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LIMITE

PE-QE 102

REPLY TO PARLIAMENTARY QUESTION

From: General Secretariat of the Council
To: Permanent Representations of the Member States

Subject: PRELIMINARY DRAFT REPLY TO QUESTION FOR WRITTEN ANSWER
E-002809/2022 - Jean-Paul Garraud (ID)
'Is the Council not worried that the pact on asylum and migration could open the floodgates?'

1. Delegations will find attached:
 - the text of the above question for written answer;
 - a preliminary draft reply prepared by the General Secretariat.

2. If no comments have been received from delegations by 19 October 2022 (17.00), this preliminary draft reply will be submitted to the Permanent Representatives Committee (Part 1) and to the Council for approval.

Any comments received will be examined by the Working Party on General Affairs.

**Question for written answer E-002809/2022
to the Council**

Rule 138

Jean-Paul Garraud (ID)

Subject: Is the Council not worried that the pact on asylum and migration could open the floodgates?

On 10 June 2022, the Council adopted an agreement on a mechanism for the relocation of migrants in southern Europe, i.e. for their transfer to other European states. The plan is for 10 000 asylum seekers to be moved in the first year. Countries that do not participate will have to financially support EU border management. It also adopted a resolution that aims to curb the reintroduction of checks at internal borders in the Schengen area.

This agreement comes at a time when we are seeing a huge increase in illegal immigration to Europe. According to Frontex, in 2021 more than 200 000 illegal immigrants crossed the EU's external borders – suggesting that we will see even greater population movements in the coming years – while 630 550 asylum applications were lodged in the EU¹. However, despite the fact that the vast majority of asylum applications in the EU are refused, very few illegal immigrants are expelled.

1. By adopting this relocation mechanism, is the Council not afraid that it will draw in yet more immigrants?
2. Can it ensure that this threshold of 10 000 asylum seekers will not be raised in the coming years?
3. Finally, how will it help Member States expel those who have been denied asylum?

¹ <https://www.vuesdeurope.eu/demandes-dasile-dans-lunion-europeenne-en-2021-un-quasi-retour-au-niveau-pre-pandemie/>

The temporary solidarity mechanism, supported by the participating Member States at the JHA Council of 9-10 June 2022, is intended to provide a concrete response to the migratory difficulties of the Mediterranean Member States of first entry. It has been designed to provide these Member States with needs-based assistance from other Member States complementary to European support, by offering relocations and financial contributions.

In the political declaration providing for the solidarity mechanism, participating Member States agreed that in order to ensure the predictability of the mechanism, a total annual relocation volume will be set. The mechanism is intended to last one year from the start of its application.

The Council considers it important to improve the return rate for those whose asylum application has been rejected. The implementation of returns could be enhanced by targeted support from participating Member States to Member States of first entry, given that returns are considered to be one of the material contributions under the solidarity mechanism.

In addition, over the past years the Council has taken different measures to reinforce returns of illegally staying third country nationals. In 2019 the Council reached a partial general approach on the revised Return Directive, which would allow for more effective returns. The Council is ready to engage in inter-institutional negotiations as soon as the Parliament has established its position.

Further to calls by the European Council, the Council has moreover agreed on an informal comprehensive leverage mechanism, which covers different policy fields to improve third country cooperation on returns.

In 2021 the Council, pursuant to Article 25a of the Visa Code, already used or invoked the possibility to use visa sanctions against some third countries which did not cooperate on returns, with some positive outcomes. As a result of the ongoing monitoring, visa sanctions could be introduced against other third countries for their lack of cooperation on returns.

In the discussions on the proposal for a regulation on applying a generalised scheme of tariff preferences and repealing Regulation (EU) No 978/2012, the Council is continuing the discussions on the use of trade leverage against third countries which do not cooperate on returns.

