physical and administrative control of the GDF started falling into the hands of local authorities, who were occasionally backed by local militias.<sup>4</sup> In addition to the nearby training exercises involving military and police personnel, this increased the risk the GDF becoming a military target for airstrikes and compromising PoCs' safety.<sup>5,6</sup>
- The lack of a clear-cut agreement between UNHCR and the Libyan authorities on how the agency and its local partner, Libaid, would be able to operate inside the facility also contributed to its disfunctioning.<sup>7</sup>
- Miscommunication on the part of UNHCR may have increased the number of individuals in the centre: some PoCs believed accessing the GDF would allow immediate access to evacuation and RST, and were not aware of the numerous and restrictive selection criteria of these processes.<sup>8</sup>

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<sup>1</sup> TNH, 'UN tells migrants to leave Libya transit centre as \$6m project flounders' December 2019.

<sup>2</sup> Ibid.

<sup>3</sup> Interview with key informant from UNHCR.

<sup>4</sup> TNH, 'UN tells migrants to leave Libya transit centre as \$6m project flounders' December 2019, and interview key informant from INGO.

<sup>5</sup> Interview with key informant from UNHCR.

<sup>6</sup> UNHCR, 'UNHCR to suspend operations at GDF in Tripoli amid safety concerns', 30 January 2020.

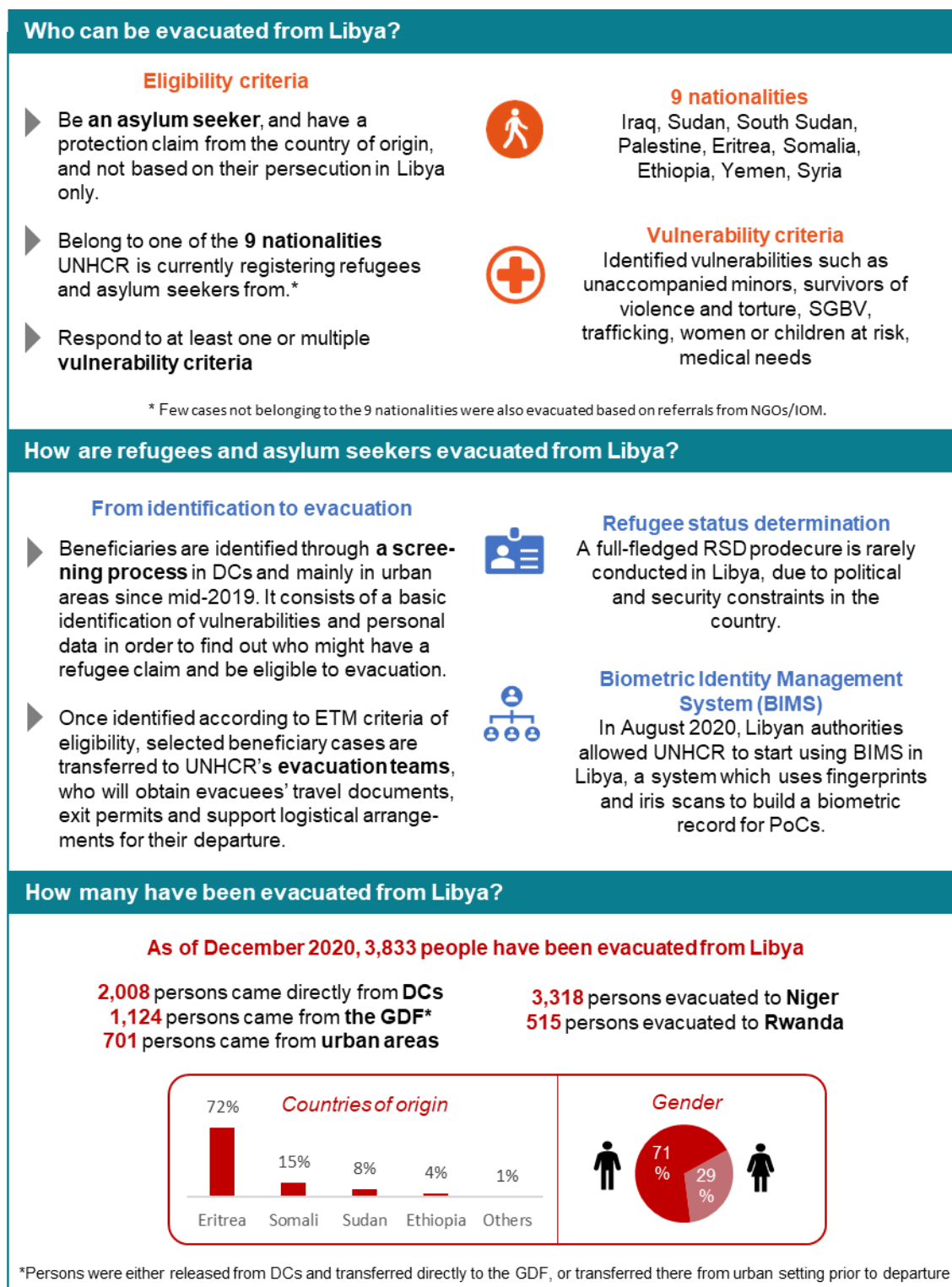
<sup>7</sup> TNH, 'UN tells migrants to leave Libya transit centre as \$6m project flounders' December 2019.

<sup>8</sup> Interviews with key informants from INGO.

## 4. EVACUATION THROUGH THE ETM<sup>1</sup>

### 4.1 OVERVIEW AND KEY DATA

Figure 5: Evacuation process through the ETM<sup>2</sup>



<sup>1</sup> This section only covers evacuations from Libya through the ETMs in Niger and Rwanda. It does not include other types of evacuations, such as humanitarian evacuations, which are complementary to the ETM and examined in section 7.

<sup>2</sup>Data from interviews with UNHCR key informants and UNHCR, 'Flash Update – Emergency Transit Mechanism', Dec. 2020.

## 4.2 MAIN STEPS AND CHALLENGES

### 4.2.1 SELECTION OF BENEFICIARIES

**While the ETM constitutes a life-saving measure through evacuations, the project can only reach a limited number of beneficiaries among the country's large population in need.** As of March 2021, 43,624 refugees and asylum-seekers were registered in Libya,<sup>1</sup> 47% of whom fulfilled vulnerability criteria (protection needs, serious medical conditions, disability, child or woman at risk, SGBV, etc).<sup>2</sup> Yet, for the 2017-2020 period, the programme was expected to provide evacuation support in Libya to roughly 5,000 people to the ETM Niger and 1,500<sup>3</sup> to the ETM Rwanda to seek further long-term protection solutions.<sup>4</sup> In other words, protection needs far exceed evacuation and RST spots.<sup>5</sup>

**The screening process is also particularly challenging, especially in DCs.** DCs' management can quickly change according to shifting power dynamics between DCIM and armed groups.<sup>6</sup> UNHCR is not always granted continuous access to the centres, nor given full freedom to decide who they would like to see.<sup>7</sup> Insufficient time (they can have less than 10 minutes per person), and the limited availability of interpreters and private rooms also impede UNHCR staff from conducting proper screening interviews. All these conditions, combined with the absence of a national asylum system in Libya, often limit UNHCR's protection response in DCs. Though asylum-seekers are given a registration number, a full-fledged RSD procedure is rarely done in the country, especially before August 2020, when the use of biometrics (iris scan and finger prints) was still not possible.<sup>8</sup>

**Confusion amongst PoCs and partners around evacuation criteria can also lead to questions about the legitimacy of the ETM selection process.** Some PoCs reportedly expressed their frustration regarding the lack of chronological order for evacuations, as seen in Zintan DC in October 2020.<sup>9</sup> However, UNHCR criteria of evacuation are based on vulnerability rather than time spent in detention, which is hard to estimate without regular access to DCs and registration of PoCs upon arrival.<sup>10</sup> Yet, some question this decision considering the extreme conditions in which vulnerability assessments are conducted in the centres, while others remain confused about the agency's selection process.<sup>11</sup> Some also lamented the focus on nine nationalities, which limits UNHCR's protection response for asylum-seekers not coming from the selected countries but also in need of urgent protection assistance.<sup>12</sup> Some UNHCR partners also felt uncomfortable in providing basic services to detainees based on their migration status (i.e mostly to refugees and asylum seekers) rather than their vulnerability criteria. Others also wished for increased presence of international UNHCR staff on the ground. Relying too heavily on national partners in a conflict-torn and politically unstable Libya raises issues regarding staff integrity, which in turn can threaten the legitimacy of the ETM selection process. A stronger field presence could be an option considering the improved security context in Libya.<sup>13</sup> This

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<sup>1</sup> UNHCR has been present in Libya since 1991, and registration is part of their core mandate.

<sup>2</sup> UNHCR, 'Operational portal – Libya', Retrieved [here](#).

<sup>3</sup> ETM Niger DOA, '5,000 persons of concern to UNHCR identified and transferred from Libya to Niger'.

<sup>4</sup> ETM Rwanda DOA, 'UNHCR expects to provide transit support under the ETM to approximately 1,500 persons over 16 months from September 2019 through December 2020', and ETM Niger DOA.

<sup>5</sup> This challenge is not specific to Libya. Similarly, in Burkina Faso, Malian refugees face eviction from the two camps where they live (by radical groups), and UNHCR only has a few resettlement spots while 20,000 people need long-term protection solutions.

<sup>6</sup> MSF, 'Difficult choices: providing healthcare in detention centres in Libya', 2017, Retrieved [here](#).

<sup>7</sup> Interview with key informant from UNHCR.

<sup>8</sup> Registration of biometric information is required to fully complete the RSD process, although it does not automatically guaranty access to RSD. Interview with key informant from UNHCR.

<sup>9</sup> Some PoCs who were evacuated from Zintan had UNHCR registration numbers dating from 2019 or 2020 while others, with numbers dating from 2017, were not selected. Interview with key informant from research institution.

<sup>10</sup> Interview with key informant from UNHCR.

<sup>11</sup> Interviews with key informants from INGOs.

<sup>12</sup> Interview with key informant from research institution.

<sup>13</sup> Interviews with key informants from INGOs.



However, this would have to be negotiated with Libyan authorities, especially considering there are still no Headquarters Agreement<sup>1</sup> between them and UNHCR.<sup>2</sup>

**Most of these challenges remain today, but UNHCR's ability to use biometrics, their decision to focus on urban areas, and their current communication efforts with beneficiaries in Libya could help improve the identification of PoCs as well as the screening process.** In August 2020, UNHCR managed to install BIMS in Libya.

Figure 6: Biometrics Identity Management System (BIMS)

Launched in August 2020 in Libya, BIMS allows the use of fingerprints and iris scans to build a biometric record. Once uploaded in a centralised and secure UNHCR database, protection agents can complete refugees' registration or check if the person has not been processed in an other UNHCR office.<sup>3</sup> Some PoCs already registered as refugees will be able to potentially finalise and obtain their RSD in Libya. However, the majority of the 2,000 PoCs registered between August and December 2020 did not 'match' any already existing profiles and therefore still have to undergo an RSD process. Moreover, due to the COVID-19 pandemic and related hygiene restrictions, UNHCR is not always allowed to take fingerprints and fully implement BIMS without an appointment system related to the COVID-19 measures.<sup>4</sup>

In mid-2019, UNHCR decided to focus on the many PoCs living in urban areas in order to conduct more effective screening processes and limit the RST pull factor to DCs, where the number of PoCs was decreasing.<sup>5</sup> DCIM centres' lack of management during COVID-19 in 2020 also encouraged and accelerated UNHCR's shift to urban areas. There, UN staff are reportedly able to prioritise based on the urgency of beneficiaries' vulnerabilities, and to ensure time and privacy to conduct screening interviews.<sup>6</sup> Beneficiaries are also in a better position to speak freely, not fearing any persecution from DCIM staff or other detainees. In contrast to DCs where they suffer additional mental distress and multiple abuses, in urban areas they can at least have regular access to basic protection assistance through facilities such as the Community Day Centre (CDC).<sup>7</sup> UNHCR continues to intervene in DCs mainly to conduct protection monitoring visits and advocate for detainees' releases. In 2020, the agency obtained the release of 389 PoCs from DCs.<sup>8</sup>

The agency also strengthened its communication efforts in 2020. It implemented a new strategy on Communication with Communities (CwC) related to protection and assistance in urban contexts, access to basic services, and risks along migration routes. It uses a variety of communication methods and approaches including hotlines, radio, written material, online and face to face counselling, and social media such as Facebook or Whatsapp. Advice and counselling services are supported through the use of UNHCR's Knowledge Base on Frequently Asked Questions (FAQ), and referrals to protection and assistance services. Many of these activities are currently being replicated in the ETM and will be further strengthened as UNHCR extends its CwC strategy. The agency will thus be able to strengthen communication and engagement with beneficiaries, and continue to clarify selection criteria for evacuation and RST.<sup>9</sup>

<sup>1</sup> 'Headquarters Agreement means a legal instrument concluded by an international organisation and a State in which the organisation's headquarters is located, which sets out the rights, duties and obligations governing the relations of the two entities' Law Insider, Retrieved [here](#).

<sup>2</sup> Interview with key informant from UNHCR.

<sup>3</sup> UNHCR Website, 'Registration tools', Accessed [here](#).

<sup>4</sup> Interview with key informant from UNHCR.

<sup>5</sup> Interviews with key informants from UNHCR and INGOs.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Interview with key informant from UNHCR.

<sup>9</sup> Interview with key informant from UNHCR.

## 4.2.2 EVACUATION TRANSFER LOGISTICS

**Administrative processes and challenging cooperation with Libyan authorities, combined with insecurity and the COVID-19 pandemic, can delay evacuations to transit countries.** Libyan authorities are reportedly quite supportive of the ETM as it reduces the number of refugees and asylum-seekers in need of protection assistance in their country.<sup>1</sup> They do not, however, always facilitate the evacuation process. It can be extremely hard for UNHCR to obtain exit permits and, despite advocacy efforts by the international community, they now have to pay a penalty fee (500 Libyan dinars)<sup>2</sup> for each person leaving the country.<sup>3</sup> Ensuring evacuation flights in a conflict-affected country like Libya can also be extremely difficult and expensive, as well as obtaining all the mandatory travel documents. This administrative process can require a lot of time and human resources, especially when many beneficiaries are evacuated on the same day.<sup>4</sup> PoCs also need to go through a “fit for travel” medical screening which can delay their evacuation if serious health issues are identified during their medical exam. The COVID-19 pandemic in Libya also led to a seven-month long suspension of evacuation flights, which resumed in October 2020.<sup>5</sup> Finally, delays in RST departures extend PoCs’ time in transit, and limit the number of new evacuations from Libya to over-crowded ETMs in Niger and Rwanda.

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<sup>1</sup> Ibid.

<sup>2</sup> Equivalent in euros: 93€

<sup>3</sup> Ibid.

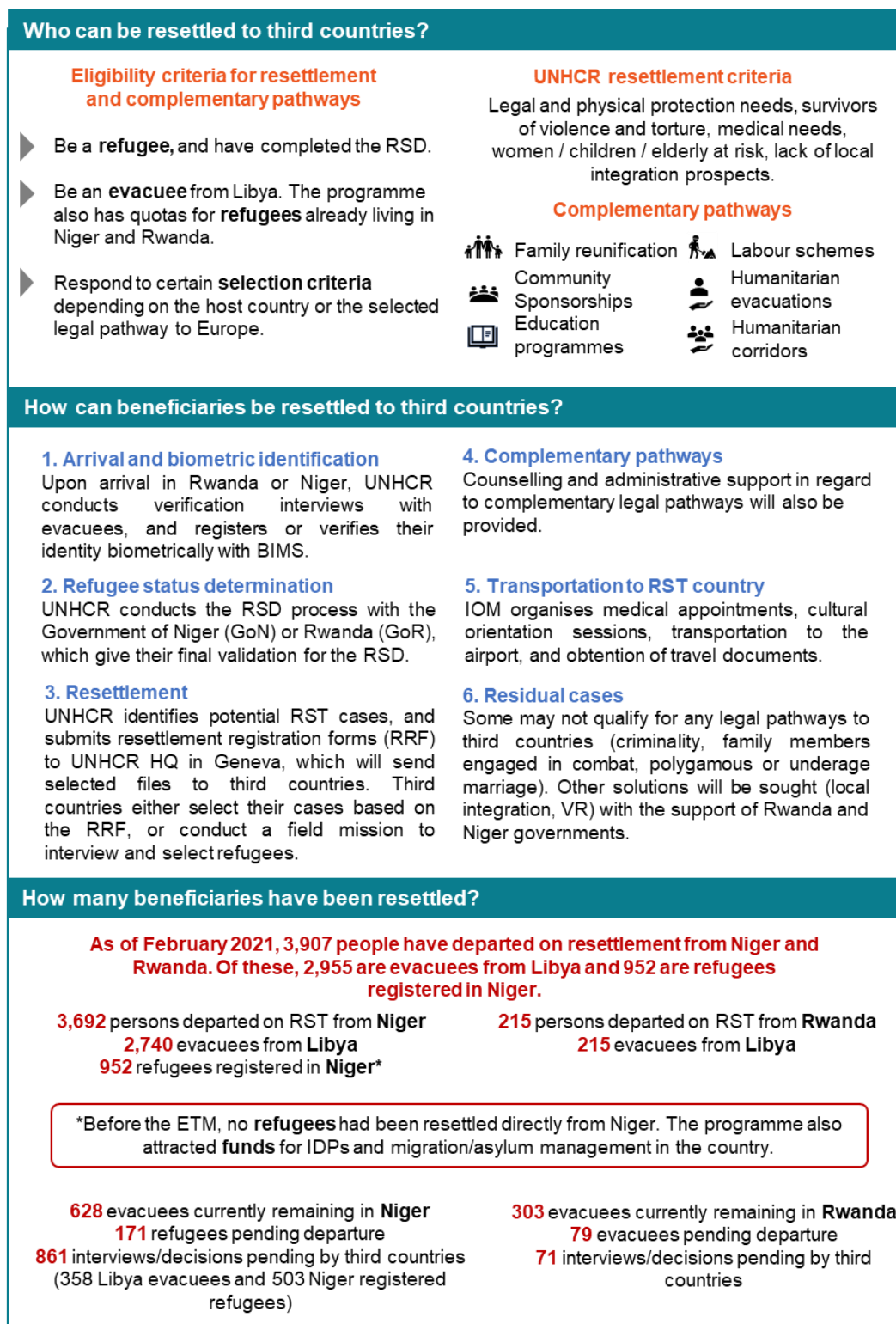
<sup>4</sup> Retrieved from ETM DOA Niger.

<sup>5</sup> Interview with key informant from UNHCR.

## 5. RESETTLEMENT AND COMPLEMENTARY PATHWAYS THROUGH THE ETM

### 5.1 OVERVIEW AND KEY DATA

Figure 7: Access to RST and CLPs through the ETM<sup>1</sup>



## 5.2 MAIN STEPS AND CHALLENGES

### 5.2.1 RESETTLEMENT CRITERIA

**Though RST is an effective and durable protection solution, it targets extremely few PoCs to UNHCR in Libya.** RST consists in the selection and transfer of refugees and asylum-seekers from an ETM transit country to a third state that has agreed to admit and/or ultimately grant them permanent residence.<sup>2</sup> Less than one percent of refugees are resettled every year worldwide,<sup>3</sup> especially in 2020, where only 22,270 departed to third countries worldwide, mainly because of the COVID-19 pandemic<sup>4</sup> which not only temporarily halted RST flights globally but also made it more challenging for third countries to accept RST cases in the face of a looming recession and strained public health care systems.<sup>5</sup> These challenges will likely remain in 2021, despite the election of Joe Biden as the President of the United States, whose plan is to increase the US annual refugee admission cap to 125,000 compared to 18,000 under former President Donald Trump's administration.<sup>6</sup> In 2021 so far, UNHCR has received the following pledges from third countries: 2,465 for the Libya situation, composed of 625 for the ETM Niger, 940 for the ETM Rwanda and 900 for direct RST from Libya. In addition, there are 200 pledges for refugees registered in Niger and 1,235 pledges for refugees registered in Rwanda.<sup>7</sup>

**The mismatch between evacuees' profiles and third countries' RST criteria also limits the number of departures.** States tend to prioritise women and families rather than young single men who are deemed less vulnerable or sometimes perceived as security threats. Apart from Sweden and Norway, most countries also refuse to host unaccompanied minors due the expenses and procedures required to find a foster home adapted to their profiles.<sup>8</sup> Some also favour certain nationalities in order to facilitate refugees' local integration as seen in North America or Switzerland,<sup>9</sup> while others refuse to resettle Eritreans who have gone through the mandatory military service.<sup>10</sup> While UNHCR submits RST cases based on vulnerability indicators, in some countries RST can also be part of a political agenda, and sometimes used as a leverage to enter into partnerships with certain countries.

All these criteria rarely correspond to most evacuees' profiles.<sup>11</sup> As of March 2021, out of the 128 individuals registered with UNHCR in DCs, 86% were men, mostly coming from Eritrea (57%), and rarely detained with their families. In urban areas, profiles are slightly more diverse and gender is balanced. Among 42,701 PoCs registered in urban areas, 61% are male refugees and asylum-seekers, coming from Sudan, Syria, or Eritrea and other nationalities, and 14,248 are with their families.<sup>12</sup> In total, 7% of refugees and asylum-seekers in Libya have serious medical conditions (paralysis, leukaemia, brain tumours, etc.). These profiles are rarely admitted in third countries due to the extremely limited availability of spots for PoCs with important medical needs.<sup>13</sup>

### 5.2.2 RESETTLEMENT CASE PROCESSING

**Finalisation of the RSD, added to long and selective RST processes, can delay PoCs' departures to third countries.** Upon arrival in Niger or Rwanda, potential candidates for RST must first complete

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<sup>1</sup> Data is retrieved from interviews with key informants from UNHCR and UNHCR, 'Flash Update – Emergency Transit Mechanism', February 2021.

<sup>2</sup> International Bar Association, 'A Model Instrument for an Emergency Evacuation Visa' 2020.

<sup>3</sup> UNHCR, 'Resettlement', Retrieved [here](#).

<sup>4</sup> UNHCR, 'Resettlement at a glance', January-December 2020', Retrieved [here](#).

<sup>5</sup> MPI, 'The next generation of refugee: resettlement in europe', 2020, retrieved [here](#).

<sup>6</sup> Slate, 'How Biden Plans to Undo Trump's Nativist Agenda', June 2020, retrieved [here](#).

<sup>7</sup> UNHCR, 'Resettlement and Other Solutions for Refugees in Libya, Niger, and Rwanda', December 2020.

<sup>8</sup> Interviews with key informants from state agencies and UNHCR.

<sup>9</sup> Interview with key informant from state agency.

<sup>10</sup> Interview with key informant from UNHCR.

<sup>11</sup> Interview with key informant from UNHCR.

<sup>12</sup> UNHCR 'Libya – operational data portal', December 2020. Accessed [here](#).

<sup>13</sup> Interview with key informant from UNHCR.

their RSD. UNHCR staff receives information on evacuees' profiles and vulnerabilities, which needs to be completed and verified through personal interviews and cross-checks with other UNHCR offices.<sup>1</sup> Beneficiaries can sometimes provide wrong information on their age and nationality to appear more vulnerable to UNHCR, or incomplete details regarding their protection needs due to challenging screening conditions in Libya.<sup>2</sup> Once the RSD is finalised, submitted to and granted by the governments of Niger and Rwanda, UNHCR staff can complete the Resettlement Registration Forms (RRF), which are then submitted to third countries. On average, from the moment the PoC arrives at the transit facility, it takes three to four months for UNHCR to submit the RFF to the RST country; the remaining processing time depends on the third countries.<sup>3</sup> For some Eritrean cases, UNHCR can use a merged RSD/RST procedure which combines RSD and RST interviews resulting in one single and faster process.<sup>4</sup>

Though some countries select their cases based on the RRFs and remote interviews, most insist on also doing a selection field mission. It allows state actors to meet potential beneficiaries, manage their expectations and implement pre-departure activities such as cultural orientation or basic language courses. However, state agents can be reluctant to travel to Niger or Rwanda due to security reasons, or to meet beneficiaries directly in transit centres, which are both located in the outskirts of Niamey and Kigali. The COVID-19 pandemic and subsequent interruption of air traffic also significantly limited the number of selection missions, leading to an increasing number of refugees and asylum-seekers in transit. In the ETM Niger, the decision is still pending for RST cases submitted to Germany, as the country decided not to conduct remote selection interviews between October 2019 and early 2021 to adapt to COVID-19 related travel restrictions, thus leading the average transit time to increase significantly.<sup>5</sup> The average length of stay in transit is also impacted by cases which were evacuated at the beginning of the ETM, but turned out not to qualify as refugees based on UNHCR's criteria or for whom the so-called exclusion triggers (e.g. affiliation to military activities or war crimes in their country of origin) proved to apply.<sup>6</sup> Due to all these administrative and security constraints, as of June 2021 evacuees have an average time of transit of 677 days in Niger, and 235 days in Rwanda.<sup>7</sup>

**However, certain countries' willingness to conduct remote interviews could improve the RST process.** Remote selection interviews, as done by Canada, Norway, Sweden, and Finland,<sup>8</sup> could speed up RST processes, especially during the COVID-19 pandemic. France is considering it as a last resort option and is currently collecting information from its European counterparts to prepare and train protection officers to use these modalities.<sup>9</sup> Sweden is one of the most effective countries in processing RST.<sup>210</sup>

Figure 8: RST good practices from Sweden

**Sweden has resettled refugees since the 1950s.** Each year, the Government and Parliament provide the Swedish Migration Agency (SMA) with the resources to resettle a certain number of refugees to Sweden

<sup>1</sup> Interviews with key informants from UNHCR.

<sup>2</sup> Ibid.

<sup>3</sup> Interview with key informants from UNHCR.

<sup>4</sup> Retrieved from ETM DOA Niger.

<sup>5</sup> Interview with key informant from UNHCR.

<sup>6</sup> Ibid

<sup>7</sup> These figures refer to means, not medians. For example, the high number of transit days reported in Niger can be partially explained by the 146 people who have been waiting for Germany's reply for more than a year.

<sup>8</sup> In Canada, the sponsorship application is processed within one week. It can then take eight weeks for refugees to receive their travel documents, after which they travel within three to six weeks (Government of Canada, Retrieved [here](#)). In Norway, the average processing time from decision to arrival for refugees selected via selection missions is four and a half months (European Resettlement Network, 'Norway', Retrieved [here](#)). In Sweden, those selected via file submission receive a decision within three weeks (European Resettlement Network, 'Sweden', Retrieved [here](#)). In Finland, a decision is made within two months of the selection mission.

<sup>9</sup> Interview with key informant from state agency.

<sup>10</sup> UNHCR, 'Global Refugee forum 2019', Retrieved [here](#).

(5,000 in 2020). The SMA, in collaboration with the Swedish government and UNHCR, determines which refugee groups will be considered for RST.

The country reserves 600 spots of its national refugee RST programme to UNHCR's Priority Global Quota. This means Sweden accepts the most urgent cases with no geographical or time restriction, thereby responding to any high-priority needs that may occur throughout the year.<sup>1</sup>

Sweden selects their RST cases through a field selection mission or based on the RRFs. Sweden national police review the files for security triggers before the decision is made but rarely consider ETM evacuees (mostly Eritreans and Sudanese) as security threats. As a result, those selected via file submission receive a decision within 3 weeks, except for emergency cases (1 week) and urgent cases (2 weeks).<sup>2</sup>

### 5.2.3 RESETTLEMENT TRANSFER LOGISTICS

**Administrative processes combined with travel restrictions due to the COVID-19 pandemic can also delay transfer to third countries.** Operational referral mechanisms between UNHCR and IOM exist globally and are being effectively used to ensure cross-referrals in the case of the ETMs. Whereas UNHCR identifies and submits RST cases, IOM facilitates the logistical departure arrangements (transfer to the airport, medical screening, cultural orientation) and issuance of travel documents by respective consular services.<sup>3</sup> Though most transfers happen smoothly, IOM can face some challenges related to travel visas, medical examinations, and accommodation. In cases where third countries do not provide travel visas automatically, IOM needs to visit the country's embassy in person, which can be located outside Niger or Rwanda.<sup>4</sup> Departures can also be delayed for beneficiaries who have been approved by an RST country, but are not considered "fit to travel." This can be the case for some Libyan evacuees who suffer from tuberculosis and for whom treatment can last a year or more before they are fully cleared. In the ETM Niger, for example, 12 people departing for Germany were blocked for more than 200 days for this reason.<sup>5</sup>

Further, once RST cases are validated, third countries sometimes struggle to find reception and accommodation facilities for refugees. In Canada for instance, finding affordable long-term housing for refugees in municipalities is a considerable challenge, especially when it comes to large families and persons with physical disabilities (e.g. requiring wheelchair access).<sup>6</sup> A 2016 study found that insufficient time was allocated to finding permanent housing for government-assisted refugees with greater needs, and that the income support levels were inadequate; the majority was used to cover housing, with little remaining for other basic necessities.<sup>7</sup>

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<sup>1</sup> UNHCR, 'Global Refugee forum 2019', Retrieved [here](#).

<sup>2</sup> European Resettlement Network, 'Sweden', Retrieved [here](#).

<sup>3</sup> Retrieved from ETM DOA Niger.

<sup>4</sup> Interview with key informant from UNHCR.

<sup>5</sup> Ibid.

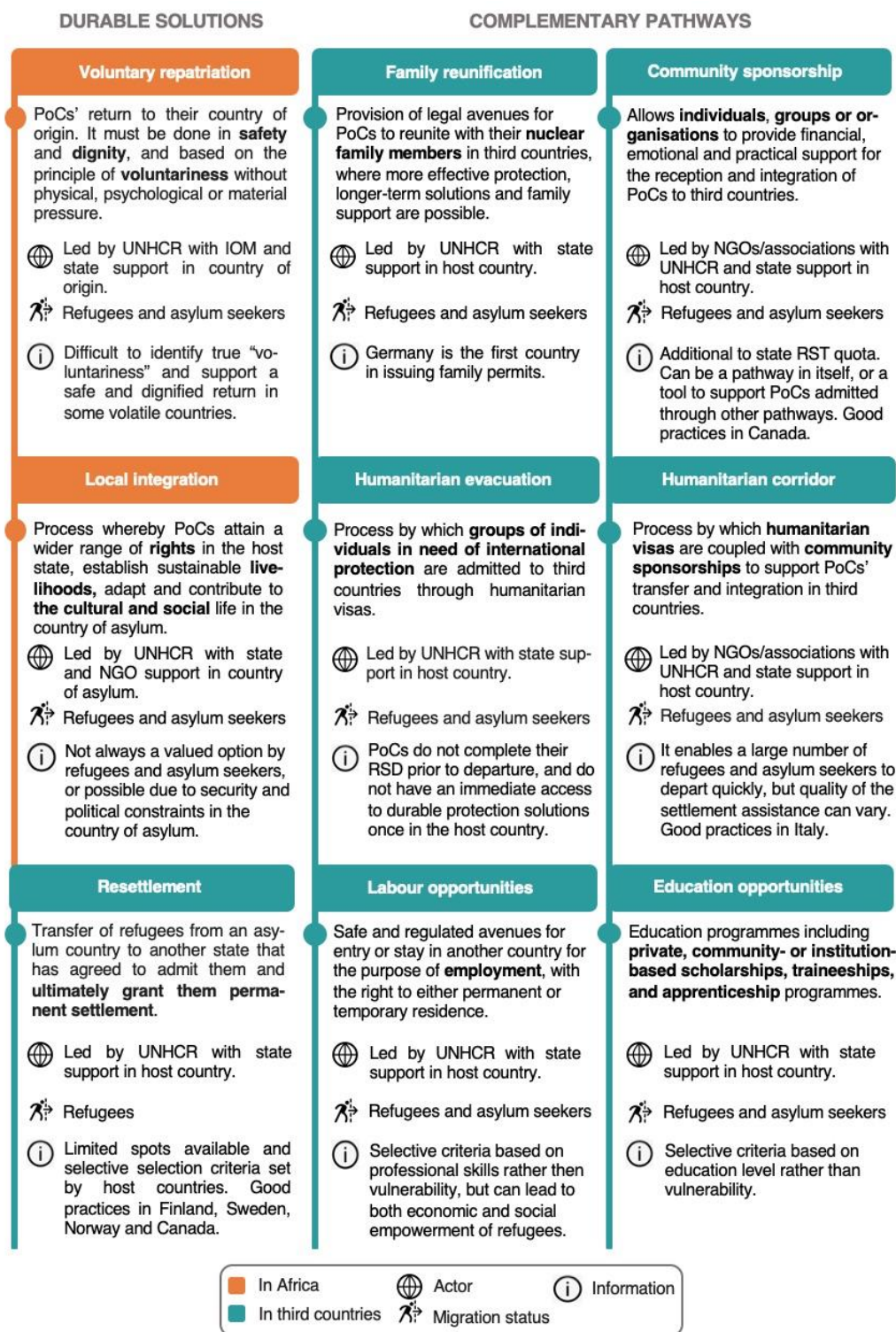
<sup>6</sup> Interview with key informant from state agency.

<sup>7</sup> Government of Canada – Immigration, Refugees and Citizenship Canada, 'Evaluation of the Resettlement Programs (GAR, PSR, BVOR and RAP)', July 2016, Retrieved [here](#).

## 5.3 COMPLEMENTARY PATHWAYS AND DURABLE SOLUTIONS WITHIN THE ETM

RST is a complex, long and selective process. It needs to be complemented by CLPs, local integration and voluntary repatriation to provide alternative protection solutions to refugees and asylum-seekers. UNHCR planned to support access to these safe avenues within the ETM, but faced many challenges in their implementation.

Figure 9: Durable solutions and CLP examples for refugees and asylum-seekers in Africa



**CLPs are defined by UNHCR as safe and regulated avenues by which refugees and asylum-seekers are admitted to a third country to meet their international protection needs, and support themselves to potentially reach a lasting solution.** Their objective is to ease pressure on host states, enhance refugee self-reliance and expand third country solutions.<sup>1</sup> Some target refugees and asylum-seekers only, such as humanitarian corridors or community sponsorships. Others, like family reunification or education and employment opportunities are available to all types of people on the move, according to a different set of criteria (educational level, professional skills, family situation, etc.)<sup>2</sup>

### 5.3.1 FAMILY REUNIFICATION AND EDUCATION MOBILITY

**As of December 2020, four ETM beneficiaries (three in-country refugees and one evacuee) were transferred from Niger to third countries through family reunification and education mobility schemes.**<sup>3</sup> To access education pathways, refugees must have a strong educational background, which does not correspond to most ETM evacuees' profiles. Once accepted by an academic institution, they must also get a student visa, and cannot always keep their refugee status when transferred to third countries. They are considered foreign students, accepted on educational grounds, who willingly decided to leave Niger and Rwanda - their country of first asylum - to seek academic opportunities.<sup>4</sup> They will thus need extra funds to cover all basic commodities and integration support such as language learning, accommodation, assistance with administrative processes, cultural orientation and social support.<sup>5</sup>

Though family reunification has large admission quotas at the international level, it is restricted to the nuclear family under international law. Some states have restrictive selection criteria and require challenging administrative procedures to be treated within reduced time limits, as well as multiple official documentation (passports, birth certificates, DNA tests, marriage certificates) to prove family ties. These are not always available to refugees due to the weakness of civil status systems in countries of origin.<sup>6</sup>

### 5.3.2 LOCAL INTEGRATION AND VOLUNTARY RETURN

**Some residual cases may not qualify for RST or CLPs.** As of 6 June 2021, 0.76% of the total number of evacuees since 2017 (ETMs in Niger and Rwanda combined) which had protection issues had not yet been submitted to third countries. This group included PoCs undergoing medical follow-ups or for whom fraud or criminal investigations were ongoing for crimes supposedly committed during their transit in Niger or Rwanda.<sup>7</sup> Other reasons for not qualifying for RST or CLPs include failure to comply with RST or CLP submission requirements if PoCs are related to criminal actions and military services, have family members in combat, or are engaged in a polygamous or underage marriage. In some rare cases, UNHCR or transit countries' governments can decide not to grant the refugee status after verifying the protection information provided by the asylum-seeker.<sup>8</sup> In these cases, and provided they are willing to, UNHCR, IOM and other partners will support VRs or local integration.

**Regularisation and socio-economic integration in Niger and Rwanda are options rarely valued by beneficiaries.** Most went to Libya in order to reach Europe and prioritise third country opportunities, believing that access to evacuation equates RST. UNHCR does not have figures regarding those

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<sup>1</sup> UNHCR, 'Complementary pathways for admission of refugees to third countries', 2019. Retrieved [here](#).

<sup>2</sup> Ibid.

<sup>3</sup> Interview with key informant from INGO.

<sup>4</sup> Interview with key informant from INGO.

<sup>5</sup> FRC-Cosi, '16 recommandations pour développer des voies légales et sûres', avril 2018. Retrieved [here](#)

<sup>6</sup> FRC-Cosi, 'For accessible complementary pathways to provide additional, protective and durable solutions to international protection needs', Retrieved [here](#).

<sup>7</sup> Interview with key informant from UNHCR.

<sup>8</sup> Ibid.



staying in transit countries, as most residual cases decide to leave the centre and are hard to track.<sup>1</sup> Learning from Niger's experience, UNHCR Rwanda emphasised the need for alternative solutions to RST and CLPs, including local integration subject to approval by the government. The context in Rwanda seems more conducive to this option than that of Niger, with a more favourable economic context and the adoption by the government of a policy to progressively integrate refugees into the national health and education system. Refugees also get national identity cards and the right to work although opportunities are limited by extremely high unemployment rates. Language is also a significant barrier to successful integration, although UNHCR offers English and Kinyarwanda classes at the centre. Some journalists and external actors have also questioned the choice of Rwanda as a transit country for refugees, expressing serious concerns about the human rights situation at the national level. In February 2018, following a protest in Kiziba refugee camp, the police killed 12 people, and charged 60 with participating in illegal demonstrations, violence against public authorities, rebellion, and disobeying enforcement of law.<sup>2</sup> However, apart from Rwanda and Niger, and initially Burkina Faso,<sup>3</sup> no other African country has offered to provide protection to Libyan evacuees.

**Since the beginning of the programme, a very low number of PoCs have agree to voluntarily return to their country of origin.** Most of the ETM beneficiaries in transit are refugees who can rarely go back to their country of origin in the foreseeable future. However, for some residual cases with no protection claim from their country of origin, VR can constitute an alternative option through logistical, financial and administrative support to return, as well as social, education and economic assistance for reintegration. UNHCR and IOM have a global agreement on voluntary return and assistance which could apply in such instances, and in the case of the ETM Niger, the two UN agencies signed an Operational Agreement in April 2021 on return from Niger to country of origin and country of first asylum in the context of the ETM. UNHCR is responsible for counselling on voluntary return and obtaining travel documents and exit permits. IOM is in charge of processing evacuees' transportation arrangements once they have stated their informed decision. Depending on the existence of UNHCR offices at the destination point, UNHCR then provides continued support through the reception and reintegration assistance in cooperation with IOM. If UNHCR is not present at the location but IOM is, the latter takes the lead in assistance upon arrival.<sup>4</sup> Significant challenges remain linked to this approach, including finding connecting flights to the area of return which is often remote, the refusal of some countries to accept evacuees' documents, but more importantly evacuees' reluctance to choose this option.

## 6. TRANSIT

**Delays in RST departures and case processing increase the number of refugees waiting for durable solutions in transit facilities.** This impacts the provision of services as well as cohesion amongst ETM beneficiaries and can threaten the life-saving aspect of the ETM by blocking new evacuations. Transit centres have sometimes had to exceed their host capacities, especially in Niger where up to 1,200 people were living in the centre in 2019, for a capacity of 600 people, agreed to with the Government of Niger (GoN) As of February 2021, 628 evacuees remained in Niger, and 303 in Rwanda.<sup>5</sup>

### 6.1 PROVISION OF SERVICES

**Transit centres in Niger and Rwanda provide a safe space for ETM evacuees where they can have immediate access to basic protection services and durable solutions.** They receive immediate healthcare services and can be referred to external institutions if they face more serious

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<sup>1</sup> Ibid.

<sup>2</sup> Human Rights Watch, 'A year on, no justice for refugee killings', 23 February 2019.

<sup>3</sup> Due to the evolution of the security situation in the country, it was no longer an option to host an ETM centre in Burkina Faso.

<sup>4</sup> Interview with key informant from UNHCR.

<sup>5</sup> UNHCR, 'Flash Update – Emergency Transit Mechanism', February 2021.

medical issues. UNHCR offers them hot meals three times a day, non-food item kits (bed sheets, towels, hygiene kits, clothing, etc.), appropriate accommodation, and conducts daily protection monitoring visits.<sup>1</sup> As they suffer from extremely deep trauma related to their stay in Libya, evacuees also receive psychosocial support in both centres. The ETM programme also implements recreational activities (sports, theatre, professional skill trainings) which sometimes include host communities.<sup>2</sup>

**However, while the provision of adapted services to refugees during their transit has improved throughout ETM implementation, it remains challenging.** UNHCR set up the ETM as an emergency mechanism and had to start evacuations to Niger in 2017, one year before starting the construction of its transit facility in Hamdallaye. In Rwanda, the Gashora Transit Centre was already built, but evacuees started arriving before the centre was upgraded. The programme itself was also very new for UNHCR, leading to unforeseen challenges, especially regarding refugees' psychosocial needs. A large majority have been subjected to physical and/or sexual abuse, and suffer from behavioural disorders, such as trouble sleeping, talking, and sometimes fits of anger or depression.<sup>3</sup> Most evacuees thus require intense psychosocial care, and personal and individual follow-up. In Rwanda, though local capacity in this sector is relatively strong, the language barrier between evacuees and ETM staff can be challenging for the provision of psychosocial support. NGOs work with interpreters but these are scarce, and constitute an additional link between the counsellor and the patient, which can limit the level of trust between them.<sup>4</sup> Psychosocial assistance has reportedly improved in the ETM Niger, through partnerships with some Italian medical universities who send health practitioners and volunteers to support UNHCR staff.<sup>5</sup>

**UNHCR also has to adapt to the increasing length and number of refugees and asylum-seekers in transit facilities, especially in Niger.** Delays in RST departures combined with additional beneficiaries, mostly coming from Agadez, increase the number of people living in the Hamdallaye transit facility.

Figure 10: Situation of asylum-seekers and refugees in Agadez

**After the launch of the ETM in 2017, some Sudanese facing violence and rampant abuses in Libya travelled south.** Some were expelled from the country, while others headed to Agadez, hoping to be assisted by UNHCR. As a result, the number of Sudanese in Agadez nearly reached 2,000 in 2018. At the beginning of May 2018, 100 were arrested and dropped in the desert at the Niger-Libya border, as tensions rose between the Sudanese and host communities. The GoN then jointly decided with UNHCR to temporarily host them in a camp located 15km from Agadez.

**Conditions in the centre were harsh.** Following a number of incidents with the host population, the centre was relocated close to the desert. It was not adapted to shelter refugees and asylum-seekers, most of whom had suffered multiple abuses in Libya, and according to a former UNHCR staff member, there were high rates of mental illness and numerous suicide attempts.<sup>6</sup> Low levels of protection services, slow processing of asylum requests and limited RST places led the Sudanese to organise a sit-in protest in front of UNHCR offices. National security forces intervened, resulting in a dozen of people wounded and 330 arrests, which in turn led some refugees and asylum-seekers to burn the camp down. No one was injured but the GoN asked for the relocation of some PoCs to the ETM in order to decongest the centre in Agadez.<sup>7</sup> Out of the 168 minors currently staying in the Hamdallaye transit centre, 71 come from Agadez.<sup>8</sup>

<sup>1</sup> Retrieved from ETM Niger DOA.

<sup>2</sup> Ibid.

<sup>3</sup> Interview with key informant from UNHCR.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> TNH, 'A protest dispersed, a camp burned: Asylum-seekers in Agadez face an uncertain future', February 2020, Retrieved [here](#).

<sup>7</sup> Ibid

<sup>8</sup> Interview with key informant from INGO.

Additional beneficiaries can come to the ETM centre if they already live in Niger, as the 600-maximum ceiling agreed between UNHCR and the GoN only concerns evacuees from Libya. Besides, from an ethical perspective, it is complex to distinguish ETM evacuees from refugees coming from Agadez as most of them have also travelled through Libya and suffered similar abuses.

One of the main challenges regarding the increasing number of people in transit is food, especially in the ETM Niger. On October 2020, PoCs held a peaceful demonstration complaining about the lack and quality of food,<sup>1</sup> leading UNHCR to shift to cash-based intervention (CBI). A first pilot started in February 2020 with a small number of PoCs, particularly with special needs. In October 2020, a larger pilot phase was conducted and the effective roll-out to all persons accommodated in the ETM sites was completed in March 2021.<sup>2</sup> This reduces catering costs, and allows refugees to be more independent and satisfied with the quality of the food by cooking their own meals.<sup>3</sup> It however represents a considerable part of the intervention's budget, all at the expense of UNHCR, which has not sub-contracted the World Food Programme (WFP) for food distribution, as is the case in some refugee response operations.<sup>4</sup> In addition to cost considerations, this is due to the fact that WFP provides food supplies as opposed to 'wet feeding' (catering of fully cooked meals). Food supplies require self-cooking options, kitchen facilities and safety and security mitigation protocols which were not planned as part of the ETM Niger as initially set out, since it was anticipated that PoCs would stay for an average of six months in transit.<sup>5</sup> As part of the CBI, each beneficiary receives more or less 1,300 FCFA (2€) a day, which amounts to nearly 40,000€ a month to provide cash-based assistance to all 677 beneficiaries of the centre.<sup>6</sup>

## 6.2 MANAGING BENEFICIARIES' EXPECTATIONS

**Delays in RST processes and service provision, combined with an increasing length of stay of PoCs in transit facilities, can fuel tensions amongst beneficiaries.** Some arrive at the ETM with the belief that they will automatically be resettled to Europe. These unrealistic expectations reportedly result from their interpretation of information given by the media, family relatives or the diaspora. Some interviewees also reported a lack of frequent and clear communication from UNHCR regarding RST processes in the first years of the programme, an issue that is now being addressed through a number of communication initiatives that are further described below.<sup>7</sup> Managing beneficiaries' expectations is a challenging task, as they can perceive negative information as a way to deter them from reaching third countries, while positive messages can create a pull factor, as seen in Agadez or with the GDF.<sup>8</sup> As a result, some beneficiaries are not prepared for long transit stays which can last more than a year, nor to accept alternative protection solutions such as VRs or local integration. This has been witnessed mostly in Niger, where refugees have protested on a few occasions to complain about slow RST processes, notably in June 2019 when they attacked UNHCR vehicles and pillaged the facility's supplies.<sup>9</sup> Tensions can also arise between the different ethnic groups present in the centre. In 2019, clashes between Somalis and Eritreans in Hamdallaye sent a dozen people to the hospital, and violence targeting UNHCR staff forced Nigerien security forces to intervene.<sup>10</sup>

**However, UNHCR's communication efforts initiated in 2020, especially during the COVID-19 pandemic, could help ease tensions among beneficiaries.** In the ETM Niger, the agency established two counselling hotlines through which evacuees can receive general case updates, as well as weekly

<sup>1</sup> Twitter, 'Giulia Tranchina, 'Emergency in Niger in the transit refugee camp of Hamdallaye'. Accessed [here](#).

<sup>2</sup> Interview with key informant from UNHCR.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Interviews with key informants from UNHCR and INGO.

<sup>8</sup> Interviews with key informants from INGOs.

<sup>9</sup> MMC, 'A new normal: Evacuations from Libya to Niger and Rwanda', September 2019. Retrieved [here](#).

<sup>10</sup> Interview with key informant from UNHCR.

face-to-face RST counselling. The agency has also supported the creation of nine sectoral committees elected by PoCs, which meet with UNHCR and partners at least once a month, and a general committee, comprised of community representatives of PoC populations, UNHCR staff and partners, which gathers every week. The agency also organises regular information sessions for PoCs with IOM and local authorities, and plans for the implementation of a self-service tool for PoCs to obtain case information. The ETM Rwanda initiated a two-way feedback mechanism between UNHCR protection staff and PoCs using remote platforms such as hotlines, video conferences or WhatsApp groups managed 24/7 by protection focal points and the Ministry in Charge of Emergency Management in Rwanda.<sup>1</sup> The general objective is to maintain a constant and fluid dialogue, an essential pillar of the philosophy of care, which the agency aims for within the ETM.<sup>2</sup>

### 6.3 RELATIONS WITH HOST COMMUNITIES

**Less tensions have been reported with host communities, though some voice concerns over the future of evacuees whose stay might be longer than expected.**<sup>3</sup> UNHCR supports communication and mediation activities in both transit facilities. In Rwanda, beneficiaries elected community representatives who were trained in basic leadership and dispute resolution skills to help them address communal and intra-communal differences. They also have access to government and UNHCR officials, either through direct phone calls or WhatsApp groups.<sup>4</sup> In both centres, UNHCR and partners try to involve members of the host community in music, culture, art and sports activities. Some have also been provided with job opportunities. In Niger around 80 people work in various roles around the transit site and local seasonal labourers are employed to carry out construction activities. ETM-related infrastructures can also benefit the host community. In Niger, people living in Hamdallaye have greater access to water thanks to a borehole and a water tower built by UNHCR.<sup>5</sup> In both centres, they can benefit from health services, skills training programmes, and joint projects such as water collection or street cleaning, to facilitate cohesion and the sharing of common interests. Some have also benefitted from trainings facilitated by UNHCR in areas such as fire safety, first aid and construction. During the COVID-19 pandemic, related movement restrictions have strongly limited the implementation of these activities, but hygiene products, such as soap and liquid hand wash produced by PoCs were donated to the host community.<sup>6</sup>

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<sup>1</sup> UNHCR, 'The impact of communication with communities in addressing expectations of POCs at the ETM Rwanda', 2021.

<sup>2</sup> UNHCR, 'Snapshot of ETM Niger communication approaches in Feb 2021', 2021.

<sup>3</sup> ECRE, 'Op-ed: Libya, humanitarian solutions won't solve political problems', September 2020. Retrieved [here](#).

<sup>4</sup> UNHCR, 'The impact of communication with communities in addressing expectations of POCs at the ETM Rwanda', 2021.

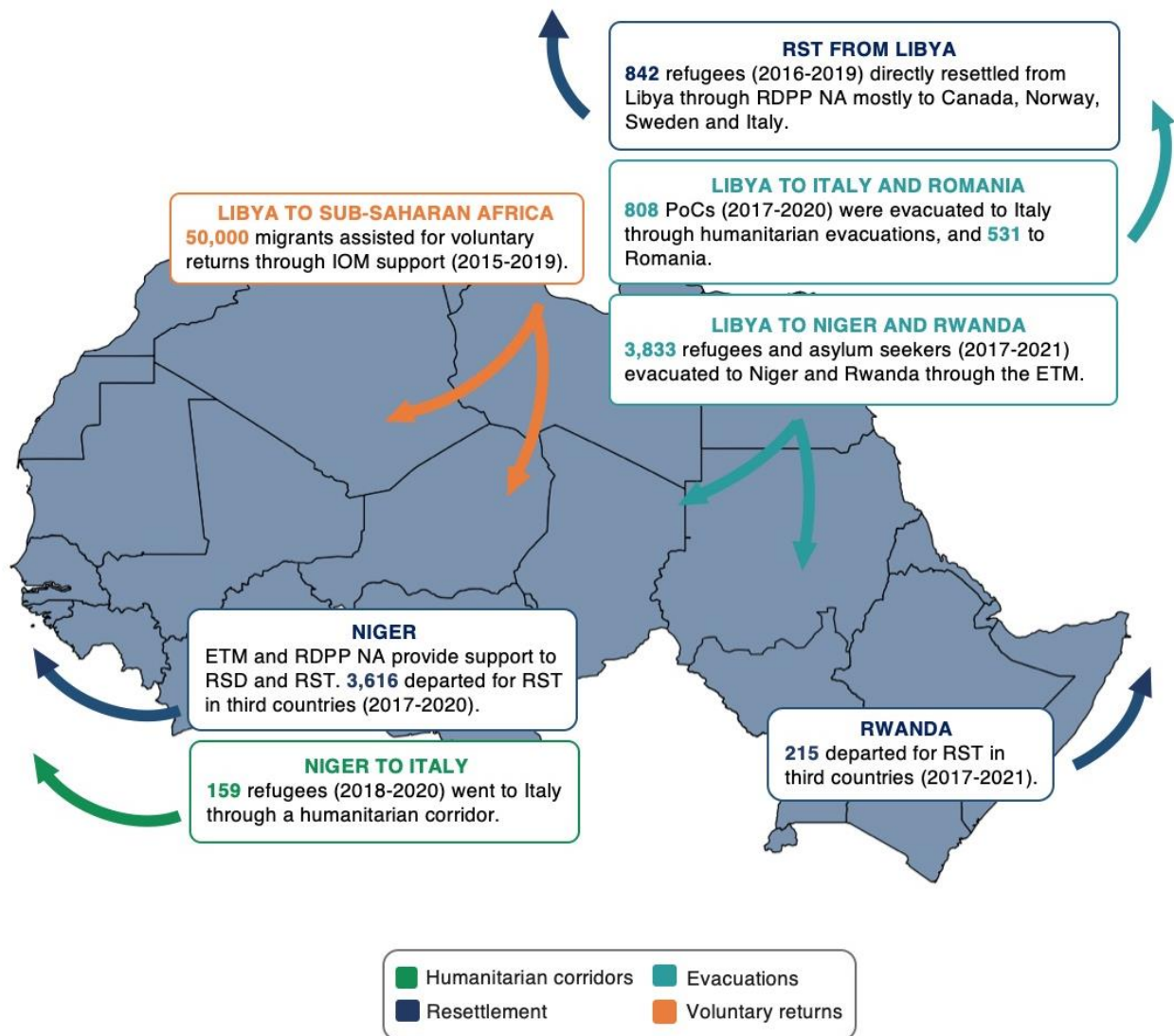
<sup>5</sup> Interview with key informant from UNHCR.

<sup>6</sup> Ibid.

## 7. COMPLEMENTARY ACTIONS TO THE ETM

A number of initiatives across the region that provide access to RSD, RST and CLPs along the route are complementary to the ETM. As they provide safe avenues to third countries, they can also decrease the likelihood of refugees and asylum-seekers undertaking the journey to Europe across Libya and the Mediterranean Sea or of potentially being stranded in the country.<sup>1</sup>

Figure 11: ETM and complementary options – Key flows and data<sup>2</sup>



<sup>1</sup> UNHCR, DOA of ETM Niger.

<sup>2</sup> Not all complementary actions are shown on this map. Data comes from key informants interviews with UNHCR and INGOs, and the following articles: IOM, 'More than 50,000 Migrants Benefited from Voluntary Humanitarian Return Assistance from Libya Since 2015', Retrieved [here](#); MSF, 'Niger at the crossroads of migration', 2019. Retrieved [here](#); UNHCR 'Resettlement Update – Niger-Libya situation', November 2019. Retrieved [here](#); UNHCR 'Routes towards the central and Mediterranean sea', January 2021. Retrieved [here](#).

## 7.1 LIBYA

### 7.1.1 RESETTLEMENT

Through co-contributions mainly coming from the USA and Germany, some third countries resettle refugees directly from Libya. From 2017 to February 2021, UNHCR resettled 1,619 people in this way, mostly to Canada, Sweden and Norway. Canada and Sweden are the major third countries accepting evacuees directly from Libya based on their RRFs and remote interviews, and Norway through the Emergency Transit Center in Romania for final face-to-face meetings.<sup>1</sup> In Canada, sponsorship schemes increase the annual RST quota for refugees.

Figure 12: Refugee sponsorship programmes in Canada

**Canada has been a pioneer for more than 40 years in refugee sponsorship programmes.** As of January 2020, the country has resettled nearly 300,000 refugees through their Private Sponsorship of Refugees Programme (PSRP), which allows Canadian citizens and permanent residents to engage in the resettlement of refugees from abroad.<sup>2</sup>

**Sponsorship schemes increase the Canadian annual RST quota, alleviate financial pressure on the state and provide adapted integration support for refugees.** These schemes are additional to the government RST quotas, can have more flexible selection criteria, and contribute to reducing state's economic, social and political costs in hosting refugees. Sponsors are responsible for all pre- and post-arrival activities and usually provide financial assistance to cover refugees' basic utilities for up to 12 months. They also support their integration and help them access basic health and education services, job opportunities and legal assistance.<sup>3</sup> Sponsor groups usually have a strong local footprint which allows them to involve community actors before and after refugees' arrival and engage them in their integration process. They are also composed of members of various ages, gender, ethnic groups or professional background, and can thus adapt to multiple refugee profiles and needs.<sup>4</sup>

**However, as these schemes heavily rely on a variety of private actors, they require strong coordination and support from the government to ensure their sustainability.** Each organisation has its own approach, partners and capacities, which leads to a certain amount of uncertainty as to the quality of the selection and integration of refugees. While some sponsors are highly experienced, others can face challenges in managing refugees' expectations, respecting their self-determination and dealing with cultural misunderstandings.<sup>5</sup> Lack of coordination with public authorities to obtain travel documents or complete security checks may also increase the length of the procedure.

Canada expects to welcome 67,500 privately sponsored refugees from 2021 to 2023, but global travel restrictions in place to prevent the spread of coronavirus disease (COVID-19) may affect this number.<sup>6</sup>

**Though UNHCR supports durable solutions directly from Libya, they target a limited number of refugees and asylum-seekers.**<sup>7</sup> Regarding RST, all potential beneficiaries must have completed their RSD, which is rarely the case in the country. As of March 2021, out of the 43,624 PoCs registered with UNHCR, only 3,844 were confirmed refugees.<sup>8</sup> Moreover, there is no indication of an upcoming significant increase in RST pledges directly from Libya.<sup>9</sup>

<sup>1</sup> Interviews with key informants from UNHCR.

<sup>2</sup> Refugee Sponsorship Training Programme, 'The Private Sponsorship of Refugees (PSR)', Retrieved [here](#).

<sup>3</sup> Government of Canada., 'Resettled Refugees'. Retrieved [here](#).

<sup>4</sup> Social Sciences and Humanities Research Council of Canada, 'Research Brief, needs, challenges and best practices practices in refugee sponsorship and resettlement.' Retrieved [here](#).

<sup>5</sup> Ibid.

<sup>6</sup> Government of Canada, 'Global cap for sponsorship agreement holders', Retrieved [here](#).

<sup>7</sup> Interview with key informant from UNHCR.

<sup>8</sup> UNHCR 'Operational portal – Libya'. Accessed [here](#).

<sup>9</sup> Interview with key informant from UNHCR.

## 7.1.2 HUMANITARIAN EVACUATIONS

**To include a larger number of refugees some countries such as Italy support humanitarian evacuations directly from Libya.** Between 2017 and late 2019, the country has evacuated 808 people to Italy. This is the result of a tripartite, partially funded by the EU, agreement between the Italian authorities, the Libyan UN-recognised government and UNHCR.<sup>1</sup> The evacuation comprised individuals (51% male, 49% female) from twelve nationalities including Eritreans, Somali, Ethiopians, Sudanese and Yemeni. 286 were minors of whom 151 were unaccompanied or separated. The vulnerability criteria for evacuations to Italy were identical to those for the ETM Niger and Rwanda, except that in the case of Italy, serious medical cases who otherwise could not get adequate treatment in Niger or Rwanda were evacuated too.<sup>2</sup> Humanitarian evacuations are often implemented for a defined period of time and are particularly valuable in situations of mass displacement characterised by urgent protection needs.<sup>3</sup> However, this procedure does not allow for an in-depth assessment of individual situations in order to match evacuees' expectations, skills and profiles with adapted conditions and methods of reception.<sup>4</sup>

## 7.1.3 LIVELIHOOD OPPORTUNITIES IN THE EVOLVING LIBYAN CONTEXT

**Depending on the evolution of the country, refugees and asylum-seekers could have greater access to protection services and income opportunities in the country.** Though the Libyan context remains extremely volatile, an improvement in the political and security situation in the country could potentially increase income opportunities for refugees and asylum-seekers. The Berlin Conference in January 2020, the signing of a ceasefire in October 2020 and the recent agreement on a voting mechanism for general elections in December 2021 are steps forward in Libya's peace process.<sup>5</sup> Against such a backdrop, the country will need labour force when entering its reconstruction phase, between 2 or 3 million according to several estimations.<sup>6</sup> This could potentially turn the tide for people on the move, but would require prior agreement with Libyan authorities on an official resident/work permit for migrants and refugees which would need to clearly define their legal status and rights, such as access to health services, education systems, legal protection from abuse and expulsion, etc.

In a more stable Libya, UNHCR could also expand access to basic protection services across the country. The agency is already working towards a more decentralised form of urban support, with mobile teams providing food, health, and cash assistance in different PoCs' neighbourhoods. According to some interviewees, UNHCR also funds a temporary operational protection shelter in Misrata, led by the International Rescue Committee jointly with the Libyan Red Crescent. The shelter opened in late 2019, and has accommodated up to 60 most vulnerable PoCs for whom durable solutions outside of Libya have already been identified, mostly through direct resettlement from Libya and some through the ETMs. Smaller protection facilities located in strategic areas across the country and co-managed by relevant local actors could improve access to protection services in Libya.

**However, Libyan legislation and culture are likely to prevent refugees and asylum-seekers' local integration in the long run, limiting their access to durable protection through this option.** Xenophobia is still fairly present across Libya. IOM and UNICEF have been trying to build shelters for vulnerable people, including migrants, but none of these initiatives have materialised in the past two years, largely due to host communities' objections.<sup>7</sup> As reported by some medical partners, some Libyans also refuse to be treated in the same health facilities as people on the move, and prices for

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<sup>1</sup> Interview with key informant from UNHCR.

<sup>2</sup> Ibid.

<sup>3</sup> UNHCR, 'Complementary pathways for admission of refugees to third countries', 2019. Retrieved [here](#).

<sup>4</sup> Caritas, 'Beyond the sea – first report on humanitarian corridors in Italy', 2020.

<sup>5</sup> International Crisis Group, 'Libya Update #3', January 2021. Retrieved [here](#).

<sup>6</sup> Interview with key informant from UNHCR.

<sup>7</sup> Interview with key informant from UNHCR.

private clinics are exorbitant.<sup>1</sup> Though Libya's stabilisation could potentially increase livelihood opportunities for migrants, refugees, and asylum-seekers, they would need to be legally regulated in order to prevent labour exploitation, discrimination in wages, or illegal work statuses.<sup>2</sup> Libyan authorities reportedly remain unclear on these issues, and laws regarding work permits for foreigners are different across Libya.<sup>3</sup> Authorities also seem keener to work with migrants who can easily return to their country or origin than support refugees and asylum-seekers' long-term local integration. They fear a potential pull factor for conflict-affected people living in volatile neighbouring countries such as Chad or Sudan.<sup>4</sup>

#### 7.1.4 VOLUNTARY HUMANITARIAN RETURNS

**Voluntary Humanitarian Returns (VHR) offer tailored approaches to migrants impacted by conflict or natural disaster-related displacement.**<sup>5</sup> IOM processed VHRs during the mass outflow of some 706,000 migrants due to the civil unrest in Libya in 2011. Services included an assistance hotline, rural and border area registrations and a network of community mobilisers.<sup>6</sup> IOM's VHR programme was interrupted due to the COVID-19 pandemic and resumed its operations in August 2020 by assisting 118 Ghanaian migrants who were stranded in Libya.<sup>7</sup> Faced with indefinite detention without judicial control in Libyan prisons, a lot of people on the move have no other choice but to return to their country of origin, even though it is not their favourite option.<sup>8</sup>

## 7.2 ALONG THE ROUTES

**Providing protection services such as access to RSD, RST, or CLPs along the route could decrease the likelihood of refugees and asylum-seekers undertaking the journey towards Libya and the Mediterranean Sea to reach Europe.**<sup>9</sup>

### 7.2.1 REFUGEE STATUS DETERMINATION

**Reinforcing RSD processes along migration routes could increase access to long-term protection solutions directly from Libya.** As seen above, due to security and political constraints,<sup>10</sup> PoCs cannot finalise the RSD process in Libya, which limits their access to long-term protection solutions, such as RST or certain CLPs. Other countries along the CMR, more politically and security stable and with fairer asylum systems, could process the RSD more efficiently. People coming from Chad or Nigeria whose cases are automatically rejected in Libya because they are not part of the nine nationalities could potentially get a refugee status in other neighbouring countries.

However, most of these countries are characterised by limited national RSD capacities, delays in case processing, lack of appeal mechanisms, and struggle adapting to the COVID-19 pandemic and related movement restrictions.<sup>11</sup> Through one of the RDPP-NA co-funded projects in Niger, UNHCR has started to address these issues, and aims to strengthen the asylum system in the country while providing direct protection assistance to refugees and asylum-seekers. They have trained government officials on RSD standards and procedures, and selected and trained ten national eligibility agents who are now embedded in GoN structures.<sup>12</sup>

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<sup>1</sup> Interviews with key informants from INGOs.

<sup>2</sup> Amnesty International, 'Between life and death: refugees and migrants trapped in Libya's cycle of abuse', 2020, Retrieved [here](#).

<sup>3</sup> Interview with key informant from UNHCR.

<sup>4</sup> Interview with key informant from INGOs.

<sup>5</sup> IOM, 'A region on the move – mid-year report', 2020.

<sup>6</sup> IOM Libya, '2019. Annual Report', 2019. Retrieved [here](#).

<sup>7</sup> IOM, 'Libya voluntary returns', 2020. Retrieved [here](#).

<sup>8</sup> MSF, 'La machine à broyer, réfugiés et migrants et piégés en Libye', December 2019. Retrieved [here](#).

<sup>9</sup> DOA ETM Niger.

<sup>10</sup> See section 4 of this document 'Evacuation: main steps and challenges'

<sup>11</sup> Interviews with key informants from UNHCR and INGOs.

<sup>12</sup> UNHCR, 'Refugees and asylum-seekers in Agadez', December 2020. Retrieved [here](#).



## 7.2.2 RESETTLEMENT

**Strengthening access to RST and CLPs along the CMR could also limit the number of refugees and asylum-seekers taking dangerous routes towards Libya and the Mediterranean Sea to reach Europe.** Similar to RSD, RST processes could be more effective if conducted in other countries along the route such as Ethiopia, Niger, Sudan, Chad or Mauritania, which have more stable political and security situations than Libya and are strategically located along migration routes. Third countries could conduct selection field missions more easily and PoCs would face less protection risks while waiting for long-term protection solutions.<sup>1</sup>

## 7.2.3 HUMANITARIAN CORRIDORS

**Access to CLPs could also be reinforced along the migration routes, as seen in Niger, from where 159 refugees were relocated to Italy through a humanitarian corridor.** 105 were transferred by the Italian Ministry of Interior, and 54 by the organisations Caritas and Gandhi Charity. Often implemented for a defined period of time, humanitarian corridors are particularly valuable in situations of mass displacement characterised by urgent protection needs.<sup>2</sup> Unlike humanitarian evacuations, which do not include privately organised post-arrival assistance, humanitarian corridors use sponsorship schemes to support the integration of refugees. They are based on a partnership between the state and civil society groups, who are in charge of the identification, selection, transfer and reception of refugees and asylum-seekers in the country.<sup>3</sup>

Figure 13: Humanitarian corridor between Niger and Italy (Caritas example)

**In Italy, humanitarian corridors were launched in 2016 by the Sant'Egidio Community, Caritas Italy, Gandhi Charity, and the Federation of Evangelical Churches and the Waldensian Table.** They work in agreement with the Italian Foreign and Interior Ministries, and are based on private funding from different sponsors.

- **Prior to departure, they emphasise the importance of beneficiary selection and identification.** Once referred by UNHCR, Caritas, for example, carries out at least three interviews before actually selecting beneficiaries, most of the time through a field mission. Their objective is to know each refugee and asylum-seeker, and match their skills, vulnerabilities and overall profiles to the different community contexts in Italy.<sup>4</sup> Some Sudanese farmers were resettled in the south of Italy, an area with a dynamic agricultural sector, where Caritas' local partners already had effective partnerships with agricultural enterprises. Despite a thorough selection process, the organisation commits to a three-to-five month waiting period prior to departure.<sup>5</sup>
- **Once in the host country, Caritas and its partners rely on their local knowledge and network to support beneficiaries' integration.** Caritas for example has a strong local footprint across Italy through its religious partners, diocesan operators, self-organised groups of migrants, NGOs and associations.<sup>6</sup> They provide 12-month support (with a possible 6-month extension) to beneficiaries, with a full integration package.<sup>7</sup> Their intervention model is characterised by the presence of national tutors to support Caritas' partners in the preparation phase, throughout the welcome period, and in monitoring the reception and quality of integration paths.<sup>8</sup> This way, Caritas aims to keep the same reception standards as offered by the government RST process while offering more flexible and

<sup>1</sup> Interview with key informant from UNHCR.

<sup>2</sup> Ibid.

<sup>3</sup> Humanitarian Corridors, 'Implementation procedures for their extension on european scale', 2016. Retrieved [here](#).

<sup>4</sup> Caritas, 'Beyond the sea – first report on humanitarian corridors in Italy', 2020.

<sup>5</sup> Interview with key informant from INGO.

<sup>6</sup> Ibid.

<sup>7</sup> This includes accommodation, food, clothes, language course, support to access local basic services, legal orientation, support for job search.

<sup>8</sup> Caritas, 'Beyond the sea – first report on humanitarian corridors in Italy', 2020.

adapted integration support to beneficiaries through its community-based approach. Caritas is currently working with IOM and the Italian government on exporting its selection process, reception support, mentorship programme and other good practices into the formal Italian system.<sup>1</sup>

However, depending on the implementing partner, humanitarian corridors' sustainability and quality can vary. Organisations have different approaches, capacities and expertise in terms of settlement assistance and can struggle to provide comprehensive reception and integration support.<sup>2</sup> Cooperation with state actors is important to ensure humanitarian corridors' sustainability and their shift from an individual good practice to a broader scheme of private sponsorships.<sup>3</sup> As of May 2019, four European countries have started supporting humanitarian corridor programmes worldwide: Italy (2,148 beneficiaries), France (364 beneficiaries), Belgium (150 beneficiaries) and Andorra (4 beneficiaries).<sup>4</sup>

**Despite these interesting protection initiatives along the CMR, most donors reportedly seem to focus on Libya for political and humanitarian reasons.** They tend to prioritise the situation in North Africa and its immediate impact on Europe, and deem refugees and asylum seekers in Libya more vulnerable to those living in other countries along the route.<sup>5</sup>

Figure 14: Overview of challenges arising in the ETM and complementary actions to the ETM

<b><u>Evacuation (through the ETM)</u></b>	
<b>Selection of beneficiaries</b>	<b>Evacuation transfer logistics</b>
<ul style="list-style-type: none"> <li>• The project targets a low number of beneficiaries</li> <li>• Nine nationalities criterium is restrictive</li> <li>• DC pull factor</li> <li>• Constrained ability to conduct screening in DCs</li> <li>• Confusion among PoCs and partners around criteria and evacuation processes</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain exit permits and travel documentation</li> <li>• Arrange evacuation flights</li> <li>• Long 'fit for travel' medical screenings</li> <li>• COVID-19 travel restrictions</li> <li>• New evacuations blocked by long RST processes in Niger and Rwanda</li> </ul>
<b><u>RST (through the ETM)</u></b>	
<b>RST criteria</b>	<b>RST case processing</b>
<ul style="list-style-type: none"> <li>• Low number of RST pledges by third countries</li> <li>• Recession in third countries due to COVID-19 deters acceptance of RST cases</li> <li>• Mismatch between evacuees' profiles and third countries' RST criteria</li> </ul>	<ul style="list-style-type: none"> <li>• Information provided by PoCs is incomplete or incorrect</li> <li>• Infrequent interview missions</li> <li>• COVID-19 travel restrictions</li> <li>• PoCs turn out not to qualify as refugees</li> </ul>
<b>RST transfer logistics</b>	
<ul style="list-style-type: none"> <li>• Long medical screening processes</li> <li>• Difficulty for third countries to find reception and accommodation facilities</li> </ul>	
<b><u>CLPs (through the ETM)</u></b>	
<b>Education mobility schemes</b>	<b>Family reunification</b>
<ul style="list-style-type: none"> <li>• Refugees need strong educational background</li> </ul>	<ul style="list-style-type: none"> <li>• Restricted to nuclear family</li> </ul>

<sup>1</sup> Interview with key informant from INGO.

<sup>2</sup> Interview with key informant from INGO.

<sup>3</sup> Humanitarian Corridors, 'Implementation procedures for their extension on european scale', 2016. Retrieved [here](#).

<sup>4</sup> Ibid.

<sup>5</sup> Interview with key informant from UNHCR.

- Potential loss of refugee status
- Lack of funds to cover basic accommodation and integration support
- Restrictive selection criteria
- Challenging administrative procedures and documentation requirements

#### **Local integration**

- Not valued by PoCs
- Local contextual challenges (language barriers, unemployment, human rights violations)
- Lack of countries with more stable security / situations offering to protect Libyan evacuees

#### **VR**

- Reluctance by PoCs to return to country of origin
- Travel logistics

### **Transit through the ETM**

#### **Communication and expectations**

- PoCs are not prepared for the long transit stay, nor to accept VR or local integration. Protests against UNHCR staff.
- Lack of information-sharing by UNHCR regarding RST processes

### **Complementary actions to the ETM**

#### **RST from Libya**

- All refugees targeted by UNHCR must have completed RSD
- No increase in RST pledges from Libya

#### **Humanitarian evacuations from Libya**

- Does not allow for an in-depth assessment of individual situations to match evacuees' expectations, skills and profiles with adapted conditions and methods of reception

#### **Livelihood opportunities in Libya**

- Libyan legislation and culture

#### **VHR from Libya**

- Not favoured by PoCs

#### **RSD and RST along the route**

- Limited RSD capacities in countries, delays in case processing, lack of appeal mechanisms, etc.

#### **Humanitarian corridors along the route**

- Varying levels of expertise and capacity of implementing partners

## **8. PERSPECTIVES AND AREAS OF OPPORTUNITIES**

### **8.1 ETM APPROACH AND ACTIVITIES: AREAS OF OPPORTUNITIES**

#### **8.1.1 STRATEGIC AREAS OF OPPORTUNITIES**

##### **For UNHCR**

- **Extension of the ETM programme to other countries:** If ETM activities are extended to other countries, UNHCR should ensure transparency and realism when making the initial agreement with the government partner, especially regarding the capacity of the transit centre and the maximum amount of time that refugees and asylum-seekers can stay in the country.<sup>1</sup>

<sup>1</sup> MMC, 'A new normal: Evacuations from Libya to Niger and Rwanda', 2019, Retrieved [here](#).

- **CLPs from Niger and Rwanda:** RST is a complex, long and selective process which could be complemented by CLPs to ensure additional protection alternatives to third countries. Though the ETM programme is working towards this approach, results remain limited. UNHCR should continue coordination efforts among third countries regarding the implementation of CLPs, as currently done by their partner Forum réfugiés-Cosi (FRC). In 2019, this NGO initiated a working group with actors coming from various countries and organisations to support access to CLPs. They share good practices and challenges as well as contacts and information on CLP modalities in their countries.<sup>1</sup>

### **For third countries**

- **RST pledges:** Third countries making pledges to the ETM have different RST processes, some quicker than others, which can explain the difference between the average time of transit. In the ETM Rwanda, Sweden is one of the main country hosting evacuees thanks to an effective and fluid RST process. The average time of transit is therefore lower than in Niger, where certain third countries' slow case management can limit RST departures. Third countries should therefore make pledges to the ETM programme without prioritising one centre over the other.
- **RST criteria:** There is a mismatch between evacuees' profiles and third countries' RST criteria which limits the number of departures. When making pledges to UNHCR, third countries should be aware that most evacuees are single young men, most of them extremely vulnerable.
- **Support to CLPs from Niger and Rwanda:** Third countries would benefit from increasing research and coordination efforts on CLPs, and exchanging on best practices, challenges, and modalities of each pathway in different countries, as already done through UNHCR's working group at the headquarters level and FRC. Good practices were witnessed in Italy and Canada regarding humanitarian corridors and community sponsorships respectively. However, they are entirely funded by community sponsors who would benefit from additional financial support to conduct research and advocacy activities to share their results. Exploring ways to better match the pathways offered to evacuees with the selection criteria for evacuation could also be relevant, so that the solutions available better correspond to evacuees' profiles. For instance, liaising with education institutions to consider possibilities for allowing PoCs with lower educational backgrounds to access education mobility programmes, e.g. by opening such schemes for lower grades or offering courses to get up-to-date with the curriculum. Further, third countries could facilitate access to education mobility schemes and family reunification administratively, e.g. by adjusting the documentation requirements to what is available in PoCs' countries of origin's civil status systems, allowing PoCs to keep their refugee status on a student visa, or expanding family reunification to the extended family.

### **For the EU**

- **Coordination with UNCHR:** The EU could explore new ways of working with UNHCR and strengthen their coordination efforts on ETM advocacy. UNHCR can witness and report issues related to the RST process, as done when evacuees are pending interviews or decisions in the ETM Niger. However, the EU can bring the matter further up, directly liaise with member states and encourage them to adapt their selection criteria and processes.

## **8.1.2 OPERATIONAL AREAS OF OPPORTUNITIES**

### **For UNHCR**

- **Selection criteria for evacuation and RST:** Due to the limited number of spots available for RST and evacuations, the selection process is one of the most challenging aspects of the ETM. It requires extensive communication efforts from UNHCR to manage beneficiaries' expectations and avoid any pull factors to DCs or transit facilities, while not appearing as an obstacle to beneficiaries' access to

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<sup>1</sup> Interviews with key informants from INGOs.

protection pathways to third countries. UNHCR should thus continue communication efforts in Libya as currently done with the CwC strategy which uses a variety of methods and approaches to communication (hotlines, Facebook and WhatsApp groups, radio, written materials etc). A greater presence of UNHCR international staff in Libya, adequately negotiated with Libyan authorities, could avoid overreliance on national partners, which in a conflict-torn and politically unstable context can lead to questions on integrity.

- **CLPs from Niger and Rwanda:** The humanitarian corridor set up between Niger and Italy benefitted 159 refugees, a relatively substantial number. UNHCR could share Caritas' good practices with other counterparts. They strongly rely on local partners in order to have precise information on host communities' context and needs, and match them with beneficiaries' profiles and skills. They also ensure a 12-month support integration package involving local communities and volunteers for the financial and emotional support of beneficiaries.<sup>1</sup> UNHCR should also continue their efforts in supporting family reunification as already done in a pilot project launched in 2019 which presently covers Libya, Ethiopia (Shire and Addis Ababa), Sudan (Khartoum and Kassala) and Egypt.<sup>2</sup>
- **Residual cases:** People who are not eligible to RST or any CLPs often leave transit centres. Though local integration and VRs can be proposed as an alternative protection solution, for those who wish to continue their migration journey, UNHCR could provide practical information on how to best prepare for protection risks along the route (knowledge of main protection actors, basic rights for refugees and asylum-seekers, roads and means of travelling to avoid trafficking or extortion).<sup>3</sup>
- **RST processes:** Security and administrative constraints related to RST case processing can delay beneficiaries' departures to third countries, increase their number in transit facilities and block further evacuations, which threatens the life-saving aspect of the programme in the long run. Third countries should strengthen their coordination efforts and exchange on good practices, especially regarding remote selection processes (based on RRFs and remote selection interviews), as successfully done by Canada, Finland, Sweden, and more recently Norway, to adapt to the COVID-19 pandemic and related travel restrictions.

#### **For the EU**

- **Support to transfer to third countries:** At the EUD level, further administrative support could be provided to facilitate the transfer of beneficiaries to third countries and avoid delays in their departures. In Libya, getting travel documents and exit permits can be challenging and UNHCR could benefit from the EU's support in liaising with national authorities and, for example, advocating for the lifting of the exit tax.

## **8.2 COMPLEMENTARY ACTIONS TO THE ETM: AREAS OF OPPORTUNITIES**

### **8.2.1 STRATEGIC AREAS OF OPPORTUNITIES**

#### **For UNHCR**

- **Livelihood opportunities in Libya:** Depending on the evolution of the political situation in Libya, several stakeholders mentioned that reconstruction could require between 2 and 3 million workers. UNHCR could support Libyan authorities in their efforts to plan for this reconstruction phase and, jointly with other international actors, start mapping refugees' and asylum-seekers' professional skills. UNHCR could also strengthen their efforts to cooperate with other international actors such as the International Labour Organisation and ICMPD in supporting migration governance in Libya in the long run, especially regarding foreigners' work permits and rights.<sup>44</sup> In 2020, ICMPD published

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<sup>1</sup> Ibid.

<sup>2</sup> Interview with key informant from UNHCR.

<sup>3</sup> Interview with key informant from INGO.

<sup>4</sup> Interviews with key informants from UNHCR and INGOs.

a legal guide for foreigners in Libya, based on Libyan existing laws, as well as regulations and administrative decrees.<sup>5</sup> As a complement, UNHCR should continue their efforts to expand access to basic protection services across the country through decentralised urban support.

### **For third countries**

- **RST in Libya:** Third countries should increase their RST quotas directly from Libya, and learn from the good practices of countries like Sweden and Canada, which conduct remote selection processes.
- **CLPs in Libya:** RST needs to be complemented with other protection alternatives, such as humanitarian evacuations, which are particularly valuable in situations of mass displacement characterised by urgent protection needs (including medical cases), and allow to assist a large number of PoCs, as done between Libya and Italy since 2017.

### **For donors**

- **Protection space in Libya:** According to some interviewees, more efforts could be made to expand the protection space in Libya, even in the current situation. Donors should encourage implementing partners to manage safe shelters directly in the country, through a clear agreement with Libyan authorities and making sure they do not impose the location site or their service providers.<sup>1</sup> Smaller protection facilities located in strategic areas across the country and co-managed by relevant local actors could improve access to protection services in Libya. The Misrata protection shelter led by the International Rescue Committee and the Libyan Red Crescent can be cited as a good example in this regard.
- **Funding in strategic countries along the route:** Donors should increase their funding in strategic countries along the CMR, like Sudan, Ethiopia, Chad, Niger or Mauritania, and give refugees and asylum-seekers outside of Libya equal access to long-term protection solutions. Moreover, due to the security and political context in these countries, support to RSD/RST and CLP processes will be less costly and more easily implemented there than in Libya. An increasing number of people on the move are also departing from Algeria and Tunisia, where access to durable protection solutions could also be reinforced.
- **Support to CLPs:** The EU should advocate with their member states to offer more humanitarian evacuation spaces, and support other CLPs such as humanitarian corridors and community sponsorships. They have more flexible processes than RST and target vulnerable PoCs compared to other CLPs like education or labour schemes.

## **8.2.2 OPERATIONAL AREAS OF OPPORTUNITIES**

### **For UNHCR**

- **RSD and RST along the route:** UNHCR should continue their efforts to provide access to RSD along the CMR. They provide credible alternatives to irregular migration through dangerous routes and contribute to decrease the likelihood of people on the move heading towards Libya and the Mediterranean Sea to reach Europe. In addition, PoCs might have a better chance of receiving the refugee status in countries neighbouring Libya, which are not constrained by the nine nationalities requirement, are more politically and security stable, and have fairer asylum systems. Similarly, UNHCR could conduct RST processes in other countries along the route, and whose political and security situations are more stable. This would also facilitate third countries' ability to conduct selection field missions and limit the protection risks faced by PoCs while waiting for long-term protection solutions.

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<sup>5</sup> ICMPD, 'The legal guide for foreigners in Libya', January 2020, Retrieved [here](#).

<sup>1</sup> Interview with key informant from UNHCR.



## 8.3 CONCLUSION

**The ETM was set up to respond to the dire situation of people on the move in Libya.** It was built on a burden-sharing principle between the EU, third countries, and partner countries in Africa, and has provided resettlement support to more than 3,000 refugees since 2017. However, given its nature as a temporary and emergency mechanism, the programme now raises a number of questions regarding its potential scalability and durability. The plight of refugees and migrants in Libya is unlikely to improve, especially with the increased number of non-official facilities and the continuing lack of access to DCs. The ETM will continue to reach a limited number of PoCs among the country's large population in need, while long and selective RST processes will keep extending beneficiaries' stay in transit centres.

**To avoid a standstill of the ETM, third countries should invest in quicker and more flexible RST processes.** Remote interviews and selection criteria adapted to evacuees' profiles could improve the fluidity of RST processes, ensure immediate departures to third countries, and allow new evacuations from Libya.

**Other protection alternatives could also be supported to complement the ETM and reduce the number of people in need in Libya.** Programmes could focus on other strategic countries in the region, and support access to RSD/RST along the CMR in order to decrease the likelihood of people being stranded in Libya while heading towards Europe. In addition to RST, they could also support access to CLPs, such as humanitarian corridors or humanitarian evacuations. Depending on the evolution of the security and political context in Libya, access to durable solutions, such as RST or local integration, could also be strengthened directly in the country. Stronger commitment to explore this range of options and improve the ETM, combined with continuous efforts to make the situation of people on the move a priority in EU's agenda in Libya, could potentially increase long-term protection solutions for refugees and asylum-seekers along the CMR.