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Resettlement of refugees: EU framework

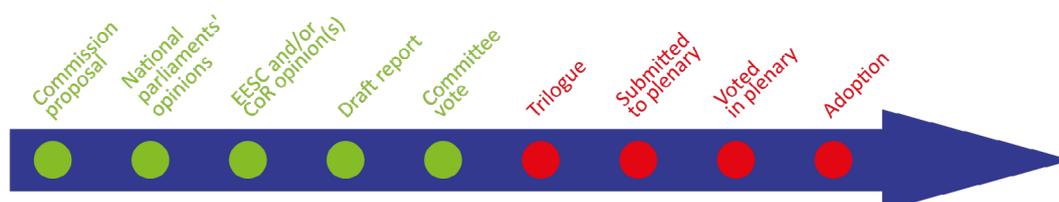
Resettlement is one tool to help displaced persons in need of protection reach Europe safely and legally, and receive protection for as long as necessary. It is a durable solution which includes selection and transfer of refugees from a country where they seek protection to another country. Apart from providing international protection to refugees, its aim is also to strengthen solidarity and responsibility-sharing between countries. For a resettlement to take place, the United Nations Refugee Agency (UNHCR) has to determine an applicant is a refugee according to the 1951 Geneva Convention, and has to identify resettlement as the most appropriate solution.

On 13 July 2016, as part of the reform of the Common European Asylum System and the long-term policy on better migration management, the Commission presented a proposal which aims to provide for a permanent framework with standard common procedures for resettlement across the EU, and will complement current national and multilateral resettlement initiatives.

Proposal for a regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council

COM(2016) 468 of 13.7.2016, 2016/225(COD), Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')

<i>Committee responsible:</i>	Civil Liberties, Justice and Home Affairs (LIBE)
<i>Rapporteur</i>	Malin Björk (GUE/NGL, Sweden)
<i>Shadow rapporteurs:</i>	Agustín Díaz de Mera García Consuegra (EPP, Spain) Kati Piri (S&D, the Netherlands) Helga Stevens (ECR, Belgium) Louis Michel (ALDE, Belgium) Judith Sargentini (Greens/EFA, the Netherlands) Ignazio Corrao (EFDD, Italy) Nicolas Bay (ENF, France)
<i>Next steps expected:</i>	Continuing trilogue negotiations



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Introduction

The number of refugees worldwide continues to rise, due to ongoing and new conflicts in the Middle East, sub-Saharan and North Africa, and eastern Europe. According to the UN Refugee Agency (UNHCR) [report](#) on projected global resettlement needs for 2018, it is estimated that close to 1.2 million [refugees](#) globally will be in need of resettlement, with Syrian refugees representing, for a second consecutive year, 40 % of global resettlement needs.

The number of countries offering resettlement or humanitarian admission as part of UNHCR's resettlement programme is increasing, as evidenced by the UNCHR [report](#) on global trends in 2015 (33 states in 2015, compared to 27 in 2014). The [report](#) for 2016 confirmed this trend, with 189 300 refugees being resettled in 37. During this period, the United States of America admitted 51 % (96 900) of those refugees, followed by Canada (46 700) and Australia (27 600). Syrian refugees were the largest population benefiting from resettlement (63 000 people).

Many migrants and refugees trying to come to Europe risk their lives by embarking on perilous sea journeys to escape persecution, conflict, instability and poverty. To provide safe and legal ways into the EU for displaced persons in clear need of international protection, the European Commission in its [European Agenda for Migration](#) of May 2015 confirmed its intention to present a proposal for a binding and legislative EU-wide resettlement scheme beyond 2016.

Context

Defining resettlement

According to the [EU asylum and migration glossary](#), resettlement is defined as 'selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to admit them as refugees with permanent residence status. The status provided ensures protection against [refoulement](#) and provides a resettled refugee and his/her family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalised citizen of the resettlement country'.

Resettlement has three objectives: providing international protection to refugees, ensuring a [durable solution](#), and strengthening solidarity and responsibility-sharing between countries. UNHCR shall ensure that the preconditions for resettlement are met. First of all it has to determine an applicant is a refugee according to the 1951 [Geneva Convention](#), though exceptions can be made for non-refugee stateless persons for whom resettlement is considered the most appropriate durable solution, and also for the resettlement of certain non-refugee dependent family members to maintain family unity. The second precondition is that the prospects for all durable solutions have been assessed, and resettlement is identified as the most appropriate solution.

Refugees are identified as in need of resettlement when they are at risk in their country of refuge or have particular needs or vulnerabilities, including legal and/or physical protection needs, survivors of violence

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and/or torture, medical needs, women and girls at risk, family reunification, children and adolescents at risk, and lack of foreseeable alternative durable solutions. Those identified as in need of resettlement by UNHCR are submitted to potential resettlement states, who examine the submission on a dossier or in an interview with the applicant through selection missions in the country of first asylum.

Existing situation

Regulation on Asylum, Migration and Integration Fund (AMIF)

The current EU Resettlement Programme is set out in Article 17 of the [AMIF Regulation](#). Resettlement in the EU is a process whereby, on a request from the UNHCR based on a person's need for international protection, third-country nationals are transferred from a third country and established in a Member State where they receive refugee status, subsidiary protection status or another status offering similar rights and benefits under national and EU law (Qualification Directive). The Fund provides a total of €3 137 billion for the 2014-2020 period. Around 11 % of the funding is allocated to Specific Actions and to support the Union Resettlement Programme. The Fund presents an increase in financial incentives compared to the former system under the ERF. Member States, except Denmark, which does not take part, receive €6 000 for each person resettled and €10 000 for resettled refugees belonging to priority categories and vulnerable groups.

Categories of persons from common Union resettlement priorities include:

- > persons from a country or region under [Regional Protection Programme](#);
- > persons from a country or region identified in the UNHCR resettlement forecast;
- > persons belonging to a specific category under the UNHCR resettlement criteria.

The lump sums are also paid for the following vulnerable groups of persons:

- > women and children at risk;
- > unaccompanied minors;
- > persons having medical needs; and
- > persons in need of [emergency or urgent resettlement](#).

According to the AMIF Regulation the Fund will support the establishment and development of national resettlement programmes and of infrastructure and services to support resettlement activities, including transit and processing centres, and the conduct of selection missions. AMIF funds can be used only for the resettlement of persons who have been identified as eligible for resettlement by UNHCR. Refugees must be resettled within the calendar year of the respective annual AMIF programme.

Member States receive these amounts every two years on the basis of their pledges, and in accordance with common EU resettlement priorities. The Commission and the European Asylum Support Office ([EASO](#))

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monitor the implementation of resettlement activities, while EASO also coordinates Member States' actions on resettlement.

Also on the basis of the Commission's Migration Agenda, the European Parliament and Council adopted [amending budget](#) No 5 for financial year 2015 'responding to migratory pressures', which allocated an additional amount for 2015 under the AMIF Regulation to implement the European Resettlement Programme. Compared to the 2016 budget, which allocated more than €4 billion to address the refugee crisis both in the EU and in countries of origins and transit, the [2017 EU budget](#) commits around 11.3 % more to address migration and security issues, including helping Member States to resettle refugees.

Commission Recommendations and Council conclusions

On 8 June 2015, the Commission adopted a [Recommendation](#) for a European resettlement scheme, which called on Member States to resettle 20 000 people in need of international protection over a two-year period. The European Council in [June 2015](#) agreed that, in the light of reinforced solidarity and responsibility, all Member States will participate, including through multilateral and national schemes in the resettling of 20 000 displaced persons in clear need of international protection. Subsequently, the Council of [20 July 2015](#), taking account of the Commission Recommendation, adopted conclusions on resettling through multilateral and national schemes 22 504 displaced persons from outside the EU who are in clear need of international protection. Member States agreed that they will take account of priority regions including North Africa, the Middle East, and the Horn of Africa, and focus in particular on the countries where the Regional Development and Protection Programmes are implemented. The resettlement places were distributed between Member States and Dublin Associated States according to commitments set out in an annex to the conclusions.

On 4 July 2017, the Commission organised the [eighth resettlement and relocation forum](#) at which it invited Member States to submit new resettlement pledges for 2018, by 15 September 2017. As of 20 September, 11 Member States had submitted around 14 000 pledges, which, according to the Commission, was not enough to contribute to a common effort to save lives and offer credible alternatives to irregular movements. Therefore, on 27 September, the Commission adopted a [Recommendation](#) in order to bridge the transition between the current EU resettlement schemes and the proposed Union Resettlement Framework. According to the recommendation, Member States should offer at least 50 000 places to admit the most vulnerable persons in need of international protection by 31 October 2019. They should focus specifically on countries in North Africa and the Horn of Africa, while continuing resettlement from Turkey and the Middle East. The Commission envisages an allocation of €500 million to support Member States in these efforts. According to the Commission [progress report](#) on the European Agenda on Migration, by 31 October, 16 Member States had pledged a total of more than 34 400 places.

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EU-Turkey cooperation on migration

Member States [agreed](#), in the EU-Turkey statement in March 2016, to resettle in the EU, for every Syrian readmitted by Turkey from the Greek islands, another Syrian from Turkey, taking into account the UN vulnerability criteria. They also stressed that any further need for resettlement will be subject to a similar voluntary arrangement up to a limit of an additional 54 000 places for [relocation](#). To this end the Council endorsed the proposal tabled by the Commission on 21 March 2016 to make available further places for resettlement or other forms of legal admission from Turkey, by amending Council [Decision \(EU\) 2015/1601](#) to relocate applicants for international protection from Italy and Greece. The Council adopted [Decision \(EU\) 2016/1754](#) on 29 September 2016. The European Commission is producing regular reports on the progress made in the implementation of that statement. According to the November 2017 [report](#) on resettlement, a total of 11 354 persons have been resettled from Turkey to the EU under the 1:1 framework.

Current EU policy

The resettlement framework does not entail common rules and procedures. It is mostly a compilation of national or multilateral programmes and procedures, which, as regards Syrian refugees, are [implemented](#) in 20 Member States. There is also no timetable according to which resettlement should be carried out, while Member States vary in their commitment to resettlement as regards their resettlement programmes and practices, such as selection criteria, length of procedures, pre-departure programmes, integration tools, the status granted to persons admitted, residence permits as well as the number of places available for resettlement.

All initiatives developed so far are based on a voluntary approach, as Member States and the participating Associated States are still free to decide whether to engage in resettlement or not. Funding through AMIF is the primary mechanism for encouraging Member States to engage in resettlement or increase their quotas. According to [Eurostat](#), in 2016 there were 14 205 third-country nationals resettled in the EU, which is an increase compared to 8 155 in 2015.

The Commission [report](#) on relocation and resettlement of 15 November 2017 confirms the progress achieved, as out of 22 504 resettlements agreed on 20 July 2015, 18 366 persons have been resettled to 24 states. However, there are still some Member States that have not resettled any person on the basis of the July 2015 conclusions. This is due to a variety of factors, including lack of reception capacity and adequate accommodation, lack of staff in the embassies of Member States to deal with resettlement candidates, and also lack of political will among Member States.



Proposal

The changes the proposal would bring

On 13 July 2016 the Commission presented a legislative [proposal](#) establishing an EU resettlement framework. Its aim is to create a common European policy on resettlement with a permanent framework and common procedures. The proposal would complement the current ad hoc multilateral and national resettlement programmes, by providing common EU rules on the admission of third-country nationals, procedures in the resettlement process, types of status to be accorded by Member States, decision-making procedures for implementation of the framework, and financial support for Member States' resettlement efforts.

Resettlement is defined as 'the admission of third-country nationals and stateless persons in need of international protection from a third country to which or within which they have been displaced to the territory of the Member States with a view to granting them international protection'. Compared to the current AMIF Regulation, the definition therefore includes the new element of internally displaced people.

The framework will be implemented on the basis of an annual EU resettlement plan, adopted by the Council on a proposal of the Commission, determining the maximum total number of persons to be resettled and the number of persons each Member State is to resettle within this total. The annual plan also includes overall geographical priorities. The Commission, based on that plan, will establish targeted EU resettlement schemes including detailed justification for the scheme, the precise number of persons to be resettled, specification of third countries or geographical regions from which resettlement is to occur, a description of the target group(s) eligible for resettlement, the starting date and duration of each scheme as well as the applicable resettlement procedure. The proposal also includes grounds for exclusion of third-country nationals or stateless persons from the resettlement scheme, including those 'who have irregularly stayed, irregularly entered, or attempted to irregularly enter the territory of the Member States during the five years prior to resettlement'.

When specifying the regions or third countries from which resettlement will take place, the proposal would take into account, among other things, third countries' effective cooperation with the EU in the field of migration and asylum (notably a third country's efforts to reduce the number of irregular migrants coming to the EU from its territory, their cooperation on return and readmission, and their capacity build-up for reception and protection).

The new framework will allow for two types of standard resettlement procedures: ordinary and expedited. Under the ordinary procedure, Member States will identify third-country nationals or stateless persons in a third country, and assess whether they fall within the scope of a targeted resettlement scheme. With a positive decision, they can grant those persons refugee status or subsidiary protection status. The expedited procedure is used in case of specific humanitarian grounds or urgent legal or physical protection needs, which justify rapid admission of third-country nationals or stateless persons to the territory of a Member



The changes the proposal would bring

State. The persons are granted subsidiary protection status and should be able to apply for international protection once admitted to a Member State.

Member States will still be entitled to €10 000 from the EU budget for each person they resettle, however, they will only receive these funds when resettling through the Union Resettlement Framework. Resettlements under national schemes will not be supported financially by the EU budget.

The proposal does not provide for a distribution key as set out in the June 2015 Commission Recommendation. The Member States decide how many people they will resettle each year. For the purpose of implementation of the annual and targeted resettlement schemes, the Commission and Council should take into account the discussions within the High-level Resettlement Committee composed of representatives of the EU institutions and the Member States. Organisations, such as UNHCR, IOM and the potential future EU Agency for Asylum may be invited to participate. The proposal does not specify the scale of resettlement and the regions or third countries from which resettlement will take place. In addition, it widens the resettlement categories normally conducted through UNHCR referral, by including persons with socioeconomic vulnerability, and persons with family links to third-country nationals, stateless persons or Union citizens legally resident in a Member State.

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Views

Advisory committees

The European Economic and Social Committee adopted its [opinion](#) on a Union Resettlement Framework on 25 January 2017. While welcoming the proposal, it calls for the common criteria for resettlement to focus mainly on people's need for protection, and for the resettlement programme to be uncoupled from partnership agreements with third countries. It also welcomes the proposal's emphasis on the vulnerable, but has reservations about the category of 'persons with socio-economic vulnerability'. The Committee also questions the blanket exclusion of people who had entered the EU irregularly in the five years prior to resettlement, and expects to be involved in the future High-Level Resettlement Committee.

The Committee of the Regions considered the Commission proposal in its [opinion](#) on the reform of the common European asylum system (package II), adopted on 8 February 2017. It expresses its concern at the legislative solution proposed for the Union Resettlement Framework, namely the adoption of a reference framework with a Council act and implementation with a Commission decision. This is said to exclude the European Parliament and is rare in this sector, unlike in the foreign policy and security sector. It also recommends reconsidering the decision to exclude from resettlement applicants who had entered the European Union irregularly during the last five years.

National parliaments

The deadline for subsidiarity check in [national parliaments](#) was 31 October 2016. No reasoned opinions were issued, although several parliaments launched the process of scrutiny, with some of them initiating political dialogue with the Commission over their concerns with the proposal.

Stakeholders' views¹

[UNHCR](#) welcomed the Commission proposal as an important step for the EU towards ensuring a more robust and sustainable contribution to global resettlement. In this regard, it stressed several components, such as global responsibility-sharing and increased opportunities for protection and solutions, complementarity with the ongoing resettlement and humanitarian admission programmes, and expedited and efficient processing. However, it also stressed the need for the proposal to focus on resettlement as a tool for protection and a durable solution, to be aligned with the existing international architecture and framework for resettlement, and to preserve family reunification as a complementary yet distinct pathway for refugees. [Amnesty International](#) stated that the proposal saw resettlement as a tool for migration control rather than to provide assistance to vulnerable refugees, stressed that the goal of the proposal is not to improve refugee protection but instead to reduce irregular migration to Europe, and that the proposal does not mention any need to significantly increase resettlement numbers and to improve the situation of refugees in third

¹ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'EP supporting analysis'.



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countries, which will most likely have a negative impact on the refugee protection globally. [European Council on Refugees and Exiles](#) (ECRE) stated that the proposal restricts access to asylum by denying the possibility for resettlement for refugees that attempted to reach the EU irregularly in the past five years. An expert from [Eurasylum](#), an international think-tank specialising in migration and asylum, has [expressed](#) several reservations regarding the proposal, especially pointing out its 'exclusive state-led nature' and its 'prioritisation of third countries that cooperate effectively in the area of asylum and migration'. He criticises the absence of private refugee-sponsorship programmes in the proposal, which have proven effective in some major refugee-receiving countries, such as Canada. Positive views on the proposal were expressed by the [Brookings Institution](#), a non-profit research organisation. Harmonisation of procedures and financial incentives to the Member States are seen as a good thing, as they would give priority to the European framework over national programmes. Asylum-seekers would be able to move to Europe without risking their lives trying to cross the Mediterranean. However, due to the lack of annual quotas for resettled people, the long-term impact of the proposal remains uncertain.



Legislative process

European Parliament

The legislative proposal ([COM\(2016\) 468](#)) was presented on 13 July 2016. It falls under the ordinary legislative procedure (2016/225(COD)). In the European Parliament, the proposal was assigned to the LIBE committee under the rapporteurship of Malin Björk (GUE/NGL, Sweden). The rapporteur presented her [draft report](#) on 12 April 2017.

On 25 October 2017, the EP plenary confirmed the mandate to enter into interinstitutional negotiations with the Council, on the basis of the [report](#) adopted by the LIBE committee on 12 October 2017. The first trilogue meeting between the institutions took place on 13 December 2017.

According to the LIBE report, resettlement should be a tool for long-lasting protection and for sharing of responsibility. Member States should provide resettled persons with a durable solution, through granting refugee or subsidiary protection status. They should not use resettlement for family members who would otherwise have a right to join their family in a Member State in accordance with other legal acts of the EU or national law. Furthermore, they should develop family reunification programmes outside the targeted resettlement scheme. Member States may also issue permanent residence permits to resettled persons.

The Commission (and not the Council, as in the proposal) should adopt a Union resettlement plan by delegated act every two years, in consultation with the High-Level Resettlement Committee and based on UNHCR's projected global resettlement needs.

The report calls on Member States to increase resettlement efforts and the number of resettlement places, in order to bear a fair share of global responsibility. The EU should resettle at least 20 % of vulnerable persons in need of international protection, which would equate to around 250 000 people in 2017.

Furthermore, resettlement should not be used for other foreign policy objectives and should not depend on third countries' cooperation on other migration-related matters, as proposed by the European Commission. Instead, resettlement should be a humanitarian programme, and the UNHCR should be the main institution to select refugees for resettlement to the Member States.

The report backs a payment of €10 000 per resettled person if Member States resettle under the EU resettlement framework, as proposed by the Commission. However, contrary to the Commission proposal, the report retains the allocation of €6 000 from the AMIF fund for every person resettled under Member States' national resettlement programmes. It adds that the EU budget should also fund humanitarian admission programmes for internally displaced persons, which should be implemented by Member States. Those programmes should not fall under resettlement targets.



Council

On 29 September 2016, the Commission presented its proposal on the EU resettlement framework at the meeting of the Asylum Working Party of the Council, and a first exchange of views took place. There was general support for the proposal, but some serious concerns were voiced with respect to certain issues such as the mandatory character of resettlement schemes, the legal basis of the proposed act and the inclusion of internally displaced people (IDPs) among the categories that could benefit from resettlement.

On 14 October 2016, the Council held a debate on the Union Resettlement Framework regulation on the basis of a [note](#) prepared by the Slovak Presidency.

The Asylum Working Party finalised a first detailed article-by-article examination of the proposal on 17 January 2017. A second round of examination took place on 2 March 2017. The main [concerns](#) of Member States, in addition to those expressed in September 2016, relate to the definition of resettlement and the possibility to include other forms of humanitarian admission; the admissibility criteria; and the procedure that will be used for resettlement. Some delegations also expressed concerns regarding the Commission's right to adopt delegated acts to complement some elements of the procedure.

According to a June 2017 [progress report](#), some delegations had expressed concerns regarding broadening the scope of humanitarian admission procedures to people not in need of international protection, while others stressed that further work is needed at the technical level (i.e. to better differentiate between 'resettlement' and 'humanitarian admission' in the text). They also discussed granting temporary protection status under national law, with some delegations expressing reservations while others were more favourable to the approach.

On 15 November 2017, the Permanent Representatives Committee (Coreper) endorsed, on behalf of the Council, a [mandate for negotiations](#) with the EP. According to the Council, those parts of the text which relate to other files of the common European asylum system (CEAS) reform will be revisited at a later stage. The mandate includes:

- > a two-year EU resettlement and humanitarian admission plan adopted by the Council (maximum total numbers of persons to be admitted, the contributions of Member States to this number and the overall geographical priorities);
- > voluntary contribution of Member States to this plan;
- > two types of admission: resettlement and humanitarian admission;
- > common procedure, eligibility criteria and grounds for refusing admission, as well as common principles regarding the status to be granted to admitted persons;
- > acknowledgement of the UNCHR expertise in the field.



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EP supporting analysis

[Refugee and asylum policy in Australia: Between resettlement and deterrence](#), European Parliament, EPRS, November 2016.

[EU cooperation with third countries in the field of migration](#), European Parliament, Policy Department C, October 2015.

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