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**NOTE**

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From: Presidency  
To: Representatives of the Governments of the Member States and of the Associated States

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Subject: Voluntary Humanitarian Admission Scheme with Turkey  
- Endorsement

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1. The Commission presented a Recommendation for a voluntary humanitarian admission scheme (VHAS) with Turkey on 11 January 2016<sup>1</sup>. The VHAS constitutes a flanking measure to the mutual commitments contained in the Joint Action Plan with Turkey including a joint approach to managing migration. The objective of the VHAS is to create a system of solidarity and burden sharing with Turkey for the protection of persons forcefully displaced to Turkey as a result of the conflict in Syria.
2. Member States had an initial exchange of views on the VHAS in a SCIFA meeting on 15 January 2016. On 5 February 2016, the Asylum Working Party also examined the same text. Subsequently, draft detailed standard operating procedures (SOPs) for the implementation of the VHAS were submitted to Member States for discussion. Negotiations on the VHAS were suspended while the SOPs for the 1:1 resettlement scheme for the implementation of the EU-Turkey Statement were being discussed as a matter of urgency.

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<sup>1</sup> Doc. 15428/15

3. Once the SOPs for the 1:1 scheme were agreed upon, on 12 May 2016, work continued on the SOPs for the VHAS in a number of meetings of JHA Counsellors. Following this work, an agreement was reached on the version of the SOPs annexed to this Note.
4. Iceland, Liechtenstein, Norway and Switzerland as well as UNHCR and EASO took part in these discussions. The Turkish authorities were extensively consulted in the course of the process and have given their provisional agreement to the annexed text.
5. According to the EU-Turkey Statement of 18 March 2016, admissions under the VHAS with Turkey will be activated once irregular crossings between Turkey and the EU have ended or at least have been substantially and sustainably reduced as a result of the implementation of the 1:1 scheme. According to the latest report of the Commission on the implementation of the EU-Turkey statement (included in the Progress Report on the European Agenda on Migration of 15 November 2017), the latter continues to deliver concrete results in reducing irregular and dangerous crossings and in saving lives in the Aegean sea<sup>2</sup>.
6. The Representatives of the Governments of the Member States and of Iceland, Liechtenstein, Norway and Switzerland are hereby invited to endorse the draft SOPs annexed to this Note.
7. Once endorsed by the Representatives of the Governments of the Member States and of Iceland, Liechtenstein, Norway and Switzerland, meeting in the margins of COREPER, the Standard Operating Procedures will be formalised by way of an exchange of letters between the Commission (acting on behalf of the Representatives of the Governments of the Member States and of Iceland, Liechtenstein, Norway and Switzerland) and the Turkish authorities.

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<sup>2</sup> Doc. 14473/17

## **Voluntary Humanitarian Admission Scheme with Turkey**

### **STANDARD OPERATING PROCEDURES (SOP)<sup>3</sup>**

#### **I. Volume and speed of the procedure**

The number of persons to be admitted by the Participating States in a given period of time is to be determined regularly by a common decision of Participating States taking into account the overall numbers of displaced persons staying in Turkey, including the impact on these numbers of the sustainable reduction of numbers of persons irregularly crossing the border from Turkey into the European Union.<sup>4</sup>

The procedure should be concluded as soon as possible and in any case within six months from the referral by UNHCR of a candidate until the candidate has arrived in the Participating State.

The Participating States and Turkey should maintain a fair distribution with regard to the number of candidates falling within individual selection categories and select candidates on a non-discriminatory basis, also taking into account the total number of persons being admitted by individual Participating States. On the request of a Participating State, details should be agreed upon between Turkey and that Participating State.

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<sup>3</sup> These SOP apply to the implementation of the Voluntary Humanitarian Admission Scheme with Turkey once activated. A Voluntary Humanitarian Admission Scheme with Turkey will be activated by a common decision of Participating States once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced. Participation in this scheme and its Standard Operating Procedures is voluntary and without prejudice to bilateral humanitarian admission or resettlement efforts undertaken by EU Member States and international partners.

<sup>4</sup> Costs incurred in the implementation of the scheme are to be borne by Participating States. Funding will be available for EU Member States under the EU Asylum, Migration and Integration Fund (AMIF).

## II. Eligibility

- Target group: Persons from Syria who have been displaced by the conflict and who are prima facie in need of international protection, without having a profile that could bring them under the scope of the exclusion clauses, as set out in EU or international law, benefitting from temporary protection or conditional refugee status in Turkey prior to [date of the entry into force of the VHAS]. This may include stateless persons and nationals of other countries, previously habitually resident in Syria, who have been registered by the Turkish authorities either as beneficiaries of temporary protection or conditional refugees.<sup>5</sup>
- New-borns of parents could be included regardless of their date of registration;
- Dependent members of nuclear families who came from Syria subsequent to the family's registration date and after [cut-off date] could be included regardless of their date of registration.
- Selection categories: Falling within at least one of the following categories (including the below mentioned UNHCR resettlement submission categories):
  - women and girls at risk;
  - survivors of violence and/or torture;
  - persons with legal and/or physical protection needs;
  - persons with medical needs or disabilities;
  - children and adolescents at risk;
  - members of the family of a person legally resident in a Participating State<sup>6</sup>

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<sup>5</sup> E.g. persons previously habitually resident in Syria who were displaced by the conflict (e.g. Palestinians ex Iraq, Iranians, Iraqis, Somalis, Afghans, Sudanese). The "conditional refugee" status is a Turkish legal concept introduced by the Law on Foreigners and International Protection (LFIP) for persons fleeing events occurring outside European countries.

<sup>6</sup> Family reunification under EU law and the voluntary humanitarian admission under this scheme will continue to take place in parallel and implemented in a complementary way.

- Other persons who fall within the target group with social, family, or economic ties with any of the Participating States, without discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- As a general rule, families with complex<sup>7</sup> or unclear profiles are not eligible. Legal limitations of Participating States have to be respected;
- The person does not constitute a threat to public policy, internal security and public health;
- A candidate who has refused admission to a particular Member State is no longer eligible;
- Priority will be given to eligible persons who have not previously entered or tried to enter the EU irregularly;

### **III. Procedure**

#### ***Step 0 – Planning***

- As soon as possible after the activation of the Voluntary Humanitarian Admission Scheme ('scheme'), Participating States designate National Contact Points and liaison officers deployed to Turkey and communicate the names of the persons designated to EASO.

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<sup>7</sup> Complex profiles include inter alia: a) underage spouses; and b) a further spouse, where the family member already has a spouse living with him or her.

- Within 8 weeks from the activation of the scheme, and at least every 6 months thereafter, Participating States communicate to EASO: 1) how many persons they intend to admit and within which time period; and 2) if applicable, indicate priorities within the target group taking into account the need to maintain an overall fair distribution with regard to the number of candidates falling within individual selection categories and any further details agreed between Turkey and a particular state. A common template developed by EASO should be used for this purpose.
- EASO communicates, in accordance with applicable data protection standards, the number of candidates to be admitted and, if applicable, priorities within the target group to Turkey and to UNHCR.

***Step 1 – Initial referral by Turkey***

- The Directorate General of Migration Management (DGMM) shares, as soon as possible, with UNHCR, a list of persons falling within the target group, and if applicable, the priorities within the target group indicated by Participating States, in accordance with the applicable data protection legislation in Turkey.
- DGMM should compose the lists on a non-discriminatory basis and also ensure that family unity can be maintained.
- Turkey should exclude a person in case he or she does not meet the eligibility criteria including due to the fact that his or her situation or status has changed since the person was registered by the Turkish authorities, or to give priority to persons who have not previously entered or tried to enter the EU irregularly.

- DGMM should identify a larger number of persons compared to the number of persons to be admitted under the scheme. The list should contain information concerning:
  - Identity data (name, date of birth, nationality, spouse, children/dependants,) and registration number;
  - Date of registration with the Turkish authorities;
  - UNHCR resettlement submission category;
  - At the moment of referral, the candidates are not known to the Turkish authorities as constituting a security risk (on the basis of national security checks) or having attempted to enter the EU irregularly from Turkey or having committed a serious crime in Turkey<sup>8</sup>;
  - Indication of family links in one of the Participating States (where applicable);
  - Place of residence / contact details.
- Participating States may, in cooperation with UNHCR, also propose names of persons. This should respect the principles established in Section I. In such cases, UNHCR should, after an initial evaluation, communicate these names to DGMM, who will make their assessment of eligibility and decide to include the eligible individuals into the list.

### *Step 2 – Assessment by UNHCR*

- UNHCR selects candidates for referral among lists of persons referred to it by DGMM and by Participating States.<sup>9</sup>
- UNHCR refers only those candidates 1) for whom, based on the information available to UNHCR, there are no indications cautioning against the processing of the case related to the exclusion clauses; and 2) who based on the information available to UNHCR, were found to fall within one or more of the selection categories.

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<sup>8</sup> Syrians are granted temporary protection after their security checks are completed by the Turkish security authorities.

<sup>9</sup> The assessment undertaken by UNHCR does not include a Refugee Status Determination.

- For that purpose, UNHCR contacts the persons on the list received from DGMM by phone to:
  1. enquire about their whereabouts, family composition and willingness to participate in the scheme; and
  2. explain the procedure to the candidates, including the fact that the destination country will not be decided on the basis of the candidate's choice.
  
- Should those individuals be willing to participate in the scheme, UNHCR calls them for a face-to-face interview, during which UNHCR asks candidates to provide information on:
  - Applicable UNHCR resettlement submission category, and/or family links in Participating States and social, family, or economic ties with any of the Participating States;
  - Family profiles, including the name, date of births and current location of family members outside of the Participating States;
  - Protection concerns, including medical needs;
  - Reasons for leaving Syria, fears upon return, description of the travel route from place of residence in Syria to Turkey; detention suffered as a result of the conflict;
  - Military service, political affiliation, any armed activities or interactions with armed groups and the intention to fight if returned to Syria;
  - Language skills and possible socio-cultural links of the candidate with any of the Participating States, in order to facilitate the matching of the selected cases among the participating States.
  
- UNHCR collects copies of documents for identification purposes, information concerning family composition (where applicable) and assesses if statements and evidence provided by applicants are considered credible. Where available, copies of medical certificates and other documents (e.g. custody documents) are also collected. A picture of every candidate is taken. UNHCR seeks the consent of the candidate for the possible transmission of the file to Participating States and further processing.

- When assessing the eligibility and credibility of candidates, UNHCR takes into account the information received from Turkey, information gathered as well as the documentation collected.
- UNHCR matches, possibly in cooperation with EASO, the selected cases with the Participating States proportionately to the number of places pledged taking into account, if applicable, priorities within the target group indicated by Participating States, any language skills or social and cultural ties with any of the Participating States, if any, without discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- A person with family links within a Participating State should be referred to that State.
- UNHCR refers the cases to the liaison officers or national contact points of Participating States using a standard form developed by UNHCR in consultation with the Participating States for the scheme and providing a list of all supportive documentation including identity documents where available for Participating States to request and consult.
- UNHCR informs DGMM monthly about the cases selected and their processing status, including about rejected cases, and cases which are not submitted to any Participating State, together with the reasons for rejection by Participating States or disqualification by UNHCR where necessary for the implementation of these Standard Operating Procedures, where made available to UNHCR by Participating States, in accordance with UNHCR's Data Protection Policy and the established practice with the Turkish authorities in the context of global resettlement standards.

### *Step 3 – Assessment by Participating States*

- The Participating State identifies potential candidates among the files received from UNHCR by performing necessary identity, medical and security checks, including checks of the SIS and national databases as well as whether a person has entered or attempted to enter the EU irregularly. For this purpose, the Participating State may take fingerprints in Turkey, where possible in the Embassy/Consulate, and store, compare and transfer these fingerprints to the competent national authorities in the participating State, in accordance with national law of Participating States.
- The Participating State assesses the cases on the basis of documentary evidence or interviewing, possibly in cooperation with an implementing partner (such as IOM). Upon request notified to DGMM at least ten working days prior to the scheduled interview or orientation course date<sup>10</sup>, by a Participating State or an implementing partner, Turkey provides (internal) travel permits to candidates, as soon as possible and in any case within five working days, in order to facilitate movement and access to interview or orientation course premises.
- The Participating State explains to the candidate that the residence permit status to be granted is only valid on the territory of the Participating State granting it and that the candidate will not be allowed to reside on that basis in another EU Member State. The candidate is also informed about his or her duty to comply with the laws of the Participating State of destination.
- The Participating State concludes on the cases referred as soon as possible as of receiving the file from UNHCR while ensuring that family unity can be maintained, and informs the candidate through UNHCR. UNHCR will counsel candidates on the next steps including, where applicable, the consequences of negative outcomes. UNHCR makes requests for exit visas on behalf of selected candidates.

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<sup>10</sup> DGMM does not take into consideration travel permits notified later than ten working days prior to the scheduled interview date.

- The Participating States retain the right to decide on and reject candidates in individual cases on a non-discriminatory basis, notably when they do not meet the eligibility criteria.
- Only if there are reasons to believe that a candidate considered not eligible by one Participating State could be considered eligible in relation to another Participating State, UNHCR may submit the case to that Participating State.
- The Participating States issue the necessary national visa/permit and travel documents where necessary in accordance with national law.
- EASO supports, within the limits of its mandate, Participating States, in particular cooperation and coordination between them. Participating States may cooperate for example with regard to file reviews and interviewing through joint and/or supported processing.

#### *Step 4 - Pre-departure and departure*

- The Participating States arrange:
  3. appropriate cultural orientation, if possible;
  4. fit to travel medical checks;
  5. transfer of the candidate (flights and all other practical arrangements).
- Participating States may use an implementing partner (such as IOM) for all pre-departure and departure arrangements.
- EASO supports, within the limits of its mandate, Participating States, in particular cooperation and coordination between them.

- Exit permits should be requested by UNHCR at least fifteen working days prior to the persons' scheduled exit date. If the persons are participating in pre-departure orientation courses, UNHCR should request the exit permits at least fifteen working days prior to the date of their orientation. Exit permits should be granted or refused by DGMM at least five working days prior to the persons' scheduled exit or orientation course date and delivered without discrimination. In exceptional circumstances, where, due to unforeseen events, a person's scheduled exit date is less than 15 working days away, DGMM should endeavour to issue the requested exit permit ahead of the scheduled exit date whenever possible. Exit permits should only be refused in case of new circumstances or new evidence concerning security risks following the referral of the candidate by DGMM to UNHCR. In case of refusal, DGMM will inform the Participating State through UNHCR / EASO together with the reasons for rejection to the extent possible.
- Candidates give back their temporary protection ID cards upon departure and Turkish authorities terminate the temporary protection.

#### ***Step 5 - Arrival in a host country***

- The candidates admitted are granted a status at least equivalent to subsidiary protection or any other equivalent temporary status under national law for not less than one year, and renewable, in accordance with national procedures. Only in case of new circumstances or new evidence concerning the person's eligibility following the conclusion on admission, the status could be refused or revoked.
- This is without prejudice to the right of the admitted candidate to apply for and be granted international protection in the framework of an asylum procedure.
- This step only concerns EU-internal procedures and does not create any obligation for Turkey.

#### **IV. Joint committee**

A Joint committee consisting of the Turkish authorities, Participating States, the European Commission, EASO and UNHCR will oversee the implementation of the scheme, including this SOP. IOM may participate as and when necessary. The Joint committee may make recommendations for changes in the SOP.

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