

## Simplifying refugee status determination

There is a persuasive case to be made for simplifying refugee status determination in the European Union at this juncture. International law maintains that status determination is declaratory, which means that status determination does not make one a refugee but declares one to be a refugee. It means that many of those now on the move **are** refugees, in spite of our non-recognition of them. However, recognition of a person as a refugee is vital to their protection and status.

There is precedent elsewhere in the world for dealing with mass influx via *prima facie* status determination; in fact, the vast majority of refugees in the world attain their status in this way. This is a pragmatic response for when a host state's

refugee status determination infrastructure has been overwhelmed – the situation in which Europe currently finds itself. It allows for a lower standard of proof and could be used, for example, to accept Syrian nationality as evidence of being a refugee. Germany has been reported as implementing such a strategy unilaterally.

The Temporary Protection Directive was designed for just such a purpose, at least as a stop-gap, but has not been implemented. Europe must find a way to fairly and effectively implement status determination procedures appropriate to a situation of mass influx.

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