

Resettlement of refugees: EU framework

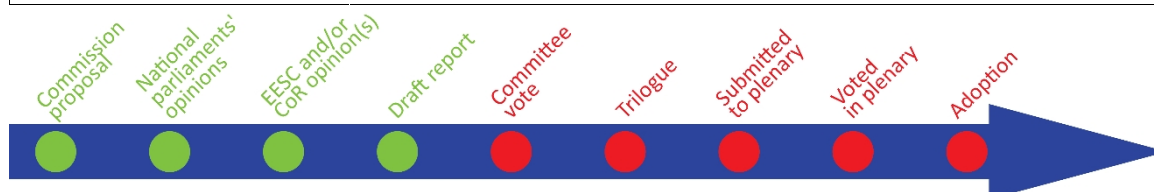
OVERVIEW

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

<i>Committee responsible:</i>	Civil Liberties, Justice and Home Affairs (LIBE)	COM(2016) 468
<i>Rapporteur:</i>	Malin Björk (GUE/NGL, Sweden)	13.7.2016
<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) Gilles Lebreton (ENF, France)	2016/225(COD) Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Vote on draft report in LIBE Committee	



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 2017, it is estimated that over 1.9 million [refugees](#) globally will be in need of resettlement, which is a 72 % increase from the estimated need in 2014 (691 000 persons).

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 latest [report](#), for the first half of 2016, confirms the continuation of this trend, with more than 81 100 refugees being submitted to 34 resettlement states. During this period, Syrian refugees were the largest group (close to 45 000) to be submitted, in particular to the United States of America (21 600) and Canada (10 400). UNHCR also [estimates](#) that 'at least 10 % of the 4.8 million refugees in countries neighbouring Syria will need resettling or other humanitarian help to safely move elsewhere before the end of 2018'.

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 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](#)) 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 Recommendation 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.

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 March 2017 [report](#), a total of 3 565 Syrians were 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 2015 there were 8 155 third-country nationals resettled in the EU, which is an increase compared to 6 525 in 2014. The Commission [report](#) on relocation and resettlement of April 2017 confirms the progress achieved, as out of 22 504 resettlements agreed on 20 July 2015, 15 492 persons have been resettled to 21 states. However, the report also calls on the Member States which have not yet resettled under the existing EU-level schemes (Bulgaria, Cyprus, Greece, Croatia, Malta, Poland, Romania, Slovakia and Slovenia) or which have not reported any progress and are still far from reaching their targets (the Czech Republic, Denmark and Portugal), to step up their efforts. The low level of resettled people in some Member States 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 the departure of resettlement candidates, and also lack of political will among Member States as people continued to arrive in the EU irregularly along the Western Balkan route.

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 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.

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' views

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'.

[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 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.

According to the draft report, complementarity is the key as regards resettlement. Resettlement should be recognised as complementary to other legal and safe routes to international protection, such as humanitarian visas, extended family reunification and humanitarian admission programmes. Similarly, the EU resettlement framework should complement other international structures for resettlement, and so build upon the work of UNHCR, as well as support Member States' national resettlement programmes, including by retaining the allocation of €6 000 from the AMIF fund for every person resettled.

The EU resettlement framework should not depend on third countries' cooperation on migration but should instead be based on humanitarian needs, contribute to global resettlement needs and serve as a protection tool. In this sense, UNHCR should act as the main institution for referring resettlement cases to Member States.

As regards concrete numbers, the EU Member States host 8 % of the world's refugees, which, according to the rapporteur, is few compared to, for example, the USA, and not enough to reduce the burden on developing countries. She therefore suggests that the EU framework should target the resettling, as a minimum, of 25 % of the annual projected global resettlement needs as defined by UNHCR.

As regards resettlement as a durable solution, the draft report suggests Member States should provide resettled persons with residence permits of permanent or unlimited validity, on terms that are more favourable than provided for in the current legislation.

The Committee is expected to adopt its report in June 2017.

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.

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.

[Enhancing the Common European Asylum System and alternatives to Dublin](#), European Parliament, Policy Department C, July 2015.

[Comparative study on the best practices for the integration of resettled refugees in the EU Member States](#), European Parliament, Policy Department C, March 2013.

Other sources

[Union resettlement framework](#), European Parliament, Legislative Observatory (OELI).

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