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REPORT FROM THE COMMISSION

**TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE
COUNCIL**

Tenth report on relocation and resettlement

1 Introduction

Since 2015, to address the severe refugee crisis, the European Commission has been intensively working towards putting in place all the different components of a comprehensive migration policy that the European Council and the European Parliament have repeatedly called for. It includes both short and long term measures, from tackling migratory flows outside the EU and stemming irregular flows to and within Europe, to ensuring effective control of our external borders through notably the establishment of the European Border and Coast Guard Agency, to reforming the Common European Asylum System and providing enhanced paths for legal migration, including through the establishment of a common EU framework for resettlement.

The temporary emergency relocation¹ and resettlement schemes² are key elements of the Union's response to better manage migration and reflect the principle of responsibility and solidarity in practice. Together with all the other measures needed or now in place in order to reduce, in a sustainable manner, the flows of irregular migrants to Europe, these schemes are important components of the wider strategy to regain control of the situation.

There cannot be a fair sharing of responsibility without solidarity. The Commission's measures and proposals are based on this principle and cannot be disassociated from one another. In line with the Malta Declaration of Heads of State or Government³, all elements of the EU's comprehensive migration policy must be implemented. The resumption of Dublin transfers to Greece recommended by the Commission as of 15 March 2017 cannot be separated from the collective responsibility to alleviate the pressure on Greece by implementing the obligations under the Council Decisions on relocation. Moreover, while it is essential that the emergency relocation schemes are fully implemented in the short term to relieve the pressure from Italy and Greece, it is equally important, in parallel, to accelerate the work on the reform of the Common European Asylum System, particularly on the Dublin Regulation. Such reform will ensure that Europe has a fair but effective asylum policy based on a clear and fair sharing of responsibility among all Member States, including structural tools for coping with situations of particular pressure.

Although arrivals of migrants have significantly decreased in 2016, Greece remains under great pressure with around 62,300 migrants still present in its territory. Greece also has to focus resources on the implementation of the EU-Turkey Statement and ensure the daily operations of returns to Turkey of irregular migrants having crossed from Turkey into the Greek islands after 20 March 2016. In Italy, 2016 marked a new record in terms of arrivals,

¹ In September 2015, the Council adopted two legally binding Decisions establishing a temporary mechanism to relocate applicants in clear need of international protection from Italy and Greece. In total, under the first and second Council Decisions 39,600 persons are allocated for relocation from Italy and 66,400 from Greece. As a follow-up to the EU-Turkey Statement, a decision was adopted in September 2016 referring to the remaining 54,000 places that had not yet been allocated to the Member States, and making them available for the purpose of legal admission of Syrians from Turkey to the EU. So far, Member States have indicated their intention to legally admit 34,000 Syrians from Turkey out of those 54,000 including via resettlement. The second Council Decision of September 2015 containing the allocation of 120,000 asylum seekers has been challenged before the Court by Hungary and Slovakia invoking a large number of arguments. The judgement is expected in 2017.

² In July 2015, Member States and Dublin Associated Countries agreed to resettle 22,504 people in need of international protection from outside the EU.

³ <http://www.consilium.europa.eu/en/press/press-releases/2017/01/03-malta-declaration/>

with 181,436⁴ (18% more than in 2015), of which 14% were unaccompanied minors. The measures put forward recently by Italy⁵ to step up its efforts to return those migrants that are not entitled to remain in the EU are welcome and should be implemented swiftly. Relocation should alleviate the pressure on Italy by sharing the responsibility in dealing with those migrants clearly in need of international protection.

The Commission has been reporting on a monthly basis on the implementation of the relocation and resettlement schemes. While on resettlement progress has been promising, the same cannot be said on relocation where overall progress has been slow. To encourage swift implementation of the relocation obligations, and based on the situation on the ground, the Commission set⁶ specific targets to ensure the relocation of all those eligible in Italy and Greece in an effective and smooth manner within the timeframe of the Council Decisions. The Commission has called bilaterally upon Member States to increase their efforts to meet the set targets and most importantly their obligations. Those Member States and Associated Countries that were already active on relocation reacted positively and communicated to the Commission their monthly planning. However, the response from less active Member States was mixed.

All operational preconditions are there to make relocation operations happen and help Member States reach the set targets. Some Member States and Associated Countries are leading the way. Others need now to follow. Relocating all those eligible in Italy and Greece would be possible by September 2017 if all Member States pursue and deliver on their obligations. Intensified and coordinated efforts from all Member States as well as solid cooperation between all actors involved is now essential to make tangible progress on this key element of the European Union's comprehensive migration policy, as called upon by the Heads of State or Government.

2 Relocation

Although there has been a progressive increase in the pace of relocations with 13,546 persons relocated as of 28 February (9,610 from Greece and 3,936 from Italy), this represents less than 14% of the legal obligation so far allocated by the Council (106,000 for both Italy and Greece). At the current pace, the total number of people relocated will be far from the obligations set for September 2017.

France is the country that has relocated the largest number of applicants (2,758) so far, followed by **Germany** (2,626) and the **Netherlands** (1,486). However, as inferred from the data in the Annexes, only two Member States, **Malta** and **Finland**, are so far on track to meet their obligations in time for both Italy and Greece. **Luxembourg and Portugal** are also

⁴ Source: Italian Ministry of the Interior.

⁵ Decreto-Legge 17 febbraio 2017, n. 13, Disposizioni urgenti per l'accelerazione dei procedimenti in materia di protezione internazionale, nonche' per il contrasto dell'immigrazione illegale. (GU Serie Generale n.40 del 17-2-2017). Published in GURI n. 40 of 17.02.2017 and entered into force on 18.02.2017.

⁶ COM(2016) 791 final. The Commission proposed a two-step incremental approach to allow Member States time to plan and coordinate their efforts and ensure a progressive step up of capacities to avoid logistical bottlenecks. First, to increase relocations from Greece from 1,000 per month to 2,000 per month and for Italy from 400 per month to 1,000 per month and second, as of April 2017, to further increase from 2,000 per month to 3,000 per month from Greece and for Italy from 1,000 per month to 1,500 per month.

steadily progressing on their obligations for Greece and Italy. Moreover, despite their voluntary participation in the scheme, **Associated Countries** are generally well on track to relocate their commitments in time. Finally, **Sweden** is getting organised to meet its relocation obligations for Italy and Greece between June and September 2017.

Unfortunately, the picture is disappointing for other Member States. **Hungary, Austria and Poland** are still refusing to participate in the relocation scheme. The **Czech Republic** has not pledged since May 2016 and has not relocated anyone since August 2016, having relocated less than 1% of its allocation. **Bulgaria, Croatia and Slovakia** are relocating on a very limited basis (between 1% and 2% of their allocation relocated).

In addition, despite their recent efforts to accelerate relocation, **Belgium, Germany and Spain** have relocated about 10% of their allocation so far, and Spain is not pledging on a monthly basis. Finally, some Member States that were initially very active have slowed down their participation and are called upon to resume their prior pace.

Greece

In addition to 9,000 already relocated, around 20,000 persons are currently present in Greece who could be eligible for relocation. The migratory situation is expected to remain stable with the continued implementation of the EU-Turkey Statement. **At the current pace of relocation of about 1,000 people per month, the total number relocated from Greece by September 2017 would be around 16,400 people, which represents 57% of the total eligible for relocation.**⁷ This will not be sufficient to alleviate the burden.

If the target of 3,000 per month included in the Joint Action Plan⁸ endorsed by the European Council⁹ is met, the total number of people relocated by September 2017 would be between 28,400 and 30,400. By meeting that target, it is likely that the vast majority of migrants expected to be eligible for relocation in Greece would be relocated, achieving the main objective of this emergency measure adopted in September 2015.

Only a few countries (**Estonia, Ireland, Latvia, Lithuania, Luxembourg, Malta, Portugal and Finland**) are well on track to meet their relocation obligations for Greece. Meeting the targets is therefore only possible provided that all Member States pledge and transfer on a stable monthly basis and according to the size of their allocations. In particular, those Member States that have not relocated a single person or only a few (the **Czech Republic, Hungary, Croatia, Austria, Poland and Slovakia**) should start doing so immediately. **Spain** should also pledge and relocate on a monthly basis according to the size of its allocation and **Bulgaria, Cyprus, Lithuania, Luxembourg, Portugal, Romania and Slovenia** should start again pledging and relocating on a monthly basis. **Belgium**, which has recently indicated its willingness to speed up relocations, and **Germany**, should also increase their monthly pledges and relocations according to the size of their allocations. For their part, **France and the Netherlands** should continue, as a minimum, with their current monthly efforts and so should the Member States and Associated Countries that are already on track to meet their obligations in time. All Member States should offer more places for the relocation of unaccompanied minors, including for married minors, show more flexibility and accept their

⁷ In April, clearer data will be available after the finalisation of the registration exercise.

⁸ COM(2016) 792 final, Annex 1.

⁹ <http://www.consilium.europa.eu/en/press/press-releases/2016/12/15-euco-conclusions-final/>

fair share of vulnerable cases.

Meeting these targets lies largely in the hands of the Member States of relocation, since Greece and the EU Agencies and international organisations involved in the implementation of the scheme have done what is required to make relocation work. **Greece** has implemented most of the recommendations set by the Commission in its monthly reports, mainly to swiftly register all migrants, including those eligible for relocation, with the support of the European Asylum Support Office (EASO) and the United Nations High Commissioner for the Refugees (UNHCR) –Greece will register all migrants currently in Greece by March 2017 (one month earlier than originally planned). **EASO** is implementing a new Operational Plan which permits hiring temporary staff to ensure a constant deployment of experts and its input has been crucial to safeguard the quality of the relocation files and to support junior staff in the Greek Asylum Service. Thanks to the coordinated support of **UNHCR** and the **International Organization for Migration (IOM)**, the relocation process has become increasingly efficient. UNHCR was instrumental in the design of the mass pre-registration exercise and to ensure the proper accommodation of relocation applicants while IOM ensures all applicants undergo health checks and receive pre-departure orientation, showing flexibility to the many conditions imposed by Member States and continuously increasing its capacity.

Italy

In 2016, around 20,700 Eritreans arrived in Italy but only between 5,300 and 5,800 have so far been registered for relocation by the Italian authorities. **At the current pace of relocation of about 750 people per month, the total number relocated from Italy by September 2017 would be around 9,200, which represents about 44% of those who could today be eligible for relocation.¹⁰ This will not be sufficient to alleviate the burden. Moreover, this might change in view of the future migration pressure.**

If the target of 1,500 per month is met, the total number of people relocated by September 2017 would be between 11,200 and 14,200.

Only eight countries (**Germany, France, Malta, the Netherlands, Norway, Finland, Portugal and Switzerland**) are fully engaged in relocation from Italy. Other Member States (**Belgium, Croatia, Latvia, Romania and Spain**) have only relocated a few persons so far. Others (**Cyprus, Croatia, Luxembourg, Romania, Slovenia and Spain**) are not pledging on a monthly basis. Too many Member States have not yet relocated a single person from Italy (**Bulgaria, the Czech Republic, Estonia, Ireland, Hungary, Lithuania, Austria, Poland and Slovakia**).

Meeting the targets requires all Member States to pledge and transfer on a stable monthly basis and according to the size of their allocations. Arrangements with Europol and the Italian authorities have been made to facilitate exceptional additional security checks, including security interviews. Less active Member States that have so far justified their slow relocation rate due to security concerns¹¹ should therefore step up their efforts immediately.

¹⁰ The number of persons eligible for relocation that are currently present in Italy and who could be eligible for relocation is not fully known.

¹¹ Estonia and Ireland pledged once, but since they were not allowed to carry out security interviews at the time, they have not pledged again for the moment. In addition, Lithuania rejected the first relocation

At the same time, those Member States that are less known to applicants should improve information provision, including cultural orientation sessions.

For its part, **Italy** should show more flexibility for the grounds allowing additional Europol security interviews. In addition, Italy should identify and register for relocation all those eligible as soon as possible and continuously. To this end, Italy should increase the number of staff processing applications in the Dublin Unit, if needed with EASO's support, including the already existing EASO mobile teams that register for relocation eligible migrants beyond the original relocation hubs. Italy should also centralise applicants in a few relocation sites, at least for the last stages of the procedure. This would allow for a more efficient pre-departure phase, including the necessary health checks and cultural orientation sessions, and contribute to reducing risks of absconding, as applications will be processed more speedily. Finally, Italy should urgently clarify the procedures to enable the relocation of unaccompanied minors (including by facilitating the appointment of guardians), make use of EASO's guidance and further support, and create one or more dedicated relocation hubs for unaccompanied minors to accelerate the procedures.

To achieve the targets both for Greece and Italy it is essential that:

- All Member States pledge and transfer on a stable monthly basis according to the size of their allocations, comply with the response time of the relocation protocols and improve their reception and integration systems to avoid delays in transfers, making full use of EU funds;
- No Member State resorts to "cherry picking", or arbitrarily deciding whether to accept a relocation request. Rejections should be solely based on the grounds established in the Council Decisions;
- Italy swiftly identifies and registers for relocation all arriving migrants eligible, shows more flexibility regarding the grounds for Europol security interviews, centralises applicants in fewer designated reception facilities for the last stages of the procedure and starts relocating unaccompanied minors as soon as possible.

3 Resettlement

Significant progress has been achieved so far on resettlement, with well beyond half of the 22,504 resettlements agreed under the Conclusions of 20 July 2015 already completed. Since 6 February 2016, 454 people have been resettled mainly from Turkey, Jordan and Lebanon. As of 27 February 2017, **14,422** people have been resettled to 21 States (**Belgium, the Czech Republic, Denmark, Germany, Estonia, France, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, the Netherlands, Norway, Austria, Portugal, Spain, Finland, Sweden, Switzerland and the United Kingdom**). **Estonia, Ireland, the Netherlands, Finland, Sweden, and the United Kingdom** as well as **Associated Countries: Iceland, Liechtenstein and Switzerland**, have already fulfilled their pledges.

A majority of States participating in the scheme indicated that their resettlement efforts were primarily, but not exclusively, directed at Syrians staying in Jordan, Lebanon and Turkey. This includes efforts from Member States to resettle Syrians from Turkey under the EU-Turkey Statement of 18 March 2016.

requests sent by Italy; although Lithuania was pledging almost every month, Italy did not send any relocation requests.

Since 4 April 2016, **3,565** Syrians have been resettled from Turkey under the resettlement part of the 1:1 scheme of the EU-Turkey Statement. Altogether, 467 people have been resettled under this mechanism since the last reporting period and the remaining number of all pledges is 12,108. Resettlements under 1:1 scheme have so far taken place to **Belgium, Germany, Estonia, France, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Spain, Finland** and **Sweden**. Additionally, **Norway** has so far resettled 150 Syrians from Turkey since 4 April.¹²

The Member States which have not yet resettled under the Conclusions of 20 July 2015 and those who are still far away from reaching their targets should equally step up their efforts. In particular, Member States which have not yet resettled under the ongoing EU level schemes (**Bulgaria, Cyprus, Greece, Croatia, Malta, Poland, Romania, Slovakia** and **Slovenia**) as well as **the Czech Republic, Denmark, and Portugal**, which have not reported any progress in several months, should prioritise their efforts.

4. Way forward

For a year, the Commission has been reporting on a monthly basis, to push forward the implementation of the Council Decisions on relocation in close cooperation with Italy and Greece, Member States, EU agencies and international organisations. The preconditions and operational infrastructure to make relocations happen are now fully in place. Hotspots are set up, procedures to facilitate relocation are in place, and EU agencies and international organisations are working hand in hand with Italy and Greece in truly European and fully operational teams.

However, relocation results do not reflect the progress of the preparatory groundwork. While there has been progress on relocation, it has been patchy and irregular. Joint efforts led to a progressive acceleration of relocation until September 2016, but only a few Member States are on track to meet their obligations under the Council Decisions. At the current pace, the total number of people relocated will fall well below the targets set for September 2017. Now, in the coming months, is the time to step up considerably the number of monthly transfers for all Member States.

When adopting the Council Decisions in September 2015, the Council established a two-year timeframe which was considered adequate for an emergency mechanism. Seventeen months into the implementation of the Decisions, **pressure remains high in both Greece and Italy with less than 14% relocated so far. It is crucial that all Member States urgently intensify their efforts and meet the monthly relocation targets – at least 3,000 relocations from Greece and at least 1,500 relocations from Italy. The target for Greece was endorsed by the European Council.** These targets aim at ensuring the relocation of all those eligible currently in Italy and Greece in an effective and timely manner, avoiding any operational and logistical bottleneck that would result if the majority of remaining transfers were to be implemented in the last months before September. **Italy, Greece, the EU agencies and international organisations have increased their capacities to meet the targets. They**

¹² Although Norway applies the standard operating procedures for resettlement agreed with Turkey in the ambit of the 1:1 scheme, the number of resettlements to Norway in the context of the 1:1 scheme is not counted against returns of Syrians from Greece.

are ready and on stand-by to carry out the monthly targets. In particular, in Greece, right now 9,000 people are ready to be relocated but there are insufficient pledges. **It is now for the other Member States to equally deliver on their obligations.**

The success of the relocation scheme will be measured against whether all persons eligible for relocation are effectively transferred to another Member State as foreseen in the Council Decisions and whether all Member States actively participate in the scheme in a spirit of loyal cooperation. **Given current numbers in Greece and Italy, relocation of all those anticipated to be eligible is possible and feasible by September 2017.** Now is the time to turn the calls of the Heads of State or Government into concrete action.

The Commission urges the Maltese Presidency of the Council and the Member States to follow up the Commission's recommendations and targets at the upcoming Justice and Home Affairs Council at the end of March to ensure an increased rate of relocations before September 2017 in a coordinated manner.

If Member States do not increase their relocations soon, and if the pressure on Greece and Italy is not alleviated, the Commission will not hesitate to make use of its powers under the Treaties.

An insufficient implementation of the relocation scheme will not only fail to alleviate the pressure on Greece and Italy but it will also negatively affect the progress on other aspects of the comprehensive EU response to the migration and refugee crisis. In any case, pursuant to the Council Decisions, Member States' legal obligations do not stop after September 2017. Therefore, the relocation procedure set out in those Decisions must still be carried out by the Member States for eligible applicants within a reasonable timeframe thereafter.

In parallel, Member States should continue to deliver on their resettlement obligations; in particular, **those who have not yet resettled anyone as well as those who are still below their target under the Conclusions of 20 July 2015 should step up their efforts.**