

# MAINTAINING INTERNATIONAL PROTECTION IN EUROPE DURING SYRIA'S TRANSITION



## ECRE'S ANALYSIS OF THE EU'S ROLE IN SUPPORTING TRANSITION IN SYRIA AND THE INTERACTION WITH THE POLITICS OF INTERNATIONAL PROTECTION IN EUROPE

### I. INTRODUCTION

The fall of the al-Assad regime was met with joy and relief by the millions of Syrians who have suffered violence, human rights abuse and war. For those who have sought protection outside the country, many may now wish to return. In this sensitive political context, external actors, such as the EU and European governments, have an important role to play in supporting transition. The EU has highlighted its readiness to engage, subject to conditions such as inclusiveness and accountability.

In contrast, statements by some European politicians on unlawfully refusing asylum applications or prematurely reviewing protection statuses have been unhelpful. They have also created anxiety for Syrians, including those who have rebuilt their lives in Europe and who are part of European societies. While many Syrians may eventually want to return to their home country, the situation remains unstable and complex.

It is important that any discussion about the future of Syrians in Europe respects the applicable international and EU legal frameworks and is consistent across Europe. Such a harmonised and managed approach, led by the European Commission and in full consultation with Syrian stakeholders, is in Europe's interest. Firstly, a managed process based on informed decision-making is likely to have a positive impact on the transition in Syria and future relations between Europe and Syria. Secondly, an uncoordinated approach with differential treatment of Syrians in Europe may cause fear and lead to onward movement inside Europe.

This Policy Note sets out the relevant international and European standards applicable to postponing asylum applications and review or cessation of status, and collates good practices and lessons from the triggering of the Temporary Protection Directive (TPD) and displacement from Ukraine, where the European Commission played a central role in leading a coherent, Europe-wide response.

## II. ANALYSIS

### PRIMACY OF EU EXTERNAL ACTION

The situation in Syria is volatile and precarious. The humanitarian needs are acute, with 16.7 million people in receiving assistance and 90% of the population living below the poverty line. The 2024 Humanitarian Response Plan is only 35% funded so far. In addition, there are significant funding needs in terms of reconstruction of infrastructure, public services and housing, to name but a few. Beyond this, the transformation from a war economy run by factions within a repressive regime and dominated by illicit drug production, to a peace economy is a tremendous challenge. It forms part of the broader transition process that will wrestle with transitional justice and accountability for past crimes and will hopefully pave the way for long-lasting peace. These are highly sensitive political processes. External actors such as the EU should engage in a principled, reliable and clear-headed way to support national processes. This is even more important following the withdrawal of US funding which will have a significant impact on Syria and neighbouring countries.

Against this background, it is imperative that the EEAS and foreign policy considerations lead the EU's response, alongside DG ECHO managing the humanitarian side. In setting out the principles of stability, sovereignty, territorial integrity, accountability for crimes committed, an inclusive Syrian-led peace process, the protection of Syrians in all their diversity and across all areas of Syria and the fight against terrorism, the High Representative for Foreign Affairs and Security Policy (HRVP) clarified the EU's objectives. Policy and developments in the realm of internal affairs, such as the treatment of and communication with Syrians in Europe, should contribute to achieving rather than undermining these overall objectives.

### INVOLVEMENT OF SYRIANS

To support a transition process that is led and owned by Syrians, European policy makers should support the involvement of Syrians in the transformation of their country. This should be done by enabling their travel to Syria (see section below) but also by establishing regular communication between Syrian civil society, including diaspora groups, and European foreign policy makers to discuss analysis of the situation in the country and recommendations for engagement with the caretaker government and other groups, for example. Direct exchange and engagement with Syrians at Member State and EU levels should also be sought on plans and policy initiatives regarding the treatment of Syrians in Europe to ensure that any policies are well-informed, relevant and effective.

### SUSPENDING EXAMINATION OF ASYLUM APPLICATIONS

Most European countries have now halted the examination of asylum applications from Syrians due to the dramatic changes in the country. The states in question have invoked Article 31(4) of the Asylum Procedures Directive (APD) which allows postponement of the conclusion of the examination of applications where there is an "uncertain situation in the country of origin which is expected to be temporary".

Examination cannot be halted indefinitely. A review has to be carried out within six months, based on Country of Origin information, primarily that of UNHCR and EUAA. The maximum postponement is 21 months and, in the meantime, applicants should be able to access all relevant rights and services set out in the Reception Conditions Directive (RCD).

While a suspension of new applications for international protection is allowed under the APD, albeit under tight conditions, some Member States are restricting the rights of Syrians who have already received protection status in Europe. For example, Austria has suspended or denied almost all family reunification requests for Syrians with international protection status due to pending reviews of their status; in Denmark, the authorities have stopped processing extensions of certain types of residence permits for refugees from Syria and their families. (It should be noted that Denmark is not bound by the relevant CEAS instruments such as the APD or the Qualification Directive (QD) but applies national law). These two countries are however the exception as the vast majority of European governments have, correctly, not suspended procedures related to Syrians with protection status, including family reunification.

It is likely that the situation in Syria will remain volatile and uncertain for a longer time. In this light, Member States should ensure that applicants are not kept in limbo and that assessments are resumed as soon as possible. Countries such as Portugal and Spain which have not suspended asylum decision-making but are carefully continuing examinations, are good examples to follow. During this uncertainty, negative decisions should be suspended as recommended by UNHCR – a practice successfully applied by Member States during similar situations where there were uncertainties and rapid developments in the country of origin.

Guidance from the European Commission setting out the applicable EU law and supporting a consistent approach across the EU would be extremely helpful to ensure a harmonised response.

## TRAVEL TO AND FROM SYRIA FOR BENEFICIARIES OF INTERNATIONAL PROTECTION

Some Member States are considering the possibility for Syrians to travel back to Syria without this affecting their protection status. These temporary visits to see family and friends and to assess the situation in relation to property, security and prospects for the future, are essential in enabling people to reconnect to Syria. There are three benefits to allowing such visits. First, supporting the transition process in Syria: Syrian diaspora, some of whom have been politically active as part of the Syrian opposition movement or in European politics, should be enabled to participate in the political transition that is taking place. Second, supporting voluntary return in the future: given continued instability in Syria, travel to Syria will enable people to assess the situation, including the viability of return. Third, supporting sustainability of return: visits will allow better preparations to be made for eventual return. Such short visits are standard practice in displacement settings to enable refugees to access reliable information and make informed decisions. In fact, the EU is encouraging countries neighbouring Syria to make this possible.

There is promising practice from Türkiye, which allows one member from each family to make three trips to Syria between 1 January and 1 July 2025 to assess conditions for return, creating a central appointment system to apply for the return visits. In Denmark, refugees have the possibility to apply for a lifting of their transportation ban to travel to their home country for a “go-and-see” visit, before they make a final decision to give up their permit in Denmark to return to Syria. Most importantly, lessons from the response to displacement from Ukraine point to the positive impact of short visits. The TPD regime allows for pendular movement to Ukraine – a possibility that has been taken up by a large number of temporary protection beneficiaries. As of March 2025, over 44 million border crossings had been performed from and more than 40 million to Ukraine since 24 February 2022.

Building on these positive practices, the European Commission should develop a common EU framework on temporary visits to Syria for beneficiaries of international protection, as requested by some Member States. Such visits should not have an impact on protection status nor be used to argue for a change of status in potential cessation proceedings, as this would undermine the purpose of such a scheme.

## REVIEW AND POTENTIAL CESSATION OF STATUS

EU and international law have strict rules on cessation of international protection status which must be respected. For a detailed legal analysis, see ECRE’s Legal Note on this subject.

The criteria for cessation of refugee status are set out in Article 1C of the 1951 Refugee Convention and reflected in Articles 11 and 16 of the 2011 Qualification Directive. The recently adopted 2024 Qualification Regulation – which must be fully applied by Member States by 12 June 2026 – contains similar cessation provisions to that of the 2011 Directive.

In relation to cessation based on a change to the circumstances that led to the granting of protection, UNHCR has clarified that the changes need to be “fundamental, durable and stable”. In addition, UNHCR has emphasised on a number of occasions that Article 1C(5) can only be applied to a refugee where the protection of his or her country of origin is both “effective and available”. Both the Qualification Directive and Qualification Regulation reflect these principles by requiring changes to be significant and non-temporary for the cessation of refugee and subsidiary protection status – points which have been reiterated by the CJEU. It is noteworthy that UNHCR advocates waiting for 12 to 18 months after the fundamental changes in order to ensure that the changes are non-temporary in nature. In its position on Syria in December 2024, UNHCR underlines that “the requirements for cessation of refugee status for beneficiaries of international protection originating from Syria have not currently been met”.

These legal and practical considerations demonstrate that it is premature to even discuss reviews of status at this point, let alone to initiate such review proceedings, as has been done in Austria.

In considering future reviews of protection status, Member States should be aware that, particularly in the case of refugee status, while the reasons for individual persecution may not persist, other grounds for protection which could give rise to subsidiary protection or national protection claims may be present. In order to minimise the administrative burden, the assessment of subsidiary protection needs should take place during the cessation review rather than requiring a new application to be submitted. In addition, individuals who have lived in European countries for years may have other grounds for acquisition of residence permits. Should Member States decide to embark on reviewing status, they should ensure that the process, including a potential change of protection status or a change to work or study-related residence permits, is functioning smoothly. Here again, guidance from the European Commission on applicable international and EU legal obligations would provide clarity and facilitate a consistent approach in Europe.

## ENGAGEMENT ON RETURN

Where people would like to return on a voluntary basis – meaning not in response to threats of status revocation or due to the restrictions of rights or services – support should be made available by Member States, drawing on the long experience of Assisted Voluntary Return (AVR).

For now, Member States should put measures in place to support individualised return for people who are seeking to do so. UNHCR explicitly warns against large-scale voluntary repatriations to Syria, due to inter alia the “many challenges facing Syria’s population, including a large-scale humanitarian crisis, continued high levels of internal displacement and widespread destruction and damage of homes and critical infrastructure”. EU Member States also need to consider the negative consequences their communication on return may have on the situation of refugees in the countries neighbouring Syria, which continue to host far greater numbers of refugees.

## III. RECOMMENDATIONS

### On involvement of Syrians:

- » Policy makers at the EU and national level should have regular engagement with Syrian civil society, including diaspora organisations, to discuss engagement in the political, economic and social transition of Syria, to gather analysis and to support their engagement in the process. At the EU level, this should involve policy-makers from the EEAS, DG MENA and DG Home.

### On asylum applications and decision making:

- » The European Commission should provide guidance on the applicable international and EU legal framework in relation to temporarily postponing the processing of asylum applications. It should underline that applicants should continue to have access to all related rights under the RCD and that Member States need to duly inform the applicants of procedural developments. The rights of beneficiaries of international protection should not be unlawfully restricted.
- » Member States should communicate clearly both to individual applicants and in public statements about the measures taken in relation to the pausing of asylum decision-making, reiterating its temporary nature and regularly updating the people affected.
- » While the uncertain and volatile situation in Syria is likely to persist beyond the six-month timeline for a review of the situation, asylum decision-making should be resumed as soon as possible when analysis from authoritative sources on Country or Origin information becomes available. The suspension of the issuance of negative decisions should remain in place.

### On temporary visits to Syria:

- » Drawing from the positive practice of pendular movement for temporary protection beneficiaries under the TPD, the European Commission should provide a framework for Member States to enable short visits of Syrians to their home country without it affecting their protection status. If relevant, related operational support in managing the process should be offered.
- » In engagement with the countries neighbouring Syria, EU policy-makers should encourage the introduction of visits to and from Syria.
- » Member States should develop a system for short visits and provide relevant information at the national level. Taking up such visits should not have an impact on protection status.

### On cessation and potential withdrawal of status:

- » The European Commission should clearly communicate to Member States that any discussion of cessation of status is premature and unhelpful at this point. It should provide guidance on the applicable international and EU frameworks related to cessation with a view to ensuring a consistent approach should the situation in Syria warrant review or cessation procedures.
- » Member States should focus on ensuring that any potential future cessation process does not leave people in limbo, carefully considering the bureaucratic workload and ensure that the administrative processes enable access to other legal statuses when applicable.
- » Reviews of status should thus include an assessment of eligibility for other protection statuses, such as subsidiary protection status or humanitarian protection statuses in national law, rather than requiring new applications to be made. Automatically assessing eligibility for other protection statuses will reduce administrative costs, compared to requiring a new application to be made.

### On return to Syria:

- » The European Commission can play an important role in clarifying that, given the uncertain political situation in Syria and the vast humanitarian needs, large-scale voluntary return is unrealistic in the near to mid-term. While some Syrians may want to assess the possibility of returning home, including by visiting Syria, these will be cases of individual voluntary return, which should be supported by Member States and, if relevant, the European Commission through funding.