

General programme "Solidarity and Management of Migration Flows": European refugee Fund, 2008-2013

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On 6 April 2005, the Commission adopted a proposal for a Decision of the European Parliament and the Council establishing the European Refugee Fund for the period 2008-2013 as part of the General programme 'Solidarity and Management of Migration Flows' (**refer to the Commission's initial proposal dated 06/04/2005**).

At the time, the proposed financial reference amount for the implementation of this Fund amounted to **EUR 1,112.7 million** (including emergency measures).

Following the agreement of 17 May 2006 on the Financial Framework 2007-2013, the Commission adopted a series of amended proposals concerning the new financial instruments in the field of freedom, security and justice which take account of the adjusted amounts.

The new amount for the "Refugee" Fund is set at EUR 628 million (**refer to the financial statement for details**).

General context

In the Hague Programme, the European Council acknowledged the need for the EU to contribute in a spirit of shared responsibility to provide access to protection and durable solutions at the earliest possible stage and called for the development of EU-Regional Protection Programmes, including a joint resettlement programme for Member States willing to participate in such a programme.

The European Council also called for the establishment of appropriate structures involving the national asylum services of the Member States with a view to facilitating practical and collaborative cooperation towards three main objectives: i) achieving an EU wide Single Procedure; ii) the joint compilation, assessment and application of Country of Origin Information; iii) promote better cooperation between Member States to address particular pressures on asylum systems or reception capacities resulting from factors such as geographic location.

It is necessary that the new political priorities in the field of asylum set out above **receive adequate financial support at Community level**.

Main legal elements

It is proposed to lay down rules and conditions for the Fund's support for the efforts made by Member States :

- to provide access to international protection and a durable solution in their territories via resettlement;
- to implement burden-sharing operations consisting in the transfer of beneficiaries of international protection from one Member State to another which grants them the same protection;
- to engage in activities aimed at enhancing their capacity to develop, monitor and evaluate their asylum policies;

- to respond to the particular pressures they face in accordance with their obligations under Community law;
- to strengthen practical cooperation between the national asylum systems.

To this end, it is proposed to extend the scope of this Decision with regard to the target groups, the eligible actions and the emergency measures that are eligible for support and to establish specific co-financing rules for certain eligible actions. In order to give support to practical cooperation and the establishment of the appropriate structures, it is proposed to increase the resources allocated to Community actions.

It is also proposed to add three new strands of action, relating to resettlement; the transfer of beneficiaries of international protection from one Member State to another, which provides them with the same form of protection they have obtained in the first Member State and the enhancement of the capacity to develop, monitor and evaluate the national asylum policies.

Resettlement: given the absence of specific EU acquis on resettlement, it is appropriate that the Fund's support should be limited to the actions implemented by Member States for the resettlement of persons who have been identified as eligible for this purpose by the UNHCR on the basis of their need for international protection. Furthermore, Member States are required to grant the persons to whom they provide international protection via resettlement a legal status providing enhanced legal certainty as well as the conditions necessary to promote their self-sufficiency and integration, i.e either refugee status within the meaning of Council Directive 2004/83/EC or a permanent residence status, in accordance with the national legislation.

Financial resources: the new financial resources shall be allocated to:

- **Actions of interest to the Community:** at the Commission's initiative, up to 10% of the Fund's available resources (as opposed to 7% initially accorded) may be used to finance transnational actions or actions of interest to the Community concerning asylum policy.
- **Emergency measures:** emergency measures are aimed at addressing situations of particular pressures. Such situations are characterised by sudden arrivals at particular points on the external borders of large numbers of third country nationals who may be in need of international protection, which place exceptionally heavy and urgent demands on the reception facilities, the asylum system or infrastructure of the Member States concerned and may create risk to human life, well-being or access to rights provided under Community legislation.
- **Resettlement:** it is proposed to increase the proportion of the allocation based on the number of persons granted international protection, including through resettlement. Since resettled persons are granted a status for protection-related reasons, they should be taken into account for the calculation of the 40% percentage of the annual resources allocated to Member States in proportion to the number of beneficiaries of international protection registered on their territories over the previous three years (see the initial proposal dated 6 April 2005). It is proposed therefore that the Member States receive, in addition to 50% of the total cost of a specific action, a fixed amount of EUR 4 000 for each person resettled under a Regional Protection Programme; EUR 3000 for women-at-risk and minors and EUR 5000 for survivors of violence and torture, as well as for persons with serious medical conditions if they need specialised treatment unavailable in the host country and there is a favourable prognosis that treatment in the country of resettlement would successfully address their needs. It is proposed to allocate contributions to Member States on the basis of an ex-ante estimate of the number of persons to be resettled in the course of the following year. Member States would provide an indication, for instance before May 2007, of the number of persons falling under the above-mentioned categories that they intend to resettle for the 2008 budget year.