

# Resettlement of refugees: EU framework

## OVERVIEW

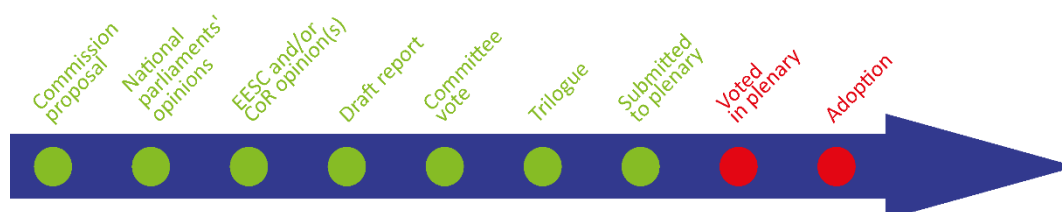
On 13 July 2016, as part of the reform of the common European asylum system and the long-term policy on better migration management, the European Commission presented a proposal to provide for a permanent framework with standard common procedures for resettlement across the EU, to complement current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

Resettlement is a 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 that includes selection and transfer of refugees from a country where they seek protection to another country. In addition to providing refugees with international protection, its aim is to strengthen solidarity and responsibility-sharing between countries. For a resettlement to take place, the United Nations Refugee Agency has to determine an applicant is a refugee according to the 1951 Geneva Convention, and has to identify resettlement as the most appropriate solution.

Although the European Parliament and the Council reached a partial provisional agreement on the proposal in summer 2018, the Council was unable to endorse it, nor could it agree on a mandate for further negotiations. The co-legislators finally reached an agreement on 15 December 2022. On 8 February 2024, Coreper approved the provisional agreement, which will now have to be formally adopted by both institutions before it can enter into force.

### 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 13.7.2016
<i>Rapporteur:</i>	Malin Björk (GUE/NGL, Sweden)	2016/0225(COD)
<i>Shadow rapporteurs:</i>	Tomáš Zdechovský (EPP, Czechia) Thijs Reuten (S&D, the Netherlands) Abir Al-Sahlani (Renew, Sweden) Tineke Strik (Greens/EFA, the Netherlands) Jorge Buxadé Villalba (ECR, Spain) Jean-Paul Garraud (ID, France)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	First-reading vote in plenary	



## Introduction

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.

The number of refugees worldwide continues to rise, owing 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 2019, it was estimated that close to 1.4 million [refugees](#) globally would be in need of resettlement, with Syrian refugees representing, for a third consecutive year, the population with the highest global resettlement needs (42 %). According to the projected global resettlement needs assessment for [2024](#), over 2.4 million refugees will be in need of resettlement – a 20 % increase compared with [2023](#).

The number of countries offering resettlement or humanitarian admission as part of UNHCR's resettlement programme is increasing, as evidenced by the UNHCR [report](#) 'Global trends – Forced displacements in 2015' (33 states in 2015, compared with 27 in 2014). The [report](#) for 2016 confirmed this trend, with 189 300 refugees being resettled in 37 countries. 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). However, the trend in resettlement quotas was reversed in 2017, because of declining global resettlement opportunities; 102 800 refugees were admitted to third countries for resettlement in 2017, representing a 46 % drop. According to the 2022 global trends [report](#), 114 300 refugees were resettled in total, with Canada (47 600), the United States (29 000) and Australia (17 300) admitting the largest numbers.

## Context

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 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 become eventually 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 must 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](#), although 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, which examine the submission on a dossier or in an interview with the applicant through selection missions in the country of first asylum.

## Existing situation

The current EU resettlement policy is set out in Article 19 of Regulation (EU) 2021/1147 on the Asylum, Migration and Integration Fund ([AMIF](#)).

AMIF supports specific objectives, such as actions related to EU resettlement<sup>1</sup> programmes or national resettlement and humanitarian admission<sup>2</sup> schemes, including the conducting of procedures for their implementation. It also supports voluntary implementation of national resettlement schemes. Member States must receive an amount of €10 000 for each person admitted through resettlement and an amount of €6 000 for each person admitted on humanitarian grounds. A sum of €8 000 is provided for humanitarian admission for vulnerable groups, such as women and children at risk, unaccompanied minors, persons with medical needs that can only be met through humanitarian admission, or persons in need of humanitarian admission for legal or physical protection needs, including victims of violence or torture.

The resettlement framework does not entail common rules and procedures. It is mostly a compilation of national or multilateral programmes and procedures, which, according to a [report](#) by the European Migration Network (EMN), are implemented in most Member States. A timetable according to which resettlement should be carried out does not exist, while Member States vary in their commitment to resettlement in terms of 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, and the number of places available for resettlement. As regards humanitarian admission, the report mentions that about half of the Member States carried out humanitarian admission schemes in the years 2016 to 2022. Most of those were linked to the [EU's response](#) to evacuate Afghan nationals and their families following the fall of the Afghan government in 2021.

All initiatives developed so far have been [ad hoc](#) and based on a voluntary approach, as Member 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 humanitarian admission, or increase their quotas.

According to [Eurostat](#), since 2014, resettlements in the EU-27 have been increasing steadily year after year, peaking at 22 000 in 2019. Exceptionally, there was a sharp drop in resettlements in 2020 because of COVID-19 restrictive measures. When restrictions were lifted in 2021, the number of resettled persons in the EU-27 almost doubled. However, Eurostat data also show that some Member States have not yet resettled anyone. According to the Commission, this is due to [various 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 a lack of political will among Member States.

In [2023](#), 17 Member States pledged more than 29 000 places for resettlement and humanitarian admission. Under the 2024-2025 EU resettlement and humanitarian admission [scheme](#), 14 Member States provided almost 61 000 pledges for resettlement and humanitarian admission.

## 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 implementing 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 with 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 EU 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 a June 2015 Commission [recommendation](#). The Member States decide how many people they will resettle each year. To implement 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, the International Organization for Migration and the 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 EU citizens legally resident in a Member State.

## Advisory committees

The European Economic and Social Committee (EESC) adopted its [opinion](#) on an EU 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 EESC 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 European Committee of the Regions (CoR) 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 EU 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. The CoR also recommends reconsidering the decision to exclude from resettlement applicants who had entered the EU irregularly during the past 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.

## Stakeholder views<sup>3</sup>

[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 increase resettlement numbers significantly 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 who attempted to reach the EU irregularly in the past five years. An expert from [Eurasyllum](#), an international think-tank specialising in migration and asylum, [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, according to the organisation, because of 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 Civil Liberties, Justice and Home Affairs (LIBE) committee under the rapporteurship of Malin Björk (GUE/NGL, Sweden). The rapporteur presented her [draftreport](#) on 12 April 2017.

On 25 October 2017, Parliament's 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.

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 an EU 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 AMIF 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 Council's Asylum Working Party of the Council, and a first exchange of views took place. There was general support for the proposal, although 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 proposed EU 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. Member States' main [concerns](#), 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 European Parliament. According to the Council, those parts of the text that relate to other files of the common European asylum system 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);
- Member States' voluntary contribution 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.

## Trilogue

Interinstitutional negotiations started in December 2017. A partial provisional agreement was reached on 13 June 2018 between Parliament and the Council, under the Bulgarian Presidency. However, as Coreper did not finally endorse that agreement, the subsequent Austrian Presidency continued negotiations at the technical level within the Council. In informal contacts with Parliament, it became clear that Parliament stood by the provisional agreement reached in June 2018 and did not wish to reopen negotiations.

Both the Council and Parliament were treating the file as part of the overall [asylum package](#), which meant that final approval of the agreed text of the present proposal would depend on the outcome of negotiations on the other proposals in the package.

The European Council [conclusions](#) of 13-14 December 2018 called 'for further efforts to conclude negotiations on all parts of the Common European Asylum System', while the European Commission in a [communication](#) of 4 December 2018 called on the Member States and Parliament to transform the broad agreement already found on the proposal into final adoption.

On 15 December 2022, more than four years after the provisional agreement, the European Parliament and the Council reached a final agreement on the regulation on resettlement, largely based on the text agreed in 2018. On 8 February 2024, Coreper [approved](#) the provisional agreement. The [text](#) will now have to be formally adopted by Parliament and the Council before it can be published in the Official Journal of the EU and enter into force.

## EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

García Andrade P. and Martín I., [EU cooperation with third countries in the field of migration](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2015.

Papadopoulou A., Treviranus B., Moritz T. and Fandrich C. M., [Comparative study on the best practices for the integration of resettled refugees in the EU Member States](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2013.

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

## OTHER SOURCES

European Parliament, [EU resettlement framework](#), Legislative Observatory (OEIL).

## ENDNOTES

- <sup>1</sup> 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 or stateless persons from a third country to which they have been displaced are transferred to the territory of a Member State where they receive international protection and have access to a durable solution in accordance with Union and national law (AMIF Regulation).
- <sup>2</sup> Humanitarian admission means 'the admission following, where requested by a Member State, a referral from the European Asylum Support Office (EASO), the United Nations High Commissioner for Refugees ("UNHCR"), or another relevant international body, of third-country nationals or stateless persons from a third country to which they have been forcibly displaced to the territory of the Member States, and who are granted international protection or a humanitarian status under national law that provides for rights and obligations equivalent to those of Articles 20 to 34 of Directive 2011/95/EU for beneficiaries of subsidiary protection' (AMIF Regulation).
- <sup>3</sup> 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 'European Parliament supporting analysis'.

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