

EU resettlement framework

2016/0225(COD) - 13/07/2016 - Legislative proposal

PURPOSE: to establish a Union Resettlement Framework and amending [Regulation \(EU\) No 516/2014](#) of the European Parliament and the Council establishing the Asylum, Migration and Integration Fund (AMIF).

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Union is working towards an integrated, sustainable and holistic migration policy, based on solidarity and fair sharing of responsibilities, which can function effectively both in times of calm and crisis. The [European Agenda on Migration](#) laid the foundation for the Commission's continuous work to address both the immediate and the long-term challenges of **managing migration flows** effectively and comprehensively. It is a tool of international solidarity and responsibility sharing with third countries to which or within which a large number of persons in need of international protection has been displaced.

The United Nations High Commissioner for Refugees (UNHCR) estimates that the number of people in need of resettlement in 2017 will surpass 1.19 million worldwide, while only approximately 80 000 persons were resettled worldwide in 2015. UNHCR has over the past years urged the Union and its Member States to increase commitments to receive refugees through sustainable resettlement programmes, among others, by endorsing the 2012 campaign led by the International Organisation for Migration (IOM) and five non-governmental organisations active in the field of refugee protection, to **resettle 20 000 people every year by 2020**.

Against this backdrop, the Commission aims to create a more structured, harmonised, and permanent framework for resettlement across the Union. Based on the experience gained through national resettlement programmes, this legislative proposal aims to establish a Union Resettlement Framework with the objective to facilitate the Union policy on resettlement and provide for a collective and harmonised approach with a unified procedure.

To ensure compatibility with the asylum acquis, **persons selected for resettlement should be granted international protection**. Accordingly, the provisions on the content of international protection contained in the asylum acquis should apply once resettled persons are on the territory of the Member States.

The proposed Regulation is an essential part of the **Common European Asylum System** and is fully consistent with the first package of legislative proposals to reform it:

a [proposal replacing the Asylum Procedures Directive](#) with a Regulation, harmonising the current disparate procedural arrangements in all Member States and creating a genuine common procedure;

a [proposal replacing the Qualification Directive with a Regulation](#), setting uniform standards for the recognition of persons in need of protection and the rights granted to beneficiaries of international protection;

a [proposal revising the Reception Conditions Directive](#);

CONTENT: the proposal establishes a **Union Resettlement Framework** for the annual resettlement of a certain number of third-country nationals or stateless persons to the territory of the Member States.

The main elements of the proposal are:

- **Resettlement:** this means the admission to the territory of the Member States of third country nationals in need of international protection who have been displaced from or within their country of nationality, for the purpose of granting them international protection.

- **Regions or third countries from which resettlement is to occur:** in the implementing acts establishing targeted Union resettlement schemes and the annual Union resettlement plans, the Commission and the Council shall, when specifying the regions or third countries from which resettlement shall take place, take into account a number of factors which indicate the situation of persons in need of protection, the countries from which resettlement should take place, and the number of persons in need of international protection displaced to or within the specific regions or third countries.

- **Persons to be resettled:** this legislative proposal sets out eligibility criteria and exclusion grounds for persons who may be considered for resettlement. This proposal does not create any right to be admitted to the territory of the Member States for the purpose of being granted international protection.

- **Eligibility:** the possibility for resettlement is foreseen for those third-country nationals or stateless persons who have been displaced not only to another country but also within their own country due to a well-founded fear of persecution or due to substantial grounds for believing that they would face a real risk of suffering serious harm. Persons falling within at least one of the following vulnerability categories – women and girls at risk; children and adolescents at risk, including unaccompanied children; survivors of violence; and persons with socioeconomic vulnerability – shall be eligible for resettlement under the targeted Union resettlement schemes. **Persons with family links** to third-country nationals or stateless persons or Union citizens **legally residing in a Member State** or who are dependent on them shall also be eligible. The inclusion of persons with socio-economic vulnerability and those with family links widens the classical resettlement categories ordinarily conducted through the UNHCR referral and follows the approach agreed within the Standard Operating Procedures guiding the implementation of the resettlement scheme with Turkey.

- **Exclusion:** Member States should not resettle third-country nationals or stateless persons who do not meet the eligibility criteria or who fall within the scope of an obligatory exclusion ground. The obligatory exclusion grounds comprise: (a) the exclusion grounds of the Qualification Regulation – those applying to persons otherwise eligible for subsidiary protection are also to be applied to persons qualifying as refugees; (b) the grounds for refusing entry at the border, (c) the grounds for not renewing or for revoking a residence permit in accordance with the Qualification Regulation. Persons who have irregularly entered, irregularly stayed in, or **attempted to irregularly enter into the territory of the Member States during the last five years prior to resettlement** shall also be excluded. Persons to be excluded from resettlement include also those already resettled by another Member State under a targeted Union resettlement scheme or in the implementation of the existing Union resettlement initiatives. Exclusion also applies to third country nationals and stateless persons whom a Member State has during the last five years prior to resettlement refused to resettle.

- **Standard Resettlement Procedures:** this proposal sets common standard procedures building on the existing resettlement experience respecting two types of standard resettlement procedures:

1. Ordinary procedure: the ordinary procedure is based on a full refugee status determination in the third country and on Member States granting to the resettled third-country nationals or stateless persons, preferably, refugee status, or subsidiary status. The procedure should be conducted as soon as possible and

within eight months from the moment when Member States have registered the third-country nationals or stateless persons. This period may be extended by four months.

The proposal details the different steps in the procedure which include: (i) Member States **identify** persons for whom they intend to conduct the resettlement procedure either through the referral by UNHCR, or where applicable, the [European Union Agency for Asylum] or relevant international bodies, or by themselves, without such referral;

(ii) after **registering** the third-country nationals or the stateless persons for whom they intend to conduct the resettlement procedure, Member States will **assess** whether these persons meet the eligibility criteria; (iii) in case of a **positive decision** Member States will grant to the persons to be resettled refugee status or subsidiary protection status. After a positive decision, Member States will offer to make all arrangements necessary for the departure of the third-country nationals or the stateless persons and, with a view to facilitating a rapid, smooth, and effective integration into the host society, offer a pre-departure orientation programme.

Resettlement should be the preferred avenue to international protection in the territory of the Member States and should not be duplicated by an asylum procedure. Accordingly, applications for international protection of persons resettled via an ordinary procedure, for whom a full assessment of their qualification as a refugee and eligibility as a beneficiary of subsidiary protection has been conducted, would not be admissible.

2. Expedited procedure: the expedited procedure is provided in cases where there are **specific humanitarian grounds or urgent legal or physical protection needs**, which warrant a rapid admission of third-country nationals or stateless persons to the territory of the Member States. Such a procedure should be conducted as soon as possible and within 4 four months from the moment when Member States have registered the third-country nationals or stateless persons. This period may be extended by two months.

While the same level of security checks should be conducted as in the ordinary procedure, the assessment of the international protection needs of third-country nationals or stateless persons should be limited to an assessment of their eligibility for subsidiary protection without assessing their qualification for refugee status.

In contrast with what applies in the case of the ordinary procedure, when persons are resettled through an expedited procedure, without a refugee qualification assessment being made, they should upon admission to the resettling Member State be admissible to apply for **international protection**. The Member State to which the person has been resettled should be responsible for the examination of such an application (the Asylum Procedures Regulation should foresee that Member States do not apply the first country of asylum and safe third country concepts when examining the application).

- **Decision-making procedures:** this proposal sets a framework which is intended to structure the way in which the Union will implement resettlement commitments. To be able to react to shifting migration flows and evolving international circumstances, however, the framework as such does not determine a number of variable elements, namely the scale of resettlement and the specific third countries or regions from which resettlement shall take place.

It is provided that:

A High-Level Resettlement Committee chaired by the Commission will be established to provide political guidance for the implementation of the Union Resettlement Framework. Representatives of the European Parliament, the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, and the Member States will take part in the committee as well as

representatives of Iceland, Liechtenstein, Norway, and Switzerland if these Associated States have indicated their intention to be associated with the implementation of the annual Union Resettlement Framework;

Council Implementing Act establishing an annual Union resettlement plan which determines the maximum total number of persons to be resettled and the number of persons each Member States is to resettle within this total;

Commission Implementing Act establishing a targeted Union resettlement scheme to be adopted by the Council and also taking into account the discussions within the High-Level Resettlement Committee. For each targeted Union resettlement scheme the Commission will set out a detailed justification, the precise number out of the total number of persons to be resettled and participation of the Member States as set out in the annual Union resettlement plan, as well as a description of the target group(s) of third-country nationals or stateless persons to be resettled and list a specific geographical area covering one or more third countries from which resettlement will take place. An ordinary procedure should be seen as the norm, unless an expedited procedure is warranted on humanitarian grounds.

- **Cooperation:** cooperation among various stakeholders is essential, including with the third countries, from which resettlement occurs. Given the expertise of the UNHCR in facilitating the different forms of admission of persons in need of international protection from third countries, to which they have been displaced to States willing to admit them, the UNHCR will continue to play a key role in resettlement under this proposal. Member States may also request other partners such as IOM or civil society organisations to assist them.

- **Evaluation and Review:** the Commission shall report on the application of this Regulation to the European Parliament and to the Council in due time for the review of this Regulation. The timing of the review of this legislative proposal should be aligned with that of Regulation (EU) No 516/2014 establishing the Asylum, Migration and Integration Fund due to close links between the two acts.

Territorial provisions: in accordance with Protocol No 21 on the position of the United Kingdom and Ireland shall not take part in the adoption of this proposal but may decide, at any time after its adoption, that they accept that measure.

The same goes for Denmark, in accordance with Protocol No 22 as regards Denmark's position, annexed to the TFEU.

Iceland, Norway, Switzerland and Liechtenstein may decide to voluntarily participate in the Union Resettlement Framework established by this Regulation.

BUDGETARY IMPLICATIONS: for each resettled person under this proposal Member States taking part in the AMIF will be entitled to **EUR 10 000 from the Union's budget**. The maximum total number of persons to be resettled to the Union each year will be determined through Council implementing acts establishing annual Union resettlement plans.

Member States shall only receive these funds when resettling through the Union Resettlement Framework. Resettlements under national resettlement schemes outside of this framework will not be supported financially by the Union's budget.

The financial year 2017 should be seen as a transitional year between the resettlement scheme conducted under the Conclusions of 20 July 2015 on resettlement and the entry into force of this proposal. Consequently the budgetary implications for 2017 should be lower than for the subsequent years.