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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	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 (First reading) - Policy debate

1. Background

In 2015, the EU was confronted with an unprecedented and complex situation created by massive migratory flows. This situation triggered different legislative and operational responses aiming in particular at enhancing controls at the external borders and improving the management of the migratory flows.

In this framework, **resettlement** was considered as one of the solutions to improve the management of migratory flows, allowing for a legal and orderly admission for asylum candidates located outside the EU. In this area, several initiatives should be recalled:

- In June 2015, the Commission published a Recommendation¹ on a European resettlement scheme, endorsed in July 2015 through **Conclusions of the Representatives of the Governments of the Member States meeting within the Council**² agreeing to resettle, through multilateral and national schemes, 22 054 displaced persons in clear need of international protection. The priority regions identified for resettlement were North Africa, the Middle East and the Horn of Africa. 10 695 people³ have been resettled by 26 September 2016 under this resettlement scheme, mainly from Turkey, Lebanon and Jordan. They have been received by 21 resettling States.
- The **EU-Turkey Statement**⁴, agreed on 18 March 2016, provided that "*for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria*" (the "*one for one*" scheme). It was also clearly stated that the resettlement should take place firstly by honouring the above-mentioned commitments taken in July 2015. Priority should be given to migrants who had not previously entered or tried to enter the EU irregularly. By 26 September 2016, 1 614 persons have been resettled from Turkey to the EU under the 1:1 mechanism.
- The EU-Turkey Statement also provided for a **Voluntary Humanitarian Admission Scheme** to be activated once irregular crossings between Turkey and the EU end, or at least have been substantially and sustainably reduced. The goal of this mechanism is to remove the incentive for migrants and asylum seekers to look for irregular routes to the EU and to restore a legal and orderly admission system. Standard Operating Procedures (SOPs) for the implementation of the EU-Turkey Statement were subsequently agreed upon by the EU and are currently being negotiated with Turkey⁵.

¹ 9376/15 + ADD 1

² 11130/15

³ The number includes the 1:1 mechanism with Turkey.

⁴ Press release 144/16

⁵ 8366/16

- Finally, on 29 September 2016, the **Council adopted a Decision**⁶ making 54 000 places out of the 160 000 places initially foreseen for relocation available for the purpose of legally admitting Syrians from Turkey to the EU through **resettlement**, humanitarian admission or other legal pathways (humanitarian visas, scholarships, family reunification schemes, etc.). Member States are therefore able to subtract from the number of applicants to be relocated the number of Syrians resettled to their territory from Turkey. These numbers would be in addition to the commitments carried out under the resettlement Conclusions of 20 July 2015.

2. A new proposal: reasons and main elements

The **proposal for a Resettlement Framework**⁷ put forward by the Commission in July 2016 aims at facilitating the Union policy on resettlement and at providing for a collective and harmonised approach with a unified procedure, reducing divergences among the national resettlement practices. To this end, its objective is to establish a Union Resettlement Framework for the resettlement of persons in need of international protection. The proposal is drafted as a structured EU response on resettlement, different from the specific measures adopted so far, which took into account the needs stemming from the crisis in the Middle East and the specific nature of the EU's relation with Turkey.

The proposal sets out a framework within which targets should be set on an annual basis. Such targets should also take into account specific regional needs.

The Commission proposed that the annual targets and distribution between Member States be fixed by the Council. Substantial support from the EU budget is also foreseen (€ 10 000 per person resettled).

⁶ Council Decision (EU) 2016/... of ... amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (not yet published in the OJ)

⁷ 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, 11313/16

This new Commission proposal is also based on the assumption that, in order to identify the necessary long-term coherent solutions in this area, the EU should adopt a common approach to resettlement.

The text of the proposal was presented by the Commission during the Asylum Working Party meeting on 29 September and a first exchange of opinions took place. General support towards the proposal was expressed but some serious concerns were voiced with respect to certain issues like the mandatory character of resettlement schemes, the legal basis of the proposed act or the inclusion of internally displaced people (IDPs) among the categories that could benefit from resettlement.

3. Questions for debate

1. In light of the above, would Ministers consider that the Resettlement Framework proposed by the Commission, with an important role for the Council, is an appropriate contribution to the EU's migration policy?
2. Which specific elements of the Commission's proposal, do Ministers consider adequate and which elements would require further work?
