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**COMMISSION RECOMMENDATION**

**of **XXX****

**on a European resettlement scheme**

*This is a provisional version, which was politically approved at the meeting of the Commission of 27 May. It is published for information purposes only. The recommendation will be formally adopted when the document will be available in all official languages.*

## COMMISSION RECOMMENDATION

of **XXX**

### on a European resettlement scheme

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union and in particular Article 292 fourth sentence thereof,

Whereas:

- (1) The European Council meeting in extraordinary session on 23 April 2015 recalled the seriousness of the situation in the Mediterranean and expressed its determination that the Union should mobilise all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the humanitarian emergency. The European Council further committed to set up a first voluntary pilot project on resettlement across the Union, offering places to persons qualifying for protection<sup>1</sup>.
- (2) In its resolution of 29 April 2015, the European Parliament called upon the Member States to make greater contributions to existing resettlement programmes and stressed the need to ensure safe and legal access to the Union asylum system<sup>2</sup>.
- (3) There is currently a significant imbalance between Member States as regards the commitment to resettle persons. Only fifteen Member States and three Associated States have a resettlement programme (with one further Member State announcing the start of a resettlement programme), three Member States and one Associated State have carried out resettlement on an ad hoc basis, while the others do not engage in resettlement at all.
- (4) In 2014, the number of asylum applicants in the Union reached a peak of 626 000, while 6 380 third country nationals in need of international protection were resettled in the Union<sup>3</sup>. The number of refugees, asylum-seekers and internally displaced people worldwide in 2013 exceeded 50 million people, for the first time since World War II<sup>4</sup>.
- (5) The Justice and Home Affairs Council Conclusions of 10 October 2014 acknowledged that "[...] while taking into account the efforts carried out by Member States affected by migratory flows, all Member States should give their contribution to [resettlement] in a fair and balanced manner."<sup>5</sup>

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<sup>1</sup> Point 3, q), European Council Statement, 23 April 2015, EUCO 18/15.

<sup>2</sup> Points 8 and 10, European Parliament Resolution, 29 April 2015, 2015/2660(RSP).

<sup>3</sup> Source: Eurostat.

<sup>4</sup> Source: Global Trend 2013 Report, UNHCR.

<sup>5</sup> Council conclusions on "Taking action to better manage migratory flows", Justice and Home Affairs Council meeting, 10 October 2014.

- (6) On 13 May 2015, the Commission presented a comprehensive European Agenda on Migration<sup>6</sup> that, inter alia, defines a set of immediate measures tailored to respond to the human tragedy in the whole of the Mediterranean.
- (7) To avoid displaced persons in need of protection having to resort to the criminal networks of smugglers and traffickers, the Agenda calls the European Union to step up its resettlement efforts. Accordingly, the Commission is making this Recommendation proposing for an EU-wide resettlement scheme to offer 20 000 places on the basis of a distribution key.
- (8) In case Associated States decide to participate, the distribution key and allocations per each Member State and participating Associated State would be adapted accordingly.
- (9) In the light of previous discussions during a dedicated meeting of the Resettlement and Relocation Forum on 25 November 2014, the distribution key should be based on a) the size of the population (40% weighting), b) the total GDP (40% weighting), c) the average number of spontaneous asylum applications and the number of resettled refugees per one million inhabitants over the period 2010-2014 (10% weighting), and d) the unemployment rate (10% weighting).
- (10) A total of 20 000 persons should be admitted to the Union during a two-year period of implementation of this scheme by the Member States. The responsibility for hosting such persons should lie solely with the participating States, in line with the relevant Union and international rules. This corresponds to the call by the United Nations High Commissioner for Refugees (UNHCR) who urged European countries to make larger commitments to receive refugees through sustainable resettlement programmes, endorsing the campaign led by the International Organisation for Migration and five non-governmental organisations.
- (11) In identifying the priority regions, the situation in the neighbourhood and the current migratory flows should be taken into account, in particular the link with the Regional Development and Protection Programmes in the Middle East, North Africa and the Horn of Africa.
- (12) The experience and expertise of the UNHCR and other relevant bodies, including the European Asylum Support Office, should be called upon to assist in the implementation of the resettlement scheme.
- (13) Measures should be taken in order to avoid secondary movements of resettled persons from the State of resettlement to other Member States and participating Associated States.
- (14) The Commission envisages contributing to the scheme by making available an extra EUR 50 million in the years 2015 and 2016 under the Union Resettlement Programme, set out in Article 17 of Regulation (EU) No 516/2014 of the European Parliament and of the Council<sup>7</sup>. In order to optimise the use of the financial incentives, the Commission will adjust the lump sums and resettlement priorities provided for in that

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<sup>6</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European Agenda on Migration, 13 May 2015, COM(2015) 240 final.

<sup>7</sup> Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

programme through a delegated act, in accordance with Article 17 (4) and (10) of Regulation (EU) No 516/2014. In case the Associated States decide to participate in the resettlement scheme, they could not benefit from lump sums under Regulation (EU) No 516/2014 in compensation for their pledges.

HAS ADOPTED THIS RECOMMENDATION:

#### EUROPEAN RESETTLEMENT SCHEME

1. The Commission recommends that Member State resettle 20 000 people in need of international protection on the basis of the conditions and the distribution key laid down in this Recommendation.

#### DEFINITION AND SCOPE OF THE RESETTLEMENT SCHEME

2. 'Resettlement' means the transfer of individual displaced persons in clear need of international protection, on request of the United Nations High Commissioner for Refugees, from a third country to a Member State, in agreement with the latter, with the objective of protecting against refoulement and admitting and granting the right to stay and any other rights similar to those granted to a beneficiary of international protection.
3. The European resettlement scheme should cover all Member States.

#### CONTENT OF THE RESETTLEMENT SCHEME

4. The scheme should consist of a single European pledge of 20 000 resettlement places for persons to be resettled. The duration of the scheme should be two years from the date of the adoption of the Recommendation.
5. The overall pledged resettlement places should be allocated to Member States in accordance with the distribution key in the Annex. In case Associated States decide to participate in the scheme, the distribution key would be adapted accordingly.
6. The priority regions for resettlement should include North Africa, the Middle East, and the Horn of Africa, focusing in particular on the countries where the Regional Development and Protection Programmes are implemented.
7. Member States and the participating Associated States should remain responsible for individual admission decisions, following adequate medical and security checks, while the United Nations High Commissioner for Refugees should be responsible for the assessment of candidates for resettlement in the priority regions and submitting proposals for resettlement to the Member States and the participating Associated States.
8. When a resettled person is admitted to the territory of a Member State or a participating Associated State, that State should conduct a formal procedure for international protection, including the taking of fingerprints, in a swift manner and in accordance with the applicable legislation, in particular Regulation (EU) No 603/2013 of the European Parliament and of the Council<sup>8</sup>, Directive 2011/95/EU of the

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<sup>8</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac

European Parliament and of the Council<sup>9</sup>, Council Directive 2005/85/EC<sup>10</sup>, Council Directive 2003/9/EC<sup>11</sup>, and, as from 20 July 2015 Directives 2013/32/EU<sup>12</sup> and 2013/33/EU of the European Parliament and of the Council<sup>13</sup>.

9. After this process, where international protection or national protection status is granted by a Member State to a resettled person, that person should enjoy, in the resettling Member State, the rights guaranteed to beneficiaries of international protection by Directive 2011/95/EU or similar rights guaranteed by national law. In that context, free movement within the Union should be submitted to the same conditions and restrictions applicable to other third country nationals legally resident in the Member States. In the case of participating Associated States, equivalent national legislation should apply.
10. Candidates for resettlement should be informed of their rights and obligations, under the resettlement scheme as well as under relevant Union and national asylum legislation, prior to their admission to the territory of the Member States or of participating Associated States, in particular of the consequences of onward movement within the Union and/or participating Associated States and of the fact that they are only entitled to the rights attached to international protection or national protection status in the State of resettlement.
11. Resettled persons who enter into the territory of a Member State or of a participating Associated State other than the State of resettlement without authorisation, either pending the completion of the formal international protection procedure or after granting of international protection, should be sent back to the State of resettlement, pursuant to the rules laid down in Regulation (EU) No 604/2013 and Directive 2008/115/EC of the European Parliament and of the Council<sup>14</sup>.
12. Practical involvement of the European Asylum Support Office in the implementation of the scheme should be ensured, in particular, to provide special support to Member States and to participating Associated States, especially those which have no prior experience with resettlement. The European Asylum Support Office should monitor the implementation of the scheme and report regularly on the implementation.
13. Member States should be entitled to receive a financial allocation in proportion of the number of persons resettled in their territory in accordance with the lump sums set out

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data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, OJ L 180, 29.6.2013, p.1.

<sup>9</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337, 20.12.2011, p.9.

<sup>10</sup> Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, OJ L 326, 13.12.2005, p.13.

<sup>11</sup> Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers OJ L 31, 6.2.2003, p. 18.

<sup>12</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection OJ L 180, 29.6.2013, p. 60.

<sup>13</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013, p. 96.

<sup>14</sup> Article 6(2) of Directive 2008/115/EC, of 16 December 2008, on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.

in Article 17 of Regulation (EU) No 516/2014, as adjusted by Commission Delegated Regulation (EU) No xxx/2015<sup>15</sup>.

ADDRESSEES

14. This Recommendation is addressed to the Member States.

Done at Brussels,

*For the Commission*

*Member of the Commission*

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<sup>15</sup> Still to be tabled.