Council of the European Union

COVER NOTE

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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration

I INTRODUCTION: MANAGING THE REFUGEE CRISIS

There are over 60 million refugees or internally displaced people across the globe – the most severe refugee crisis since the Second World War. Conflict and crisis in Syria and elsewhere have acted as an immediate trigger, but underlying trends in demographics, climate change, poverty, globalisation in transport and communications all played a part in the record numbers of migrants and refugees arriving in the European Union in 2015. This combination of factors is unlikely to be reversed in the foreseeable future. In 2016 we therefore need a radical strengthening of the EU migration system. We must move beyond dealing with the consequences of unmanaged and irregular flows of persons, to real preparedness to manage such flows and towards managed and legal means of entry for those in need of protection, while at the same time quickly and effectively identifying and returning those who have no right to be in the European Union.

The second half of the year 2015 saw unprecedented numbers of people entering the European Union irregularly. At the peak in October 2015, over 200,000 people arrived in Greece in one month. Even with a substantial fall to just over 60,000 in January, the figures remain high for the winter months as compared to previous years. The intensified conflict in Syria in recent days is expected to lead to a further influx of refugees into Turkey. This means that European solidarity will continue to be called upon, in line with the responsibilities the EU has assumed under the 1951 Geneva Convention on the Status of Refugees and the humanitarian values to which all Member States of the European Union have signed up to. The EU must also remove the need for refugees to make perilous journeys by helping them closer to home. While a reduction in flows is highly desirable in view of often overwhelmed national and local authorities, there should be no illusions that the refugee crisis will end before its root causes – instability, war and terror in Europe's immediate neighbourhood, notably continued war and atrocities in Syria – are addressed in a definite manner. The only responsible course of action is to face this reality and to explain it openly and honestly to citizens; and to step up efforts to better and more effectively manage the consequences of this situation in the European Union by means of a better coordinated European approach and in line with the commonly agreed EU rules and values.

In recent months, a route has formed through the Eastern Mediterranean and across the Western Balkans which sees migrants passing swiftly north through one border after another, in fundamental contradiction with the principles of the Common European Asylum System and the Schengen rules. This in turn led several Member States to resort to reintroducing temporary internal border controls, putting into question the proper functioning of the Schengen area of free movement and its benefits to European citizens and the European economy. Security is also of utmost concern, particularly in the wake of recent terrorist attacks on European soil, and has been invoked by certain Member States to justify such temporary measures. The objective must be to ensure that every person who arrives in the EU is subject to thorough security checks.

Over the last six months, the European Commission has consistently and continuously worked for a swift, coordinated European response. It tabled an extensive series of proposals designed to equip Member States with the tools necessary to manage the large number of arrivals, many of which have already been adopted by the European Parliament and the Council. From tripling our presence at sea; through a new system of emergency solidarity to relocate asylum seekers from the most affected countries; via an unprecedented mobilisation of the EU budget of over €10 billion to address the refugee crisis and assist the countries most affected; providing a new coordination and cooperation framework for the Western Balkan countries; starting a new partnership with Turkey; all the way to

an ambitious proposal for a new European Border and Coast Guard, we are bolstering Europe's asylum and migration policy to deal with the new challenges it is facing.

While important building blocks of a sustainable system of migration management are now in place on paper, it is their swift, full implementation on the ground that has been lacking. In December, the European Commission reported on the progress made on the execution of decisions taken by the Member States and found that implementation was too slow. Two months later, some progress has been made on a range of issues. It remains the case, however, that several deadlines have not been met and many commitments are still slow to be fulfilled. Political responsibilities need to be assumed at highest level in all Member States to ensure that the agreed coordinated European response can address the refugee crisis swiftly and efficiently on the ground by national and local authorities with the EU support and assistance that has been made available over the past months.

Restoring orderly management of borders on the Eastern Mediterranean/Western Balkans route is the most pressing priority for the European Union today. At the upcoming European Council meeting, leaders need to commit to do whatever is necessary to restore order to the migration system and impose control of the irregular and uncontrolled flows through the Eastern Mediterranean/Western Balkans route before the spring. This will require tough decisions, determined action, responsibility and solidarity by all Member States.

Most importantly, all Member States must commit to ending the 'wave-through' approach to those who indicate an interest in applying for asylum elsewhere. People arriving in the Union must know that if they need protection they will receive it, but it is not their choice to decide where. If they do not qualify for protection, they will be returned, in full respect of the principle of non-refoulement.

Greece and countries upstream on the Western Balkans route will need substantial support to effectively register and process those in need of protection, and to swiftly return those who are not to their home countries or other safe third countries they have transited through. The other Member States must give effect to their commitments to share the responsibility to provide reception and refuge to those entitled to it, through accelerating the implementation of the emergency relocation schemes already in place since September 2015. Accordingly, whilst Greece must do the necessary to return to the normal application of the Schengen external border control and Dublin rules, it cannot be left to face the consequences of the refugee crisis alone, but should continue to receive financial support and technical assistance from the EU institutions and agencies and from all other Member States to cope with the responsibilities of a Member State of first entry as provided for by the commonly agreed EU rules.

This Communication takes stock of the implementation of the actions agreed in response to the refugee crisis and highlights key areas where more action is needed in the immediate term to restore control of the situation. The Commission will provide further input on the more fundamental changes necessary for a sustainable migration policy, and in particular reform of the Dublin system, ahead of the March European Council.

To help manage the refugee crisis effectively, leaders at the February European Council should commit to:

- The urgent completion of the set-up of hotspots in Greece and Italy to ensure the registration of and support to migrants and refugees in line with the principle that no one should arrive in the EU without having been properly registered and fingerprinted, with dedicated EU support to secure increased reception capacity and fully functioning asylum and return procedures;
- The end of the 'wave-through' approach and an enforced insistence on the application of EU

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rules on asylum and border management;

- A major acceleration of the agreed relocation scheme to alleviate pressure from Italy and Greece;
- A stronger and more coherent use of the provisions allowing the return of asylum seekers to safe third countries;
- Implementation of the agreed approach for better cooperation and coordination between countries along the Western Balkans route;
- A major stepping-up of all efforts to ensure effective returns and readmission and to address the root causes of migration by maximising all forms of leverage, including trade preferences and development, to secure third countries' commitment to concrete outcomes;
- Driving forward the actions under: the EU-Turkey Joint Action Plan to stem the flows from Turkey; and rapid implementation of projects under the Facility for Refugees in Turkey;
- Stronger external border controls, by agreeing the European Border and Coast Guard at the latest by June, if not earlier, and by making it operational during the summer;
- Supporting the basic needs of the most vulnerable migrants and refugees, and in particular children;
- Stepping up the capacity for the EU to provide humanitarian assistance to third countries, and establishment of a capacity to provide humanitarian assistance within the EU, to support countries facing large numbers of refugees and migrants;
- Stepping up EU support to Syrian refugees, including opening up legal pathways through resettlement and endorsement of the voluntary humanitarian admission scheme with Turkey, as recommended by the Commission on 15 December 2015.

II   WHAT HAS BEEN DONE

II.1   Operational Measures

Managing the inflows of migrants and refugees

Rescue at sea was the first priority for the European Union. In the course of 2015, Frontex Joint Operation **Triton** and Frontex Joint Operation **Poseidon** rescued over 250,000 people[1]. These interventions and the deployment of Frontex Rapid Border Intervention teams in the Aegean helped detect over one million irregular immigrants and apprehend over 900 suspected smugglers.

EU action is also directly targeting migrant smuggling. In the south and central Mediterranean, EUNAVFORMED Operation Sophia has successfully moved into a phase that includes boarding, search, seizure and diversion, in international waters, of vessels suspected of being used for migrant smuggling or trafficking. It has so far rescued over 9,000 people and is ready to extend operations into Libyan territorial waters, should the institutional and political developments in Libya allow.

The EU Agencies, Europol, Frontex and Eurojust, have scaled up their capacity to tackle migrant smuggling, with more coordination, extra resources, and a permanent presence in Member States under pressure. This includes on-the-spot collection of information in the hotspots to help national authorities gather information and to launch investigations. In 2015, 10,735 new suspects linked to

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[1]   Operation Triton was tripled in size in May in the Central Mediterranean and has rescued 155,000 people from 1 January 2015 until 31 January 2016. The action in the Eastern Mediterranean was stepped up in December 2015 through Joint Operation Poseidon, and has rescued over 107,000 people in the same period.

migrant smuggling were added to Europol's database – which currently has intelligence on more than 38,600 suspects. Europol will shortly launch the European Migrant Smuggling Centre on 22 February, an EU information hub on migrant smuggling[2].

With strong, dedicated EU support, Greece and Italy started to set up – and in some cases completed – **hotspots**[3] to ensure screening, identification and fingerprinting of third country nationals arriving irregularly at the external EU border. Registration is a crucial first step in the control and management of the flows. The hotspots are designed to ensure integrated teams of border agents operate in dedicated facilities, 24 hours a day and seven days a week. Everyone arriving in the external borders should be registered, fingerprinted and have their documents checked against national and international security databases. Third country nationals arriving irregularly should then be channelled into one of three processes: the national asylum system, the European relocation system or the return system. **The proportion of migrants whose fingerprints are included in the Eurodac database has risen in Greece from 8% in September 2015 to 78% in January 2016, and in Italy from 36% to 87% over the same period**[4]. These figures are expected to improve further as the hotspots become more fully operational. The Commission has a permanent presence in both Member States dedicated exclusively to helping the national authorities. Only 518 Frontex and 21 EASO experts are currently deployed in the hotspots which falls short of needs. Member States' response to the call for the rapid intervention teams has been more successful[5].

The Commission has mobilised the EU budget in an unprecedented manner to dedicate over €10 billion to address the refugee crisis. For example, a reinforcement in emergency funding meant that €174 million was available in 2015; this was rapidly deployed and was used in full by the end of the year. In 2016, €161 million has likewise been made available. Around €146 million has been awarded in emergency funding for the benefit of Greece.

Another key element in EU support has been **relocation**. Both the legislation and the structures are in place to allow for the emergency relocation of up to 160,000 people in clear need of international protection to other Member States[6]. The EU budget has provided €640 million to support relocation[7]. But the rate of progress is well below what is needed (see section on Relocation and Annex 4).

In response to the serious migratory pressure and particular difficulties faced by Sweden, in December the Commission proposed that its obligations under relocation should be temporarily suspended. The Commission has now also proposed a similar suspension of Austria's relocation obligations.

In December, the Commission approved a €80 million programme to help build **reception capacity** to house migrants and refugees in Greece up towards the agreed target of 50,000 additional places, including a network of 20,000 places for asylum seekers run by the United Nations High

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[2] The 30-strong Centre will be an information hub but will also deepen cooperation between key bodies such as the Financial Intelligence Units, the Internet Referral Unit and Member States' National Contact Points.

[3] Communications from the Commission to the European Parliament and the Council: Progress Reports on the Implementation of the hotspots in Greece and Italy, COM(2015) 678 final and COM(2015) 679 final of 15 December 2015. See Annexes 2 and 3.

[4] Italy and Greece were amongst four Member States (the others being Cyprus and Croatia) where the Commission had initiated infringement proceedings concerning the Eurodac Regulation.

[5] The current Frontex call has received a response rate 83%. EASO has called for 374 experts and 201 have been pledged.

[6] At the Relocation and Resettlement Forum with Member States in September, organised by the Commission, the various steps to implement relocation in practice were agreed.

[7] Including a €20 million grant awarded in December to help implementation in Greece as well as a lump-sum of €6,000 to Member States for each relocated person and €500 to support transfer costs. The latter will be disbursed to Member States in the next instalment of funds under the AMIF and ISF national programmes.

Commissioner for Refugees (UNHCR) using a voucher scheme, as well as supporting the establishment of 7,000 places in the hotspots areas. 14,950 places have been identified under the voucher scheme.

The Commission has set up a Migrants' Information Strategy Task Force (MIS) to define and disseminate effective **information** to asylum seekers about their rights and obligations. It is vital that people know they have the right to apply for asylum, but not to choose in which Member State, and are properly informed of the implications of the relocation scheme. The first set of information products on asylum and relocation is available in 14 languages[8] and is now being used by EASO in hotspots.

Solidarity and responsibility

The **Union Civil Protection Mechanism** (UCPM) has been used to support five countries, with four requests still active, from Serbia, Slovenia, Croatia, and Greece. In total, 15 countries have made offers of assistance, supplying items such as tents, sleeping materials, personal protective items, heaters, generators and lighting. The European Commission financially supports the transport of assistance offered by the participating states, and facilitates overall transport and logistics coordination. The Commission recently increased its funding and now covers 85% of the transport costs of this aid, but there are requests for assistance from Member States which remain outstanding, as described in Annex 9.

Weekly meetings organised by the Commission have taken place to monitor the 17-point plan agreed at the Leaders' Meeting hosted by President Juncker on refugee flows along the **Western Balkans** route. At a time when communications had all but broken down, this coordination has been crucial in reducing the risk of unexpected steps being taken in one country having an impact on another. This has been backed up with direct support. The Commission has allocated €10 million to Serbia and the former Yugoslav Republic of Macedonia to make a practical difference by increasing operational capacity in migration management[9]. This comes on top of €22 million allocated for humanitarian aid.

II.2   External Dimension

The external and internal dimensions of migration are very much intertwined. EU action has focused both on addressing the root causes of intensified migration flows in terms of the reasons that generate the flows and those that facilitate them, and on removing the need for refugees to make the perilous journey to Europe by helping them closer to home. It has also focused on enhancing cooperation on migration management with third countries of origin and transit as an essential part of their bilateral partnership with the EU and its Member States.

Diplomatic efforts to solve crises such as Syria and Libya, and to combat the threat of Daesh, focus on the root causes that generate the flows and are aimed at creating a stable environment to which refugees could return. This effort has to be a global one. In the case of Libya, the EU has been engaged in providing political, financial and logistical support to United Nations efforts to bring an end to the political and security crisis. Significant progress has been made in recent months, with the signature of the Libyan Political Agreement in December. However, progress is fragile and these moves need to be quickly consolidated, with a Government of National Accord enjoying sufficient authority to be able to tackle the threats and challenges faced by Libya. The Agreement signed in December needs to be followed up with a Government of National Accord able to tackle the threats and challenges faced by

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[8]   English, French, Spanish, Italian, Portuguese, Arabic, Farsi, Armenian, Pashto, Russian, Somali, Albanian, Tigrinya and Urdu.

[9]   As well as a further €8 million regional programme.

the country: the EU has a €100 million support package ready to help a future government. As for Syria, on top of being the first donor in humanitarian and development aid, the EU has played and continues to play a key role in the establishment and in the work of the International Support Group for Syria, including the efforts leading to the unanimous adoption of the UN Security Council Resolution setting the roadmap for the intra-Syrian talks and the political process. As fighting in the north of Syria intensifies, diplomatic efforts should be re-doubled.

The EU has responded to the devastating impact of the Syrian crisis in several ways. In terms of **humanitarian aid to Syria** and neighbouring host countries, the contribution from the EU budget exceeded €400 million in 2015 – part of the EU's overall commitment of more than €5 billion in humanitarian, development and stabilisation assistance. This included direct support to Syrians still in Syria, as well as the countries dealing with the biggest per capita share of Syrian refugees. More than €160 million was devoted to life-saving operations inside Syria itself, in sectors such as health, protection, water, sanitation, food and shelter: €97 million for refugees in Lebanon, €58 million for Jordan and €35 million in Turkey. The **EU Regional Trust Fund in response to the Syrian crisis** provides a very flexible and effective vehicle for pooling and rolling out assistance from the EU and its Member States. It has so far attracted contributions of €654 million, though national contributions have not yet reached the target of matching the EU budget contribution[10]. The Fund supports up to 1.5 million Syrian refugees and overstretched host communities in Lebanon, Turkey, Jordan and Iraq through the provision of basic education and child protection, better access to healthcare, improved water and waste-water infrastructure, as well as support to economic opportunities and social inclusion. As announced at last week's **London conference "Supporting Syria and the region"**, the EU's contribution for the Syria crisis in 2016 will reach €1,115 billion. The Commission is taking measures to ensure that the EU contribution will continue at the same level in 2017. At the conference, the Commission also took a lead role in the international response, proposing the development of "compacts" for Jordan and Lebanon. These are comprehensive packages which include a range of policy measures across the board of Union competences, notably trade preferences.

The **Valletta Summit on migration** in November 2015 brought together European and African Heads of State or Government to strengthen cooperation on migration between the countries of origin, transit and destination. It underlined the need to enhance efforts to curb irregular migration to Europe and mainstream migration into development cooperation, and agreed concrete actions to be implemented by the end of 2016. The EU set up an **Emergency Trust Fund for Africa**, which addresses stability and the root causes of irregular migration and displaced persons and cooperation in migration with countries of origin and transit. Funding levels are approaching €1.9 billion, but again the target that national funding would match the EU financing is far from met, national contributions amounting to under €82 million[11]. Projects have already been agreed for a total amount of more than €350 million, covering areas including job creation, better management of migration and strengthened security[12]. In

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[10]   See Annex 7. So far, €654 million have been committed to the Syria Trust Fund, with €594 million from the EU budget, but only €60.5 million from 19 Member States.

[11]   See Annex 7.

[12]   Examples include: Mali: 3 projects worth €43,5 million to support local authorities and vulnerable population in the North of Mali and to create jobs in the rest of the country; Niger: two projects worth €32 million to be implemented in Niger's Agadez region to help the authorities manage migratory flows and promote sustainable alternatives to irregular migration; Senegal: a project worth €8 million to assist the most vulnerable people in the country by improving living conditions and resilience of local populations; Khartoum process: a project worth €40 million to better manage migration through providing capacity building and basic equipment, developing policies and legislation on trafficking and smuggling, and raising awareness about the dangers of irregular migration; Ethiopia: a project worth €20 million to enhance the living conditions of migrants and returnees through vocational training, micro-financing and employment generation, with a view to creating conditions for the return and reintegration of Ethiopian refugees; Somalia:

addition, the EU has maintained support to refugees and internally displaced people in Libya. On a diplomatic level, the High Representative/Vice-President and the Commission have also started action to include migration and security in the political bilateral priorities with African countries.

The **EU-Turkey Joint Action Plan**[13] brought a major step forward in cooperation in support of Syrians under temporary protection in Turkey, and in migration management to address the crisis created by the situation in Syria (see section on cooperation with Turkey below). The EU and its Member States will increase their cooperation with Turkey and step up their political and financial engagement substantially. A key EU contribution, reflecting a spirit of sharing of responsibility, is the new **Facility for Refugees in Turkey**, set up by the Commission on 24 November 2015, with its funding agreed by Member States on 3 February 2016. This Facility pools the EU budget and Member States' resources to provide as of now a comprehensive and coordinated assistance package to support 2 million Syrian refugees in Turkey. This will amount to **€3 billion** in 2016-17.

III   PRIORITY ACTIONS FOR THE WEEKS AND MONTHS TO COME

The intense pressures from flows of refugees and migrants have created a huge challenge for EU migration management. Border management and asylum procedures at points of first entry have not been able to cope. A flow of refugees and migrants developed which was clearly contrary to the core rules of the EU's asylum system. Refugees themselves sought to travel to a desired destination, whilst EU rules prescribe they apply for protection in the first EU country they reach. Countries along the route, rather than fulfilling their responsibilities to deal with asylum claims, started to see themselves as transit countries only. The result was a breakdown in the application of the rules and a disproportionate and unsustainable pressure also on three main Member States of destination. It also made it much more difficult for relocation to gain momentum. Restoring order in these circumstances requires swift coordinated European action to address the immediate failings as well as to reduce the scale of the migratory inflows themselves.

III.1   *Stabilising the situation in Member States under greatest pressure*

Action is clearly needed to address the huge pressures faced by Member States receiving the majority of the first arrivals of refugees and migrants in the EU – action which requires the support of all Member States, with a particular onus on assistance to Greece and Italy.

The **hotspot** approach enables a focus on locations under the most extreme pressure. The hotspots provide an element of order and process in a situation of unprecedented volumes of arrivals. Yet six months on from their launch last September, progress has been much slower than the scale of the challenge requires. Today there are only three[14] hotspots which are fully operational. Making hotspots fully operational now is essential. All need to be completed as a matter of urgency, as otherwise the risk is high that pressures will simply be diverted to the weakest point. The coming days must be used to accelerate the process so that the hotspots are fully up and running immediately. That means addressing, with the support of the EU and national officials present on the ground, shortcomings in infrastructure, in personnel, and in the connection between hotspots and the rest of the migration system. The rules on registration, identification, fingerprinting and security screening of arrivals need

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a project worth €50 million to support the management of the voluntary return of Somali refugees into stable regions of Somalia, creating a favourable environment for their return and reintegration.

[13]   The Joint Action Plan was activated at the Summit of EU Heads of State or Government with Turkey on 29 November 2015. See Annex 1.

[14]   Two in Italy and one in Greece.

to be applied effectively and systematically. Of crucial importance is that Member States provide the expertise in response to Frontex and EASO calls for experts[15].

In the case of **Greece**, this requires the acceleration of work and for shortcomings to be addressed with a new determination. The rollout of hotspots has been slow, with a need to build hotspots from scratch and with shortcomings in infrastructure, staffing and coordination. Currently only one hotspot location can be considered to be fully operational, but with others close to completion[16]. Following an intense dialogue with the Commission, the Greek government has recently committed to use the armed forces to help in making hotspots fully operational by the February European Council. This involves completing construction, providing key services, and deploying the necessary staff. Reception capacities should be increased, supporting both humanitarian needs and better management of inflows – with EU funding already in place to help to achieve swiftly the 50,000 target agreed at the Western Balkans Leaders' Meeting. Standardised procedures for all stages of the process should be applied and full deployment of Eurodac fingerprinting machines completed. There must also be no gaps in EU support: the agencies should be present on all islands.

In **Italy**, arrivals have slowed down due to the winter, but preparations are needed ahead of a likely sudden increase when weather conditions improve[17]. Only two hotspots[18] are fully operational. The refurbishment and opening of two further hotspots is now on track. The slow progress on the final two hotspots is linked to the current use of one site as a centre for relocation, and to administrative problems with the port authorities in the other site – if necessary, alternative locations should be considered if this is the only way to have sufficient capacity in the coming weeks. Further steps are also needed to plug gaps and improve efficiency, such as better medical support, further coordination of the disembarkation of migrants rescued at sea, and full connectivity of databases for security checks. The Commission is ready to organise an innovative mobile hotspot team (with agents from Frontex and EASO) in Eastern Sicily to support the identification, fingerprinting and provision of information to migrants who cannot be disembarked in the designated hotspot ports, to help plug gaps in the fingerprinting and registration of migrants beyond the hotspots. Connection with the mainland is important to ensure that migrants classified for return or further asylum procedures remain in the system.

An essential component of hotspots for both Italy and Greece must be **enhanced security measures**. Problems have been identified in the consistency of documentation issued which seem worse at pressure points such as the transfer from hotspots to the mainland. In Greece, the introduction of security features on the document issued on registration is essential to prevent these documents being swapped or forged. Checks against Interpol and European security and document verification databases, in particular the Schengen Information System, must become systematic, with European databases made accessible to Frontex guest officers. Systematic checks against security databases are not only required under EU law but are all the more essential in the light of the very real terrorist threat. Both Greece and Italy have faced the problem of a refusal by migrants to be fingerprinted. National legislation will have to be amended as a matter of priority and all operational steps taken to ensure that all migrants are fingerprinted – including as a last resort through a proportionate use of coercion – and all secondary movements of unidentified and unregistered migrants are avoided. Progress has been made, but this should be accelerated to ensure full 100% coverage of identification and registration of all entries by the March European Council. At the same time, more forceful

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[15]   This support also needs to be maintained as the terms of office of individual experts comes to an end – there is a real risk that progress will take a step back if experts are pulled back home without replacements.
[16]   See Annex 2.
[17]   See Annex 3.
[18]   Lampedusa (since October 2015) and Pozzallo (since 19.01.2016).

investigation and prosecution of criminals using travel and identity documents fraud for the purpose of migrant smuggling must be ensured.

Central to the hotspots approach is that it helps to identify who is and who is not in need of international protection through a process of identification and filtering of applications. The EU and its agencies should stand ready to provide all assistance to implement this process. In this regard, links with the **return** system are of particular importance. On 1 February, Frontex launched a new programme of support on return, focused in particular on Greece, Italy and Bulgaria – which envisages wide-ranging and flexible support. **Greece** has had some success in this area in the past: as recently as 2013, it performed above the EU average, with a return rate of 59%. Now a particular effort is needed to speed up procedures. Greece needs to swiftly issue return decisions to the migrants entering its territory irregularly, if they do not apply or are found not to qualify for asylum. It should use fast-track procedures, where available, for returning the migrants and should ensure that all stay under the control of the authorities during the process. This also needs action to prevent irregular migrants from absconding before being returned – including through detention.

Italy has also faced problems with securing effective return. It has made progress on a new assisted voluntary return programme, which should become operational quickly, is working on readmission and successfully applies fast-track procedures to issue return decisions and readmit irregular migrants to certain African countries. However, there is a continued problem with irregular migrants absconding before procedures are concluded. A limited detention capacity and a ceiling of 90 days for administrative detention for the purpose of return both need to be addressed urgently. The EU and its agencies will continue to assist the Italian authorities on these matters.

Restoring Dublin transfers to Greece

For the Common European Asylum System to work, there must be a real opportunity to return asylum-seekers to the country of first entry into the EU ("Dublin transfers"), as foreseen by the commonly agreed EU rules. In October, the Commission recalled that since 2010-11, Member States had not been able to undertake Dublin transfers to Greece[19]. Systemic deficiencies raised by the European Court of Human Rights and the European Court of Justice have included full access to the asylum system and the provision and quality of reception capacity. Responsibility for deciding to resume transfers lies with Member States' authorities under the control of their courts and the Court of Justice. Whilst progress has since been made, shortcomings have remained in the areas of reception capacity and conditions, access to the asylum procedure, appeals and legal aid. Accordingly, the Commission is today adopting a Recommendation listing the concrete steps needed in order to bring Greece back into the Dublin system[20]. Reporting by Greece on its progress in implementing the recommended actions, as well as other inputs such as reports from the Committee of Ministers of the Council of Europe on the execution of judgments and from the UNCHR, will clarify the assessment whether the conditions are such as to allow for Member States to resume individual transfers to Greece under the Dublin Regulation, bearing in mind that the volume of transfers and the categories of persons to be transferred would need to correspond to the specific progress being made.

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[19] Communication from the Commission to the European Parliament, the European Council and the Council on Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration, COM(2015) 510 final of 14 October 2015.

[20] Commission Recommendation addressed to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No. 604/2013 (C(2016) 871 of 10 February 2016.

Key next steps:

- With full EU support, *Greece and Italy* must deliver fully operational hotspots in all locations, and this as soon as possible;
- *Other Member States* must urgently fill the remaining need for Frontex and EASO experts;
- *Greece and Italy* must intensify their efforts to restore effective returns and to prevent irregular migrants from absconding before return;
- *Greece* should take the steps set out in today's Commission Recommendation to allow for a resumption of Dublin transfers on a case-by-case basis based on progress made.

III.2   *Implementing relocation*

The two legally binding **relocation** decisions adopted by the Council are recognition of the need to provide urgent assistance to Greece and Italy in an emergency situation. Relocation is an essential tool to lessen the strain on the Member States under greatest pressure and to restore order to the management of migration. But it requires effective cooperation between relocating countries, and the receiving Member States. In the first place, the commitment of Greece and Italy to orderly and thorough registration and screening is clearly vital. The two Member States are rolling out systems to identify, refer, register and transfer relocation candidates, as well as to perform medical and security screening before departure.

Asylum seekers should understand that relocation provides more certainty than absconding from the local asylum system and that they will be prevented from travelling irregularly to the Member State of their choosing. In the case of Greece, this requires **better control (with EU support and assistance) of the border between Greece and the former Yugoslav Republic of Macedonia** in order to ensure in particular that person that have irregularly entered the EU territory have been registered; and to quickly and effectively identify and return those who have no right to be in the European Union. It is also critical that secondary movements to other Member States are sanctioned, with individuals sent back to the Member State of relocation.

But the most important factor remains the political will of Member States to make relocation work[21]. Whilst the numbers of identified eligible candidates has been growing, Member States have so far formalised only a little over 2,000 offers of places and only twelve Member States have received relocated people. As of 8 February, only 218 people have been relocated from Greece, and 279 from Italy[22]. Five Member States have not yet made any places available for relocation[23]. The slow rate of relocation has been attributed to factors including a lack of dedicated contact points (to do health checks and security checks which are the only grounds which a Member State of relocation can refuse to accept a candidate for relocation), and insufficient reception capacity for arrivals in the receiving Member State. Delays and prohibitive preferences in the indication and filing of available places by the Member States of relocation must end.

That is why the Commission has written today to all Member States to remind them of their obligations under the two decisions and **to call for acceleration in the pace of implementation in view of the clear objective to provide urgent assistance**. As border controls along the Western

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[21]   At the Relocation and Resettlement Forum with Member States organised by the Commission in September, the various steps to implement relocation in practice were agreed.

[22]   There also remain 8000 places of the first 40,000 relocation scheme to be specified for a particular Member State.

[23]   Figures as of 8 February 2016. See Annex 4 for full details.

Balkans route tighten, the pressures that these decisions were intended to alleviate are likely to increase, making the need for solidarity even more compelling.

Key next steps:

- *Member States* should deliver on their commitments through an accelerated implementation of the relocation decisions.
- *Member States and EU agencies (Frontex, EASO)* should assist *Greece* in better controlling the border between Greece and the former Yugoslav Republic of Macedonia in order to ensure in particular that person that have irregularly entered the EU territory have been registered; and to quickly and effectively identify and return those who have no right to stay in the European Union.

III.3   Strong borders

Managing the EU's external border brings responsibilities. When a person crosses the border irregularly, they should be given the opportunity to apply for international protection: if they do, the Member State of first entry must grant access to national asylum procedures, as required by international and European law. If they do not apply for asylum, the Member State of first entry can and should refuse entry. This responsibility of border control is the mirror image of the obligations of migrants at the border – the basis of "**no registration, no rights**". A third country national needs to meet entry conditions set out in the Schengen Borders Code, including having a valid travel document[24]. The Member States must take adequate measures to ensure that those who have been granted access to their territory on the grounds of seeking asylum cannot abscond until an assessment and a decision on the asylum application is made. It should be clear that a wish to transit through the Member State in order to apply for asylum in another Member State is not an acceptable reason for granting entry. The right to have access to fair asylum procedures – which is recognised under international refugee law and observed by the EU Member States as well as by the Western Balkans countries – cannot be used as a pretext to try to choose the country in which an asylum seeker will submit an asylum claim.

This however is one of the trends which has characterised border controls on the **Western Balkans** route in recent months. Under severe migratory pressure, several countries including Member States have seen themselves as transit countries only, setting up small-scale and very short-term reception capacity and in some cases transporting migrants from one border to another. Cooperation between the countries of the Western Balkan route remains insufficient. There have been regular instances of decisions being taken unilaterally in one country, which have a domino-effect on the border of each of the countries upstream. The result is a de facto policy of refusal of entry by nationality or by intended country of registration of a request for asylum. Such policies are not a structural solution to the challenge the European Union faces. For this reason, the Commission has insisted on the importance of the registration of migrants, the resilience of borders, and on increasing reception capacity.

The first step towards a normalisation of the situation is to accept the need for coordination of such measures, to avoid responsibility-shifting, tensions between neighbouring countries and to prevent large numbers of migrants becoming stranded along the route. This should involve early warning as well as transparency. But a second step must now be **the restoration of order in the system, with**

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[24]   This applies both to the external border and to internal borders where border controls have been reintroduced. A Member State may also authorise the entry even if the entry conditions are not fulfilled, based on humanitarian grounds, informing the other Member States.

entry only to those who are applying for asylum in the national asylum system of the Member State responsible under Dublin rules. The knowledge that refugees and migrants have already passed through a Member State has obviously undermined the willingness of Member States to fulfil these responsibilities: but restoring this norm must be the objective.

The more recent trend along the Western Balkan route countries is nevertheless clear: a gradual tightening of border controls, which could result in their closure if the flow of migrants is not reduced. It is therefore necessary to speed up the fulfilment of the commitments taken at the Western Balkans Leaders' Meeting and to ensure that decisions taken in the countries are fully coordinated and, where relevant, framed by Union law.

In this context, **Greece** is expected, with stepped-up support from Frontex to exercise full control of its border with the former Yugoslav Republic of Macedonia. A start has been made following a request from Greece, through a limited Frontex deployment. This deployment should now be intensified and used to its maximum potential notably by increasing the range of tasks that may be carried out by seconded officers. Whilst it is not possible to deploy a Frontex joint operation directly on the territory of the former Yugoslav Republic of Macedonia, alternative means of Frontex assistance are currently under preparation. Any complementary action taken on the northern side of that border should be carried out within an EU framework.

The Union's ability to maintain an area free from internal border control is contingent on having secure external borders. The Schengen system contains a great deal of flexibility to allow Member States to respond to evolving circumstances. The rules provide for a response to specific situations through the **temporary reintroduction of border controls** at all or specific parts of a Member State's internal borders on the grounds of a serious threat to internal security or public policy. The continued increase in the numbers of migrants and refugees arriving resulted in Member States taking exceptional last resort measures, such as building fences and temporarily reintroducing internal border controls[25]. The Schengen Borders Code sets out time limits for the reintroduction of border controls, in line with their exceptional nature, and extension is only possible under strictly defined conditions. They should be lifted after a total of eight months, unless the Council recommends that border controls be prolonged beyond this point because serious deficiencies relating to external border control identified through a Schengen evaluation report persist and have not been remedied, and where the overall functioning of the Schengen area is put at risk, and there is a serious threat to public policy or internal security.

As part of the routine evaluation of external border management, an unannounced Schengen evaluation visit was carried out at the external borders of **Greece** in November 2015. Two teams consisting of Member States' and Commission experts evaluated the Greek sea border (two islands in the Aegean Sea) and the land border with Turkey. After the Greek authorities were given the opportunity to comment on the facts of the report, the report received the positive opinion from Member States in the Schengen Evaluation Committee. On 2 February, the Commission concluded that the shortcomings identified constitute serious deficiencies. The Council is now considering recommendations to remedy these serious deficiencies. The Commission stands ready to take appropriate implementing measures once the Council has decided on this.

The costs of the re-imposition of internal border controls

The stabilisation of the Schengen system through the use of its safeguard mechanisms is essential in order to ensure the subsequent lifting of all internal border controls. To fail to do so would not only deprive people of the huge benefits of free movement across borders, it also risks major economic

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[25] The reintroduction of border control at internal borders by Hungary and Slovenia has ended. France and Malta have also applied control at internal borders, for reasons not related to the migratory crisis.

costs for citizens and businesses, undermining the Single Market[26]. If border controls are more systematically and durably re-introduced the direct costs in particular for EU cross-border workers, road freight transporters and public administration could well be significant. The free exchange of goods within the EU currently accounts for more than €2,800 billion in value and 1,700 million tonnes in volume. Estimates suggest that reintroducing internal border controls on a systematic and long term basis could cost between up to €5 billion and up to €18 billion in overall direct costs alone[27]. The impact would go well beyond the transport sector, affecting the volume and costs of the trade of goods and on the efficiency of the European logistics sector, with a likely increase in prices. It would also bring new constraints on the labour market – 1% of the employed citizens living in Schengen countries work across the border and would be affected by reinstated controls[28].

If border controls are associated with a fragmentation of the EU's common visa policy, simulations point to a large potential impact for the tourism industry (between €10 and €20 billion, or 0.07%-0.14% of EU GDP). If a process is set in motion putting at risk the depth of economic integration, including the proper functioning of Economic and Monetary Union, the medium-term indirect costs may be dramatically higher than direct estimates, as the impact on intra-community trade, investment and mobility would be unprecedented.

A sustainable solution on the external border

In December 2015 the Commission adopted a borders package, designed to help manage migration better and to address the security threats in the EU, while safeguarding the principle of free movement in the Schengen area. At the core of this package is the Commission's proposal of 15 December 2015 on the **European Border and Coast Guard**[29]. The proposal is to establish a common system which will substantially raise the effectiveness of controls at external borders, identify shortcomings much more quickly, and define clear, operational measures for tackling them[30]. As soon as possible, Frontex should become a European Border and Coast Guard Agency with new tasks and responsibilities, and own resources, allowing it to intervene operationally at the external borders when urgent action is required. As well as doubling the current staff of Frontex, the Agency will be able to draw on a reserve pool of at least 1,500 national experts that could be deployed within three days. This would remedy the current problem faced by Frontex of its calls for national border agents not being met by Member States. The proposal responds to an urgent need and the EU's borders will continue to be vulnerable until it is in place. The European Council Conclusions of December 2015 called on the Council to reach its position by June. **The Commission supports the calls of those leaders who want to accelerate the setting up of the new European Border and Coast Guard and to make it operational during the summer.**

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[26] According to France Stratégie, trade between countries in the Schengen zone could be reduced by at least 10% through the permanent reintroduction of internal border controls.

[27] The most likely scenario would mean €7.1 billion in extra costs, with road hauliers responsible for an extra €3.4 billion per year (where the average delay at the border is one hour) and more than €6.7 billion per year (where the average delay is two hours), affecting at least 57 million international road transport operations. For passengers, land transport would be the most affected by additional travelling time, delays and congestion (€2.6 billion per year), while additional document control procedures would cost Member States' budgets some €1.1 billion per year.

[28] The share of cross-border commuters is particularly high in Slovakia (5.7%), Estonia (3.5%), Hungary (2.4%) and Belgium (2.3%).

[29] Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC, COM(2015) 671 final of 15 December 2015.

[30] The proposal will also be complemented by a smart borders proposal, to improve the efficiency, effectiveness and security of the EU's external borders by using technologies to support Schengen management.

The Commission has also made a proposal for a targeted amendment to the Schengen Borders Code to provide for mandatory **systematic checks** of EU nationals against relevant databases at the external borders[31]. This would be an important contribution to security, specifically in the context of foreign terrorist fighters. Systematic checks of third country nationals against relevant databases will continue to be mandatory upon entry and exit.

Key next steps:

- The ***European Parliament and the Council*** should agree, **at the latest by June if not sooner**, on setting up the European Border and Coast Guard, to allow for making it operational during the summer;
- All ***Western Balkan Countries*** should move from early warning of changes to border rules and procedures to the restoration of the full application of EU and international law;
- ***Greece*** should rapidly address the serious deficiencies identified through the Schengen safeguard procedures, including the full control of its border with the former Yugoslav Republic of Macedonia;
- Any ***complementary assistance*** to the former Yugoslav Republic of Macedonia should be taken within an EU framework.

III.4   *Supporting the basic needs of migrants and refugees*

The humanitarian imperative and fundamental rights are guiding principles of the EU's approach to refugees and migrants. These are the drivers for many of the specific actions under way: search and rescue in the Mediterranean and the Aegean, working with those faced with a huge influx of refugees to improve on issues like reception capacity, and measures to assist Member States helping those in need and supporting integration.

There are two key aspects which have to be respected in how the EU and its Member States treat migrants and refugees. The first concerns access to the asylum system and the opportunity to claim international protection – this must be swift, effective and offer the opportunity for every case to be looked at based on its merits, including proper appeal procedures. The right to *non-refoulement*[32] must always be protected. The second concerns the conditions with which all migrants and refugees should be treated. Basic standards must respect the human rights and dignity of all.

The European Agenda for Migration put a particular emphasis on the need to protect **children** and to follow up on the Action Plan on Unaccompanied Minors (2010-2014)[33]. This work is now under way, to employ a comprehensive approach for the protection of children throughout the migration chain. Priority for the vulnerable, and in particular unaccompanied minors, is also built into the relocation process. Child protection and child safeguarding are planned to be fully integrated into the hotspots. A state of play of short-term and on-going work can be found in Annex 6.

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[31] Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 562/2006 (EC) as regards the reinforcement of checks against relevant databases at external borders, COM(2015) 670 final of 15 December 2015.

[32] This principle enshrined in EU and international law forbids the expulsion or return of a refugee to the frontiers of territories where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.

[33] Action Plan on Unaccompanied Minors 2010 – 2014, COM (2010) 213 final of 6 May 2010.

There is also strong evidence that the migration crisis has been exploited by criminal networks involved in **human trafficking** to target the most vulnerable, in particular women and children. Research suggests that reception facilities in some Member States have been targeted, with cases where up to 60% of unaccompanied children have gone missing, with a serious risk of falling prey to trafficking networks. Europol indicates that there is a strong crossover between those smuggling refugees across borders and gangs ensnaring people for exploitation in the sex trade or as forced labour. It is therefore essential that from the first stage in the hotspots, actual or potential victims of human trafficking are identified, made aware of their rights, and that the necessary cooperation takes place with the police and judicial authorities in order to ensure that traffickers are identified and prosecuted.

As border controls tighten, which is the current trend along the Western Balkans route, the EU should be prepared to scale up humanitarian assistance along the whole route at short notice. This requires the EU to step up its capacity to provide humanitarian assistance externally and establish the capacity internally, to support countries facing large numbers of refugees and migrants.

Key next steps:

- Member States should devote particular attention to the needs of *unaccompanied minors* when implementing the hotspot approach and carrying out relocation;
- Stepping up the capacity for the EU to provide humanitarian assistance to third countries, and establishment of *a capacity to provide humanitarian assistance within the EU*, to support countries facing large numbers of refugees and migrants;
- The Commission will target funding to strengthen protection responses for *children* in migration, including education and protection programmes for children inside and outside the EU.

III.5   Making return and readmission work

The systematic and rapid **return of irregular migrants** is an indispensable part of successful migration management and a powerful deterrent to irregular migration. The EU is fully committed to protect those persons who are fleeing violence and conflicts. But migrants who are not in need of protection must be effectively returned to their country of origin or to transit countries in full respect of human rights and dignity. An effective return system is also crucial so that resources can be focused on accommodating people in need of protection. This needs action both inside the EU and with third countries. However, national return systems are facing many practical problems: lack of travel documents, lack of detention capacity in the Member States, long and ineffective national procedures which can only facilitate absconding, and countries of origin which obstruct readmission. The executed return rates in 2014 are low – reaching 16% in certain cases for African countries and the EU average rate of 40%, in itself far too low.

Improving the return system

Given the increasing number of migrants seen in 2015 and expected in 2016, the EU return capacity needs to be strengthened and improved. An effective return system is crucial for the sustainability of Europe's migration policies: if Europe wants to accommodate people in need of protection, it must return without delay all those who have no legal right to stay. To date, Member States have not been fully successful in putting in place national systems capable of meeting this challenge and the

credibility of the collective EU return system has been harmed as a result. The Commission's Action Plan on return[34] offers a pathway to a strong national and European return system.

This needs action both inside the EU, and with third countries. Inside the EU, Member States need to fully and correctly apply the Returns Directive and to work with the Commission to identify and address legal and practical obstacles to effective returns – from the issuing of return decisions to ensuring that those due for return do not evade the process, at the same time safeguarding the basic human rights and protection needs of all. The Commission, in December, made a proposal for **a new European travel document for return**[35]. Voluntary return remains the preferred option – being both more dignified and more cost-effective – and is being supported through the EU budget, as well as joint programmes and exchange of best practices. However, migrants often only take up voluntary return if there is a serious and credible prospect of being returned involuntarily. Member States need therefore to ensure that this prospect is real.

The Commission's approach has been backed up with practical and financial support. It is setting up an **integrated return management system**, bringing together all Member States and EU networks in charge of return and reintegration. Frontex has coordinated 66 joint return flights and a total of 3,565 migrants were returned in these joint operations in 2015[36]. Frontex's budget for return has been significantly increased for 2016 – Joint Return Operations will be supported by a budget of €65 million, as opposed to around €10 million before. The result will be seen in the coming weeks in specific operations to support the return of irregular migrants from Greece and Italy.

Cooperation with third countries on return and readmission

Returning irregular migrants not in need of international protection is a key component of EU migration policy. Third countries have obligations to readmit their nationals. But the persistent difficulties in doing so and in the light of the trends of irregular migration in 2015 have now made return and readmission one of the top priorities in EU relations with third countries of origin and/or transit[37]. The Commission and the Member States are exploring incentives, both positive and negative, which can be used to ensure effective application of existing readmission agreements or to conclude new ones. This is in line with the request of the October 2015 European Council to define **comprehensive and tailor-made packages** to underline to partners the importance of cooperation on readmission to relations as a whole. These packages of incentives and leverages, including the operation of trade preferences, should be applied in a coordinated manner by the EU and its Member States. This has been put together with a view to reporting to the March European Council on the first results.

Particular attention is being given to improving cooperation on return and readmission with specific partners. Emphasis is placed on third countries with a low return ratio and where negotiations for the conclusion of a readmission agreement are not advancing, such as **Algeria** or **Morocco**, or where the already concluded readmission agreement is not properly implemented, such as **Pakistan**. In the case of Pakistan, in spite of high-level contacts and efforts by the EU in the course of 2015, implementation of the existing readmission agreement has encountered successive obstacles. Moreover, special

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[34] Communication from the Commission to the European Parliament and to the Council: EU Action Plan on return, COM(2015) 453 final of 9 September 2015.

[35] Proposal for a Regulation of the European Parliament and of the Council on a European travel document for the return of illegally staying third-country nationals, COM(2015) 668 final of 15 December 2015.

[36] This does not count national return operations not carried out with the assistance of Frontex.

[37] In this respect a particular attention will be dedicated to key countries of origin and transit of irregular migration to the EU such as Afghanistan, Algeria, Bangladesh, Ethiopia, Ghana, Ivory Coast, Mali, Morocco, Niger, Nigeria, Pakistan, Senegal, Somalia, Sudan and Tunisia.

attention is paid to countries from which irregular entries have significantly increased, such as **Afghanistan** and **Bangladesh**: more than 200,000 Afghans entered the EU through Greece in 2015, while the number of Bangladeshis entering irregularly has tripled from 2014 to 2015.

In Africa, following the Valletta Action Plan, the Commission is working closely with **Sub-Saharan African countries** to enable these countries of origin to implement the legal obligation under the Cotonou Agreement to readmit their nationals. The effective return rates today are low – reaching 16% in certain cases, considerably below the EU average of 40%, itself far too low. Steps to improve this situation seek to identify practical ways to help them implement their commitments on readmission

Safe third countries

The Asylum Procedures Directive provides Member States with the possibility not to examine the substance of an asylum claim where, due to a sufficient connection with a "safe third country", the applicant can instead seek protection there. Where the conditions are met, this provision allows Member States to close the asylum procedure and to return the asylum applicant to the safe third country in question. However, at this stage, not all Member States foresee the application of this possibility in their national laws, or they do so under restrictive conditions[38]. **All Member States are therefore encouraged to foresee in their national legislation the notion of safe third countries and to apply it when the conditions are met.**

In this context, **the Commission underlines that the concept of safe third country as defined in the Asylum Procedures Directive[39] requires that the possibility exists to receive protection in accordance with the Geneva Convention, but does not require that the safe third country has ratified that Convention without geographical reservation**. Moreover, as regards the question whether there is a connection with the third country in question, and whether it is therefore reasonable for the applicant to go to that country, it can also be taken into account whether the applicant has transited through the safe third country in question, or whether the third country is geographically close to the country of origin of the applicant.

Key next steps:

- In cooperation with the Commission, Member States should quickly address *administrative obstacles and bottlenecks* so that return procedures are executed systematically and rapidly;
- With the full participation of Member States building on their own bilateral relationships, engagement to be intensified with priority countries to put in place *packages of incentives and leverages to improve readmission rates*;
- All Member States should foresee in their national legislation the notion of *safe third countries* and apply it when the conditions are met.

III.6   *Delivering on the EU-Turkey Joint Action Plan*

Delivery of the **EU-Turkey Joint Action Plan** will be key to stemming the influx of irregular migrants in the weeks and months to come, bearing in mind that volumes of irregular arrivals have

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[38] In a press conference on 5 February 2016, Greek Minister of Interior Mr Kouroumplis stated that Greece considers Turkey as a "third country of safe passage".
[39] Article 38(1)(e) of the Asylum Procedures Directive 2013/32/EU.

remained exceptionally high over the winter despite weather conditions. Immediately after the activation of the Joint Action Plan, Turkey took important steps towards its implementation. Measures to open the Turkish labour market to Syrians under temporary protection should make it much easier for refugees to find legal employment. Other steps under way are designed to clear obstacles to cooperation with the EU to combat migrant smuggling and irregular migration, as well as the use of information to discourage refugees from taking the dangerous journey to Europe. Turkey has reported increases in its holding of irregular migrants and smugglers, arresting 3,700 smugglers in 2015, though cooperation on law enforcement and judicial cooperation needs to be enhanced.

Intensive contacts have been made with the Turkish authorities to ensure that concrete measures under the €3 billion **Facility for Refugees in Turkey** should start financing projects as soon as possible. In cooperation with the Turkish authorities, the Commission launched a needs assessment for Syrians under temporary protection in Turkey at the end of 2015. A first overview of the needs assessment is expected by mid-February, to identify projects to be funded through the Facility. Priority areas are humanitarian assistance to refugees, socio-economic support, labour market integration, healthcare and social inclusion, municipal infrastructure and the management of refugee flows[40].

Another important step will be progress on **readmission**. An effective implementation of the EU-Turkey readmission agreement[41], both with regard to the readmission of own nationals by Turkey and, from 1 June 2016[42], the readmission of nationals of other countries who have transited through Turkey on their way to the EU, would be essential. In parallel, there have been intensive efforts to make the **Turkey-Greece bilateral readmission agreement** concerning nationals of other countries more effective but so far, implementation has fallen well short. The Commission is exploring what further support can be provided and is ready to work closely with both the Greek and Turkish authorities to scale up the returns to Turkey under the existing bilateral agreement, awaiting the full entry into force of EU-Turkey agreement.

Key next steps:

- The Commission and Member States should urgently launch the first actions under the *Facility for Refugees in Turkey*;
- Action by Turkey and the EU needs to deliver real and swift *results in stemming the irregular influx* and effective returns of irregular migrants.

III.7   *Supporting refugees outside the EU*

The plight of Syrians is a desperate one, with 13.5 million Syrians in need of humanitarian assistance – six million of whom are children. In 2016, the Commission will maintain the high level of humanitarian assistance provided in 2015 to meet the most urgent needs of refugees in the region affected by the **Syrian crisis**. Inside Syria, despite the intensification of the conflict and the worsening of the humanitarian situation with new surges of displacement, the EU will ensure that assistance is delivered to those in need, such as food, water, shelter and education, with a special focus on the most vulnerable. The Syria Trust Fund will devote €350 million for urgently needed aid to 1.5 million refugees and overstretched host communities in Lebanon, Turkey, Jordan and Iraq, to help core needs

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[40] A list of priority areas is included in the Appendix to Annex 1.
[41] This is an important element in Turkey's Visa Liberalisation Roadmap.
[42] In line with the Joint Action Plan, the Commission has presented measures to advance the date to apply this provision from 1 October 2017 to 1 June 2016.

like education, healthcare and hygiene. The Commission will now rapidly implement the commitments made and will explore all policy options to follow up. For example, the Commission is developing innovative ways to use trade preferences to support refugees in Jordan. Member States must also swiftly put their pledges into effect to help to deliver a real improvement on the ground.

The international community must continue to step up its collective efforts to help Syrian refugees. The EU must use the opportunity presented by a series of international fora to underline the need for a **global effort**. This calls for careful preparation of the High-Level Meeting on "Global responsibility-sharing through Pathways for Admission of Syrian Refugees" organised by the UNHCR in Geneva on 30 March, the UN Humanitarian Summit in Istanbul in May 2016, and the Summit on Addressing Large Movements of Refugees and Migrants, to be held in the UN General Assembly in September 2016. These will provide further opportunities for the EU and the international community to demonstrate longer-term support for Syria and neighbouring countries.

Addressing the root causes of displacement in other regions

The EU is also supporting refugees and host countries in other parts of the world facing forced displacement situations. In mid-2015 there were 4.1 million refugees and up to 11.4 million internally displaced persons in Sub-Sahara Africa. Sudan and Ethiopia are home to more than 1 million refugees from neighbouring countries, in addition to almost 3.5 million internally displaced persons. Further pressure comes from the rapidly increasing youth in Africa[43].

This requires a determined and sustained engagement of the Union and other global actors in the countries concerned. Rapid funding can be provided in particular through the **Emergency Trust Fund for Africa**. In order to assist countries covered by the Trust Fund in hosting refugees from the region, projects need to be launched to give refugees access to education, social care and the labour market, and also to support them in managing their borders.

Providing legal pathways

Another way to support refugees in an orderly way is through **resettlement or humanitarian admission schemes**. These allow a legal pathway to be provided to give protection to those in need, without recourse to the dangerous journeys that have been the cause of so many human tragedies. Resettlement is a global approach and partners working with the UNHCR worldwide are in a position to support the overall effort to help those in need of international protection.

Following the Commission Recommendation of June 2015[44], a **resettlement scheme for 22,504 people** was agreed to help displaced persons from outside the EU who are in clear need of international protection. Effective resettlement under the agreed scheme would follow a request of the UNHCR, and cover two years. According to the information communicated by the States involved in the scheme, **3,358 have been resettled by the end of 2015**[45]. The pledges agreed must be honoured in a timely fashion. By April, building on the practical experience made so far, the Commission will bring forward a horizontal resettlement initiative to ensure a collective approach to resettlement and cement it as a core tool for how the EU assists the countries hosting large numbers of refugee

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[43] Africa's population, 60% of which are ages 24 and less, is estimated to increase by almost 500 million individuals by 2030 - Source: United Nations, Department of Economic and Social Affairs, Population Division (2015).

[44] Commission Recommendation of 8.6.2015 on a European resettlement scheme, C(2015) 3560 final.

[45] Belgium (123), Czech Republic (16), Ireland (163), Italy (96), the Netherlands (220), United Kingdom (1,000), Liechtenstein (20), Switzerland (387).

populations and provides protection to refugees without them needing to resort to dangerous irregular routes in the hands of smugglers.

The **voluntary humanitarian admission scheme with Turkey**[46] must be put in place quickly to provide a legal pathway for Member States to offer international protection to persons displaced by the conflict in Syria, and Member States should accelerate the work on the Commission's Recommendation. The activation of the scheme is contingent on the reduction of numbers of persons irregularly crossing the border from Turkey and can be adjusted in accordance with the size of the refugee population in Turkey. Rapid agreement and implementation would make a major contribution to an effective relationship on migration with Turkey and complement delivery of the actions foreseen under the EU-Turkey Joint Action Plan.

Key next steps:

- The EU must swiftly follow up on the commitments made at the *London Conference*;
- The EU and its Member States must increase their commitment to address the root causes of displacement, improving cooperation of assistance and *delivering the 0.7% Official Development Assistance (ODA) target*;
- National commitments to the Emergency Trust Fund for Africa and to the Syrian Trust Fund should increase to match the EU contribution;
- Member States should accelerate *resettlement* as agreed in 2015 and swiftly endorse the *voluntary humanitarian admission scheme with Turkey* as recommended by the Commission on 15 December 2015;
- By April, the Commission will propose an EU wide *resettlement initiative* to allow for a major upscaling of resettlement efforts.

IV   IMPLEMENTATION OF EU LAW/INFRINGEMENTS

In September 2015, the Commission launched an initiative to open or pursue a variety of cases concerning the **full and correct implementation of legislation** on asylum procedures, reception conditions, the Dublin and Eurodac fingerprinting regulations and return. In the area of asylum, in 2015 the Commission has adopted a total of 58 decisions (letters of formal notice and reasoned opinions) related to the transposition of, and compliance with, the EU asylum *acquis* since 23 September 2015.

Since the steps taken in September, several Member States have communicated to the Commission national legislation considered to be the full transposition of the directives concerned. The Commission services are currently assessing the completeness of the notified measures[47]. In the absence of complete notification, the Commission decided today to issue reasoned opinions in 9 cases.

In relation to the Return Directive, the Commission has sent administrative letters to 10 Member States requesting clarifications on the issuing of return decisions and on the measures taken to ensure their effective enforcement. Having received their observations, the Commission is working closely with the Member States concerned to identify the obstacles and bottlenecks that currently hinder

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[46] Commission Recommendation of 15.12.2015 for a voluntary humanitarian admission scheme with Turkey, C(2015) 9490.
[47] See Annex 8.

return, and the action that needs to be taken to address them, so as to increase the rate of returns and to ensure that obligations are fully complied with.

The **Commission's work on implementation and infringements** reflects the fact that one of the weaknesses of the EU's migration management system, and of the Common European Asylum System in particular, has been failure to transpose fully and inconsistent implementation. The Commission is working hard to help Member States to achieve full compliance. It will continue to use its Treaty-based powers to the full in following up on potential and actual infringement procedures to ensure full compliance with the commonly agreed EU rules.

V   CONCLUSION

Ahead of the February European Council, it is urgent to do whatever is necessary to restore order into the migration system and impose control of the irregular flows through the Eastern Mediterranean/Western Balkans route. The European Council should commit to the actions which are necessary, and EU institutions, EU agencies and all Member States should implement them with determination.

Proper border management requires that all new arrivals are effectively registered and channelled either into national asylum procedures, relocation procedures or return procedures, in line with Dublin EU rules. Full application of EU asylum and border management law and the implementation of collective decisions taken over the past year would guarantee responsibility is shared evenly amongst EU Member States and ensure individual States are each able to cope.

Removing the incentives for irregular migration also means improving conditions in countries of origin, cooperation with key countries of transit such as Turkey, reliable legal channels of migration and effective, systematic and timely return and readmission of those who do not have a right to stay.

The European Union has a legal and moral obligation as well as a historic responsibility to offer protection to those in need. The refugee crisis is one that, collectively, Europe can – and must – manage. This requires a concerted effort from all EU countries, institutions and agencies on multiple fronts to implement what has been agreed. The Commission will continue to devote all its efforts to assist and support Member States in the carrying out of their responsibilities.

Annexes
- Annex 1: EU-Turkey Joint Action Plan – Implementation Report
- Annex 2: Greece – State of play Report
- Annex 3: Italy – State of Play Report
- Annex 4: Relocation – state of play table
- Annex 5: Follow up to Western Balkans Leaders' Meeting – State of play report
- Annex 6: Ongoing actions contributing to the protection of children in migration
- Annex 7: Member States' pledging to Trust Funds – state of play table
- Annex 8: Implementation of EU law – state of play
- Annex 9: Accepted Member States' Support to Civil Protection Mechanism for Serbia, Slovenia, Croatia and Greece