Asylum, Migration and Integration Fund (AMIF) 2014-2020

2011/0366(COD) - 15/11/2011 - Legislative proposal

PURPOSE: to establish a Asylum and Migration Fund which takes over from the European Refugee Fund, the European Fund for the Integration of third-country nationals and the European Return Fund of the previous programming period.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the policies relating to the Area of Freedom, Security and Justice have been growing steadily over the last years. Their importance has been confirmed by the Stockholm Programme and its Action Plan, the implementation of which is a strategic priority for the next five years and covers areas such as migration (legal migration and integration; asylum; irregular migration and return), security (prevention of and fight against terrorism and organised crime; police cooperation) and management of the external borders (including visa policy), as well as the external dimension of these policies.

The Commission adopted a proposal for the next Multi-Annual Financial Framework for the period 2014-2020: a budget for delivering the Europe 2020 strategy. In the area of home affairs policies, covering security, migration and the management of external borders, the Commission proposed to simplify the structure of the expenditure instruments by reducing the number of programmes to a two pillar structure: an Asylum and Migration Fund and an Internal Security Fund.

This Regulation establishes the Asylum and Migration Fund which draws on the capacity building process developed with the assistance of the European Refugee Fund4, the European Fund for the Integration of third-country nationals5 and the European Return Fund and extends it to cover more comprehensively **different aspects of the common Union asylum and immigration policy**.

Recent events at the Greek/Turkish border and in the Southern Mediterranean have also demonstrated how important it is for the Union to have a **comprehensive approach to migration**, covering various aspects such as:

- strengthened border management and Schengen governance,
- better targeted legal migration,
- enhanced dissemination of best practices on integration,
- a reinforced Common European Asylum System,
- and a more strategic approach to relations with third countries on migration.

IMPACT ASSESSMENT: in accordance with the greater emphasis placed on evaluation as a tool to inform policy making, this proposal is informed by evaluation results, stakeholder consultation and impact assessment.

Work on the preparation of the future financial instruments for home affairs started in 2010 and continued into 2011. It was completed in July 2011 and brought together available evaluation results for the existing financial instruments and informed the problems, objectives and policy options, including their likely impact, examined in the impact assessment.

On the basis of this study, the Commission drafted an **impact assessment report**. The main conclusion may be summarised as follows:

- to **broaden the scope of action for Union funding in the field of asylum and migration**, including as regards its external dimension,

- to work towards more **simplification of delivery mechanisms and greater flexibility**, notably to respond to emergencies.

In the area of asylum and migration, stakeholders considered that the broad thematic priorities have already been fixed by the Stockholm Programme and its Action Plan.

There was broad support to reduce the number of financial instruments to a **two-Fund structure** on the condition that this would actually lead to simplification.

LEGAL BASIS: Articles 78(2) and 79(2) and (4) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed Regulation establishes for the period from 1 January 2014 to 31 December 2020 the Asylum and Migration Fund.

General objective: the general objective of the Fund shall be to contribute to an effective management of migration flows in the Union as part of the area of freedom, security and justice, in accordance with the common policy on asylum, subsidiary protection and temporary protection and the common immigration policy.

Specific objectives: within its general objective, the Fund shall contribute to the following specific objectives:

- to strengthen and develop the **Common European Asylum System**, including its external dimension;
- to **support legal migration to the Union** in line with the economic and social needs of Member States and promote the effective integration of third-country nationals, including of asylum seekers and beneficiaries of international protection;
- to **enhance fair and effective return strategies** in the Member States with emphasis on sustainability of return and effective readmission in the countries of origin;
- to **enhance the solidarity and responsibility sharing between the Member States**, in particular towards those most affected by migration and asylum flows.

For each of these objectives, key indicators are defined.

Actions in or in relation to third countries: the Fund shall support actions catering primarily for Union interests, having a direct impact in the Union and its Member States and ensuring a necessary continuity with activities implemented in the territory of the Union. **Actions that are directly development oriented shall not be supported through this Fund**. In implementing such actions, full coherence will be sought with the principles and general objectives of the Union external action related to the country or region in question.

Implementation: the specific implementing measures are laid down in a separate Regulation (Horizontal Regulation).

Resources for Member States: the most important part of the resources available under the Fund will be channelled through national programmes of Member States covering the whole period 2014-2020.

For this purpose, the amount of resources to be allocated to the Member States within the Fund will be composed of a **basic amount and a variable amount**.

Following a mid-term review an additional amount may be allocated as of budget year 2018.

(1) Basic amount: the basic amount is established on the basis of latest available statistical data relating to the migration flows, such as the number of first asylum applications, positive decisions granting refugee or subsidiary protection, number of resettled refugees, stock and flows of legally residing third-country nationals, number of return decisions issued by the national authorities and the number of effected returns. Those data are the same as those used so far for the calculation of allocations under the European Refugee Fund, the European Fund for the Integration of third-country nationals and the European Return Fund. In order to ensure critical mass for the implementation of national programmes, EUR 5 million is added as a minimum amount to each Member State.

The basic amounts earmarked to individual Member States will serve as a basis to start the policy dialogue, followed by the multiannual programming, to support, on the hand, a limited number of compulsory objectives (e.g. strengthening the establishment of Common European Asylum System by ensuring the efficient and uniform application of the Union *acquis* on asylum or developing an assisted voluntary return programme including a component on reintegration) and, on the other hand, to address the specific needs of each Member State.

(2) Variable amount: the variable amount will be allocated following the policy dialogue mentioned above to those Member States willing to work in those operational fields which depend on their political commitment and willingness to act, or ability to cooperate with other Member States. This will be the case for the implementation of specific actions such as for:

- instance joint processing of asylum applications,
- joint return operations,
- setting up of joint migration centres,
- the implementation of resettlement and relocation operations.

As regards resettlement: Member States will receive financial incentives (lump sums) every two years on the basis of their pledging which will follow the establishment of common Union resettlement priorities. These will be the result of a political process involving in particular the European Parliament and the Council and reflecting the policy developments at national and Union level. Through these financial incentives, two objectives are to be achieved: a quantitative one, i.e. to increase significantly the current resettlement figures which are too small, and a qualitative one, i.e. to strengthen the European dimension through the implementation of defined and dynamic common Union resettlement priorities.

Moreover, based on a similar pledging exercise and at regular intervals, Member States will receive financial incentives (lump sums) for **relocation** of beneficiaries of international protection.

Mid-term allocation: a part of available resources will be kept for mid-term review. This will, on the one hand, allow allocating additional amounts to those Member States undergoing significant changes in migration flows and presenting specific needs concerning their asylum and reception systems and, on the other hand, to allocate additional amounts to those Member States willing to implement specific actions. The latter may be revised in line with the most recent policy developments.

Union Agencies: to use more effectively the competence and expertise of relevant Union agencies in the home affairs field, the Commission also envisages to make use of the possibility offered by the Financial

Regulation to entrust, within the resources available under this Regulation, the implementation of specific tasks to such agencies, in the framework of their missions and in complementarity with their work programmes.

For the tasks covered by this Regulation this concerns in particular the European Asylum Support Office (EASO) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex Agency) for activities in and outside the EU requiring operational expertise on issues related to asylum and irregular immigration, respectively.

DELEGATED ACTS: in order to supplement or amend provisions of this Regulation on the **lump sums for resettlement and relocation, the definition of specific actions and of common Union resettlement priorities**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The

Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

BUDGETARY IMPLICATION: the Commission's proposal for a Multi-Annual Financial Framework includes a proposal of EUR 3 869 million (in current prices) for Asylum and Migration Fund for the period 2014-2020. Indicatively more than 80% of this amount (EUR 3 232 million) should be used for national programmes of Member States while EUR 637 million should be centrally managed by the Commission to fund Union actions, emergency assistance, European Migration Network, technical assistance and the implementation of specific operational tasks by Union agencies.