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Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL First report on relocation and resettlement

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Delegations will find attached document COM(2016) 165 final.

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Brussels, 16.3.2016  
COM(2016) 165 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL**

**First report on relocation and resettlement**

# 1 Introduction

*In 2015, around 880,000 persons arrived in the European Union through Greece and Italy. In May 2015, for the first time in the history of European migration policy, the Commission proposed to relocate people in clear need of international protection within the EU, from Member States under extreme pressure to other Member States of the European Union. In September 2015, the Council adopted two legally binding decisions<sup>1</sup> which established a temporary and exceptional relocation mechanism for 160,000 applicants in clear need of international protection from Greece and Italy.<sup>2</sup>*

*At the same time, with a view to addressing the global migratory crisis comprehensively and to showing solidarity with third countries equally affected, the Commission recommended an EU resettlement scheme for 20,000 people in need of international protection. In July 2015, Member States, together with Dublin Associated States, agreed to resettle over two years 22,504 people in need of international protection from the Middle East, Horn of Africa and Northern Africa.*

*As the flows continue in 2016, so far however only 937 people have been relocated from Italy and Greece, and only 4,555 have been resettled. The unsatisfactory level of implementation of both schemes is due to a variety of factors, including the lack of political will of Member States to deliver in a full and timely manner on their legal obligations to relocate. Until recently, the wave-through policy along the Western Balkan route was an additional obstacle to the relocation scheme as most eligible applicants travelled onwards instead of being relocated in an orderly fashion. In parallel, Member States were reluctant to resettle as people continued to arrive in an irregular way.*

*Following the Commission's report<sup>3</sup> on how to restore order on the Eastern Mediterranean/Western Balkans route as well as the Conclusions of the European Council of 18-19 February and of the meeting of the Heads of State or Government of 7 March<sup>4</sup>, Member States agreed to adopt a European approach and end the wave-through policy. They also noted the need to stand by Greece in this difficult moment, taking account of the very difficult humanitarian situation which is rapidly developing on the ground. In that regard, with the flows continuing, more than 100,000 migrants could be stranded in Greece within a month, according to the United Nations High Commissioner for the Refugees (UNHCR). They therefore called for a substantial acceleration of the implementation of relocation to alleviate the heavy pressure that presently weighs on Greece.*

*This Communication responds to the obligation under Article 12 of the two Council Decisions to report to the Council every six months on the implementation of the Decisions and the*

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<sup>1</sup> Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

<sup>2</sup> Out of those 160 000, 54 000 were intended to be relocated from Hungary in the Commission proposal, but will be relocated from Italy and Greece instead if no amending decision to the second Council Decision on relocation is made by September 2016.

<sup>3</sup> COM(2016)85 final.

<sup>4</sup> EUCO 1/16; SN 28/16.

*roadmaps for Italy and Greece. It also responds to the Commission commitment under the Roadmap "Back to Schengen"<sup>5</sup> to report on a monthly basis on the implementation of relocation and resettlement. This Communication summarises the challenges identified and lessons learned in these first months of implementation of the relocation and resettlement schemes and proposes recommendations and actions in the short term to improve the implementation rate.*

## **2 Relocation**

### **2.1 Legal background and participating countries in the EU relocation schemes**

Following the two decisions in September 2015, 106 000 asylum applicants are due to be relocated from Italy<sup>6</sup> and Greece<sup>7</sup> by September 2017. The remaining 54,000 were assigned to be relocated from Italy and Greece, unless a proposal is submitted by the Commission to the Council before 26 September 2016 to adapt the relocation mechanism<sup>8</sup>. Moreover, in line with the Council Conclusions of 20 July 2015, the Member States still have to pledge on the allocation of the remaining 7,744 places under the first Council Decision, out of a total of agreed 40,000 places. Member States have an obligation to relocate from Italy and Greece the number of persons allocated to them as per Annexes I and II to Council Decision (EU) 2015/1601<sup>9</sup> as well as those agreed in Council Decision (EU) 2015/1523<sup>10</sup> in line with the figures defined in the Council Conclusions of 20 July 2015. This obligation is to be fulfilled over a two-year period.

In line with their special positions under Protocols 21 and 22 of the Treaty on the Functioning of the European Union, the United Kingdom and Ireland are not bound by this Decision, but can decide to opt in. On 6 October 2015, Ireland opted-in to both Council Decisions and is already relocating applicants from Italy and Greece. In addition, Dublin Associated States (Switzerland, Norway and Liechtenstein) expressed their interest in participating in the relocation scheme and are finalising the necessary bilateral arrangements with Italy and Greece to start relocation as soon as possible. Hungary and Austria have not pledged any places for relocation under Decision 2015/1523. Hungary and Slovakia have lodged actions<sup>11</sup> before the Court of Justice of the EU to review the legality of the second Council Decision on relocation. These actions do not have suspensive effect and the Member States thus remain obliged to relocate under the decision in question.

The migratory pressure on Sweden and Austria has led these two Member States to request temporary suspension of the obligations under the Council Decisions on relocation. To address these requests, in December 2015 the Commission adopted a proposal for a Council Decision on the temporary suspension of the obligations of Sweden under both Council Decisions on relocation<sup>12</sup> and in February 2016 a proposal for a Council Implementing

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<sup>5</sup> COM(2016) 120 final.

<sup>6</sup> 39,600 asylum applicants are to be relocated from Italy under the two Council Decisions on relocation.

<sup>7</sup> 66,400 asylum applicants are to be relocated from Greece under the two Council Decisions on relocation.

<sup>8</sup> Article 4(3) of Council Decision (EU) 2015/1601.

<sup>9</sup> Council Decision (EU) 2015/1601 of 22 September 2015.

<sup>10</sup> Council Decision (EU) 2015/1523 of 14 September 2015.

<sup>11</sup> C-643/15 and C-647/15.

<sup>12</sup> COM(2015) 677 final.

Decision on the temporary suspension of 30% of the number of applicants to be relocated by Austria under Council Decision (EU) 2015/1601. The decision regarding Austria was adopted by the Council on 10 March 2016. As a result, Austria benefits from a one-year suspension for the relocation of 1,065 applicants. The proposal regarding Sweden is still being discussed by the Council and the European Parliament.

## 2.2 Roadmaps submitted by Italy and Greece

In line with Article 8 of the Relocation Decisions, Greece and Italy have submitted to the Commission and the Council roadmaps with measures in the area of asylum, first reception and return, aimed at enhancing the capacity, quality and efficiency of their systems in these areas as well as with measures to ensure appropriate implementation of the Relocation Decisions. The roadmaps have been communicated to all Member States and Dublin Associates States and discussed in the relocation workshop organised by the Commission on 21 September 2015 and the Relocation and Resettlement Forum on 1 October 2015.

The Commission has regularly reported<sup>13</sup> on the progress achieved so far by both Greece and Italy in the implementation of the priority actions in key areas the roadmaps refer to: establishing functioning hotspots, implementing the relocation programme, ensuring effective returns of migrants not entitled to international protection, improving border management and creating sufficient and adequate reception capacity.

**Concerning Italy**, it has committed under its roadmap to set up six hotspots, five in Sicily and one in Apulia. Currently, four hotspots have been rendered operational while one has been turned into a relocation hub, a fifth hotspot has been announced by Italy at the Justice and Home Affairs Council of 10 March 2016 and its final location should be communicated to the Commission within the shortest delay. As indicated in the roadmap, the Italian hotspots are closely related to the relocation process for which a standardised and efficient procedure has been developed with a strong involvement of the European Asylum Support Office (EASO) in the process. A procedure for the transfer of unaccompanied minors under the Relocation Decisions needs still to be put in place. In terms of second level accommodation for asylum seekers, the places currently available are in line with those declared in the roadmap. However, some efficiency gains would be desirable in particular by establishing a more organised distribution of asylum seekers across the Italian territory. Reception places for unaccompanied minors are available according to the roadmaps, although additional places should be made available in order to ensure smooth transition between first and second level reception. On the other hand, reception for persons to be returned remains extremely limited and below the threshold declared in the roadmap leading to significant challenges for the swift implementation of return operations. The ongoing work on the reform of the Italian asylum system should be completed before the summer with a view to address remaining

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<sup>13</sup> Communication from the Commission "Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration" (COM(2015) 490, 23 September 2015).

Communication from the Commission "Managing the refugee crisis: State of play of the implementation of the priority actions under the European Agenda on Migration" (COM(2015) 510, 14 October 2015).

Communication from the Commission "Progress Report on the Implementation of the hotspots in Greece" (COM(2015) 678, 15 December 2015).

Communication from the Commission "State of Play of the implementation of the priority actions under the European Agenda on Migration (COM(2016) 85, 10 February 2016).

Communication from the Commission "Progress report on the implementation of the hotspots approach in Greece" (COM (2016) 141 final, 4 March 2016).

shortcomings and ensure a leaner asylum procedure, including in respect of reducing the fragmentation in the quality of the decision making across the country.

**Concerning Greece**, it has committed under its roadmap to establish five hotspots. Four are currently operational with one still to be finalised on the island of Kos. Processes in the hotspots appear to be efficient and effective for the registration of high numbers of third country nationals on a daily basis while some further improvements in the central IT system are underway in order to deal with the high increase in the fingerprinting input. Systematic checks against security databases need to be fully established and efforts are still required to detect and ensure follow-up to cases of document fraud. Although information provision and registration of relocation candidates is part of the hotspot approach in Greece, the Greek Asylum Service and EASO are present only in three islands. In light of the sudden increase of third country nationals present on its territory, Greece is now stepping up the accommodation system through the involvement of the military and with the support of the European Union through funding and the European Union Civil Protection Mechanism. EASO has started expanding its operations to increase the registration capacity of Greece. Concerning returns, Greece has recently increased readmissions to Turkey. However, the detention capacity remains rather limited and several detention centres are in need of refurbishment.

It should be noted that progress still needs to be made by Greece as regards its general asylum system. The measures required in this respect have been identified by the Commission in a recommendation of 10 February 2016.<sup>14</sup> Greece has reported on this on 4 March. The Commission has made a preliminary assessment of the reply and will be in touch with the Greek authorities with a view to seek additional clarifications. The Commission will continue to monitor closely the progress made by Greece and will carry out its assessment on whether the conditions are such as to allow Member States to progressively resume individual transfers to Greece under the Dublin Regulation, ahead of the June European Council.

Annexes 3 and 4 provide an overview of the progress made by Italy and Greece in the implementation of the roadmaps and the steps which remain to be taken.

### **2.3 Main trends following five months of implementation of the relocation schemes**

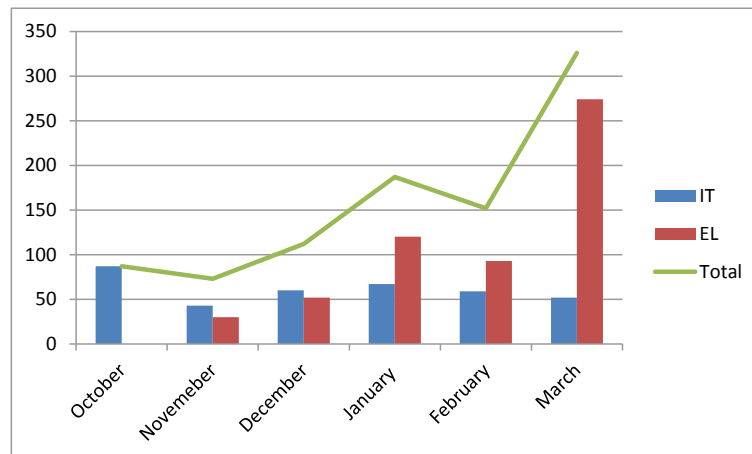
- ***Slow implementation rate but first signs of a positive trend:*** By 15 March 2016, 937 people had been relocated (368 from Italy and 569 from Greece). However, the experience in the first weeks of March where 287 people (241 of which from Greece alone) have been relocated swiftly showed that if Member States are committed, relocation can work.

As shown in figure 1 below, the pace of relocation has significantly increased in the first weeks of March, but is still insufficient to meet the objectives of the two Council Decisions on relocation, which are emergency measures intended to relieve the significant asylum pressure on Greece and Italy. Given that these pressures are acute, in particular in Greece, the need for stepped-up action becomes all the more compelling.

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<sup>14</sup> 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, 10 February 2016.

**Figure 1- Relocation Transfers October 2015-15 March 2016**



Member States have made statements in different fora making 6,884 relocation places available. However, as of 15 March, **the total number of indications** of readiness to relocate swiftly applicants for international protection (the "formal pledges") by Member States of relocation amounts to 3,723. On the positive side, most Member States have appointed **liaison officers**, who play a key role in the procedure.

- **Rapid increase in the number of applicants:** During the first five months of implementation, the number of applicants for relocation was low (e.g., around 20 persons per day in Greece). This was partially due to the limited trust by migrants in the relocation scheme.

However, in the first weeks of March, the number of applicants has increased significantly (e.g., 300 people per day in Greece). Partially, this is a consequence of the restrictions imposed at the Greece/former Yugoslav Republic of Macedonia border but also of the additional efforts to disseminate information, including the deployment of EASO mobile teams outside the hotspots to maximise outreach. Nevertheless, the risks of absconding once the person is notified of the Member State of relocation remain.

- **Increased number of nationalities eligible for relocation but also increased unpredictability regarding new nationalities potentially covered by the Council Decisions:** Relocation applies to nationalities with an EU-average recognition rate for international protection of 75% or more. This information is based on Eurostat data and updated on a quarterly basis on the basis of Eurostat reports. The Commission then informs EASO about the nationalities eligible for relocation, which in turns informs the national contact points. Thus, every four months nationalities can be added or withdrawn from the list of those eligible for relocation creating uncertainty among migrants and stakeholders. Based on the latest Eurostat quarterly data (4<sup>th</sup> quarter of 2015), the nationalities eligible for relocation are currently<sup>15</sup> Burundi, Central African Republic, Eritrea, Costa Rica, Saint Vincent and the Grenadines,

<sup>15</sup> When the Council Decisions were adopted, the nationalities eligible for relocation were Syria, Iraq and Eritrea. At the first update- (Q3-2015), the nationalities eligible for relocation were: Bahrain, Central African Republic, Eritrea, Iraq, Syria, Swaziland and Yemen.

Bahrain, Iraq, Maldives, Syria, and British overseas countries and territories.<sup>16</sup> Compared to the previous quarterly report, Yemen and Swaziland are no longer eligible for relocation.

- ***Relocation of vulnerable applicants for international protection, including unaccompanied minors is proving challenging:*** Only a very limited number of unaccompanied minors (UAM) (one or two from Greece to Finland) have been relocated despite the Council Decisions on relocation requesting vulnerable applicants to be processed as a priority. The reasons for this are varied including the reluctance of Member States of relocation to accept relocation of UAM and the lack of specific procedures in Italy and Greece to allow the relocation of UAM. Relocation of UAM is a complex process and some migrants, particularly Eritreans in Italy, have claimed to be adults in order not to be separated from the group they have arrived with. Italy and Greece are developing new procedures to be able to swiftly relocate UAM, in line with the best interest of the child and their national legislation. Italian authorities and FRONTEX are providing experts on age assessment. Several organisations are also stepping up efforts to provide for adequate reception facilities in Greece (e.g. UNICEF Child and Family Support Hubs).

More generally, no specific data is available regarding the number of relocation transfers of vulnerable applicants for international protection. However, experience on the ground shows that many applicants belong to this category (e.g., pregnant women, disabled persons, elderly persons). Despite the call to Member States to transmit indications regarding their capacity to receive particularly vulnerable persons, almost no Member State has reported any credible capacity.

## 2.4 Action by the Commission and EU agencies

The Commission sent **administrative letters** to Member States of relocation on 10 February calling to accelerate the implementation of the Council Decisions and addressing many of the obstacles identified. It has also sent similar letters to Italy and Greece with recommendations to improve and accelerate the relocation procedure. In addition, the Commission has opened infringement procedures against Italy and Greece on the implementation of Eurodac Regulation and against Greece in relation to the Reception Conditions Directive.

As foreseen under the relocation scheme, Italy and Greece receive **funding** through their Asylum, Migration and Integration Fund (AMIF) national programmes (additional lump sum of EUR 500 for each person relocated) to support their efforts on relocation. Financial assistance is also provided to the Member States of relocation who will receive a lump sum of EUR 6,000 for each person relocated under their AMIF national programmes. A total of 1,040 million EUR have been earmarked for the relocation of 160,000 persons and the AMIF national programmes have been revised to include the amounts corresponding to 98,547 persons to be relocated (for a total of EUR 644,5 million). Finally, substantial financial support has been made available under AMIF Emergency Assistance for the International

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<sup>16</sup> Some of these nationalities represent less than 200 applicants for international protection in the EU in the reference period. Since the Council Decisions on relocation do not include any provisions on the minimum number of decisions for calculating the EU-wide average, nationalities with very few decisions but all positive easily fall under the scope of the Council Decisions on relocation.



Organisation for Migration (IOM) to support the implementation of the emergency relocation mechanism in Greece and Italy.

On 10 March the Commission adopted modifications to the work programmes for 2016, increasing the financing for emergency assistance of AMIF and the Internal Security Fund (ISF) with an additional EUR 275.5 million. To finance the additional emergency funding, AMIF and ISF funds foreseen in the EU's budget for 2016, which had not yet been allocated, will be used. The increase of the emergency funding follows the conclusions of the European Council of 18-19 February 2016, calling for urgent action to address the humanitarian situation in Greece and along the Western Balkans, using all available EU and national means to alleviate it. The original budget of EUR 188.98 million for emergency assistance under AMIF and ISF for 2016 has now been reinforced with an additional EUR 193.5 million for AMIF and EUR 82 million for ISF to a total of EUR 464 million for 2016 to address the most urgent funding needs of Member States in the context of the refugee crisis.

The Commission has set up a **Migrants' Information Strategy Task Force (MIS)** gathering all relevant institutional actors, following a request of the JHA Council to ensure that asylum seekers and migrants receive adequate information. The Task Force coordinates information activities, including content-production and dissemination of information material, at inter-institutional level and guarantees consistency of such activities with the Migrants' Information Strategy.

The Commission has created a dedicated hotspots team which is **present on the ground** together with FRONTEX, EASO and Europol.

**In addition to the significant deployment of experts, including mobile teams, EASO is developing several tools** to assist in the various steps of relocation (information leaflets, pre-departure information, matching tool, tool for the identification of vulnerable cases). A specific training concept, including modules tailored for the needs of unaccompanied minors and for hotspots, has also been developed.

## 2.5 Actions to be undertaken by the Member States of Relocation

### Main obstacles and challenges to overcome

- Insufficient and limited number of formal pledges
- Incorrect use of preferences by Member States
- Lengthy response time to relocation requests
- Obstacles related to security checks
- Unjustified rejections
- Lack of pre-departure information by the Member State of relocation
- Insufficient response to EASO Call for experts

- **Insufficient and limited number of pledges:** the number of pledges is clearly insufficient to meet the obligations under the Council Decisions on relocation. The total number of formal pledges is of 3,723 on 15 March 2016, which represent 2.33% of the

160,000 relocation transfers to be implemented. Three Member States (Croatia, Hungary and Slovakia) have not made available any places for relocation so far. Only 18 Member States have pledged to relocate from Greece and 19 Member States from Italy. Many Member States have only made very limited pledges in light of their total allocation and for a limited period of time. The low number of pledges affects particularly Greece. Following the restrictions applied at the Greece/former Yugoslav Republic of Macedonia border it becomes imperative to step up rapidly the rate of pledges to help alleviate the very difficult humanitarian situation that is rapidly developing on the ground.

- **Incorrect use of preferences by Member States:** the main objective of preferences is to facilitate integration of the relocated person in the Member State of relocation.<sup>17</sup> However some Member States have expressed long or constraining lists of preferences for the profile of the applicants to be relocated. Some Member States of relocation are reluctant to receive relocation requests concerning specific nationalities, single applicants, or unaccompanied minors, due to lack of interpretation, integration programmes or reception capacity; others clearly state that they would only accept families. The majority of Member States use the preferences as a means to exclude possible candidates rather than to allow for a better matching process for better integration. Italian and Greek authorities try as much as possible to meet the preferences expressed (always respecting the principle of non-discrimination) even if these are not binding on Greece and Italy. Some Member States of relocation have used the non-respect of preferences as a ground for rejecting a relocation request, which is not allowed under the Council Decisions.<sup>18</sup>
- **Lengthy response time to reply to relocation requests:** A speedy reply by the Member State of relocation is crucial to increase the credibility of the relocation scheme. However, the relocation procedure in general exceeds the two-month time limit set out in the two Council Decisions on relocation, due in part to the lack of a swift reply by Member States of relocation.<sup>19</sup> This prevents the relocation scheme from reaching the regular and constant pace it would require to become fully operational and to meet the urgent needs on the ground. It also makes relocation transfers even more complex to run as the acceptance and the transfer of large groups create logistical challenges for Italy, Greece and the IOM.

The lengthy response time is also compromising the effectiveness of the relocation mechanism by undermining trust in the eyes of the migrants who often opt for the programme only to find out that the swift transfer they were promised does not materialise, contributing to increased risk of absconding.

- **Obstacles related to the security checks, including the exchange of fingerprint data:** The main reason for delays in responding to relocation requests is additional security checks. Since the Paris attacks in November 2015, several Member States want to conduct security checks on applicants for relocation prior to replying to the relocation request.

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<sup>17</sup> Cf. Recital 28 of Council Decision (EU) 2015/1523 and Recital 34 of Council Decision (EU) 2015/1601.

<sup>18</sup> According to Article 5(7) of the Council Decisions on relocation, rejections can take place “only where there are reasonable grounds for regarding him or her as a danger to their national security or public order or where there are serious reasons for applying the exclusion provisions set out in Articles 12 and 17 of Directive 2011/95/EU”.

<sup>19</sup> For example, Poland submitted its pledge on 16 December. No relocation request has been accepted by 15 March. On the other hand, Portugal submitted its second pledge on 26 February 2016 and the relocation took place on 7 March. In fact, in the case of Portugal, transfer took place within a week after receipt of the relocation request from Greece.

This is in line with the Relocation Decisions, but these additional security checks should, nevertheless, be carried out as swiftly as possible. The main issues regarding security checks are the following:

- Systematic security interviews.<sup>20</sup> Some Member States are requesting systematic interviews to assess whether the applicant would fall under the rejection grounds of the Council Decisions. This is often linked to the extensive application of the exclusion clause<sup>21</sup> of the Council Decisions<sup>22</sup> which should be strictly interpreted. The existence of rejection grounds should emerge mainly from the relocation files submitted by Italy and Greece, which include dedicated fiches concerning elements identified in the process potentially pointing at those exclusion grounds;
- Many Member States have repeatedly requested the fingerprints of applicants obtained for purposes of the Eurodac Regulation<sup>23</sup> via DubliNet as necessary to carry out security checks. The Commission has already informed Member States that this is not allowed under the current legal framework and has presented to the Member States alternative solutions for exchanging fingerprints via police cooperation channels.

Greece and Italy have stepped-up efforts to conduct security checks both at the hotspots and the mainland responding to the relevant concerns of the Member State of relocation. These checks include searching their national databases, as well as European and international databases (SIS and Interpol's SLTD, VIS) before sending any relocation request. The capacity at the hotspots has also been increased including additional Eurodac machines, X-rays machines, stable internet connection and increased capacity of the server. In addition, Italy is planning to appoint a security correspondent to be in close contact with Liaison officers for security purposes. These checks should offer enough reassurances to the Member State of relocation and reduce the number of additional security checks and interviews.

- **Unjustified rejections of relocation requests:** Some Member States have used a general reference to national security, public order or application of the exclusion provisions of the Qualification Directive<sup>24</sup> to reject applications without providing specific justifications. This practice of failing to motivate the rejections is not in line with the Council Decisions on relocation and is contrary to the spirit of loyal cooperation.
- **Lack of pre-departure information by the Member State of relocation:** providing pre-departure information is crucial to ensuring a cooperative attitude of applicants as well as to avoid absconding and secondary movements. Many migrants desire to go to a specific Member State and come with pre-conceived ideas knowing only a few Member States (e.g. those where they have relatives or acquaintances). In addition, misinformation is continuously disseminated through social media. Pre-departure information at the moment of the notification of the relocation decision to the applicant is therefore crucial. The Italian and Greek authorities need to be able to provide high-quality and attractive information to reassure applicants about the Member State to which they will be

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<sup>20</sup> Interviews to determine the refugee status of the applicant to be relocated before accepting a relocation request would be clearly against the letter and spirit of the scheme and should not be requested.

<sup>21</sup> Articles 12 and 17 of Directive 2011/95/EU.

<sup>22</sup> Article 5(7) of both Council Decisions on relocation.

<sup>23</sup> Regulation (EU) No 603/2013.

<sup>24</sup> Directive 2011/95/EU.

transferred. Liaison officers play a crucial role by responding to applicants' questions and concerns. However, the majority of Member States of relocation have so far not prepared appropriate pre-departure information packages. This makes it more difficult to gain the trust of the applicants to be relocated to less known Member States and to make sure they remain committed to the process without absconding.

- **Insufficient response to EASO's calls for experts:** despite the fact that Member States offered 201 experts to the general call from EASO for 374 experts, the response is inadequate for specific calls and actual deployments. This is clearly insufficient given the critical situation, particularly in Greece. In addition, experts tend to be available for limited periods of time which reduces the efficiency of deployment as experts leave when they become operational and newcomers need to be trained. On 1 March EASO published a new call requesting 39 experts for Greece; only 12 experts have been offered. In view of the deteriorating situation in Greece, another call was launched on 9 March requesting 57 additional experts.

## 2.6 Actions to be undertaken by Italy and Greece

### Main obstacles and challenges to overcome

- Need to make all hotspots fully operational and continue implementing the roadmaps
- Insufficient reception and registration capacities in Greece
- Insufficient coordination capacity
- Insufficient follow-up of applicants

### For both Italy and Greece

- **Need for Italy and Greece to make all hotspots operational and continue implementing the roadmaps:** While significant progress has been made with the operation of 4 hotspots out the 5 planned in Greece (Annex 3) and the 4 out of 6 opened in Italy (Annex 4) despite the relatively low level of arrivals reported so far, it should be ensured that all hotspots are fully functional as soon as possible. However, the finalisation of the hotspot implementation must not be used as a reason to limit the number of pledges. In addition, it is possible to relocate people from outside the hotspots provided the conditions in Article 3(2) and Article 5(9) of the Council Decisions are met (eligible nationality, identification, registration and fingerprint).
- **Insufficient coordination capacity:** the increasing number of actors involved in the relocation procedure and the need for accelerating the registration of applicants and transfers require additional coordination efforts including to oversee the activity of the multiple NGOs providing information in the hotspots. The development of the Standard Operating Procedures and the protocols under preparation should improve the situation.
- **Insufficient follow-up of applicants:** keeping applicants regularly and adequately informed about the state of play of their application is crucial to avoid absconding and reassure them that they are still part of the relocation scheme, particularly in case of late

replies by the Member State of relocation. However, currently, a close follow-up is not ensured.

### **For Greece**

- **Insufficient reception capacities in Greece:** having adequate reception facilities is critical to avoid risks of absconding and to provide the space required to properly inform migrants about the relocation procedure. Following the Leaders' Meeting on refugee flows along the Western Balkans Route of 25 October and in line with its roadmap, Greece committed to put in place 50,000 accommodation places aimed at addressing the reception needs of both asylum seekers and irregular migrants. So far, 40,351 reception places appear to be available. In addition, the UNHCR has not concluded all the agreements needed to reach the target of 20,000 places under the rental scheme. Moreover, the rental scheme is more suitable for medium to long-term reception of asylum applicants rather than relocation applicants, due to the nature of the accommodation provided and its scattered locations. Due to the increasing number of applicants stranded in Greece, there is an urgent need to provide dedicated reception sites for relocation applicants. The Commission is therefore in the process of assessing possible modifications to the UNHCR rental scheme. Moreover, the Commission will swiftly start the implementation of the Contingency and Response Plan,<sup>25</sup> under which additional financial support will be provided to Greece.
- **The registration capacity in Greece:** the increasing numbers of migrants joining the relocation scheme largely exceeds the capacity of the Greek Asylum Service for daily registration. Currently the waiting time between the moment the migrant decides to join the relocation scheme and the moment he/she can register the asylum application is around three weeks. Greece is reinforcing its capacity with 100 additional staff to be recruited by June.<sup>26</sup> In addition EASO is piloting a new system to support the Greek asylum office in registering relocation cases directly in English. If successful, this system will be extended to all regional Greek asylum offices where cases for relocation may need to be registered.

## **2.7 Recommendations to remedy identified challenges**

### **Main recommendations to the Member States of relocation**

- Increase significantly the number and frequency of pledges;
- Reply to relocation requests from Italy and Greece within one week upon receipt;
- Accelerate the carrying out of additional security checks with the objective of performing them within one week and with a focus on duly justified cases;
- Provide pre-departure information packages including qualitative and attractive information to applicants following EASO's guidance note;

<sup>25</sup> An additional EUR 275.5 million under the Asylum, Migration and Integration Fund and Internal Security Funds have been approved on 10 March by the Commission to support Greece.

<sup>26</sup> The Asylum Service will be reinforced with 29 new employees in April. In total 100 employees will be hired by June this year. The current registration capacity of the service stands at 80 cases per day across the country.

- Respond as a matter of urgency to EASO calls for experts to support Italy and in particular Greece, ensuring greater continuity in the deployment of experts;

#### **Main recommendation to Greece and Italy**

- Increase the capacity of the Greek Asylum Service, with the support of EASO, to register applicants to be relocated, matching the significant increase in the number of eligible migrants interested in joining the scheme;
- Complete the full operation of all hotspots;
- Step-up efforts to carry out systematic security checks and to improve the quality of information provided in the relocation requests sent to Member States, and appoint a security correspondent;
- Improve the coordination capacity by finalising and implementing as soon as possible Standard Operating Procedures and Protocols for relocation;
- Increase the reception capacity of Greece by making available the 50,000 places committed under the roadmap as soon as possible;
- Finalise as soon as possible the procedures to facilitate the relocation of unaccompanied minors.

**An ideal workflow for relocation based on the experience in the first week of March in Greece is indicated in Annex 5.**

### **2.7.1 On the part of Member States of relocation**

**Actions to address the limited number of pledges:** All Member States of relocation should increase the number of formal pledges made via DubliNet respecting the maximum three-month timeframe established in the Council Decisions. These pledges should be consistent with the quota allocated to the Member State of relocation and take full account of the emergency situation on the ground.

**Actions to reduce the incorrect use of preferences:** Member States of relocation should limit to the extent possible the preferences expressed, using them only in view of better integration and should be ready to welcome all types of migrants (families, unaccompanied minors, single male applicants).

**Actions to speed up the response time to relocation requests:** Member States of relocation should reply to relocation requests **within one week**. In this sense, in relation to security checks, Frontex should carry out systematic 1<sup>st</sup> line security checks, including access to SIS and a strengthened role for Europol in the 2<sup>nd</sup> line checks should be foreseen while Italy and Greece continue their efforts to carry out systematic security checks and to improve the quality of information provided in the relocation requests sent to Member States.

Member States of relocation should focus additional checks, and particularly security interviews, on duly justified cases, i.e., grounded and motivated suspicions that the person may fall under one of the rejection grounds. The reasons should be communicated as early as possible to the Italian and Greek authorities. In any case, these additional checks, including interviews, should be carried out within the one week response time target not to delay the process. Where Member States of relocation have reasonable grounds for rejection based on

national security, public order or risk of exclusion, these should be specified to Italy and Greece.

**Actions to address challenges related to the relocation of vulnerable applicants and UAM:** Member States of relocation should make available as soon as possible places for vulnerable persons and UAM and increase their reception capacities for this type of applicant as well ensure appropriate guardianship.

**Actions to increase migrants' acceptability and trust in the scheme and avoiding withdrawals:** Member States of relocation should step up significantly pre-departure information particularly for Member States less known to migrants. Member States of relocation should provide as soon as possible information material to the asylum authorities of Greece and Italy as well as to EASO and the IOM following the guidance note developed by EASO. The Liaison officers should be provided with adequate information material and be present during the notification phase to reply to migrants' questions and address his/her concerns. The training activities that EASO is planning should also provide for the exchanges of best practices among Member States, including on information aspects, and the building of mutual trust.

**Actions to avoid secondary movements following the relocation transfers:** Member States of relocation should make full use of the tools available in the asylum *acquis* (reporting obligations, providing applicants for international protection with material reception conditions only in kind, detention under some circumstances). Dublin transfers to Greece should be resumed when conditions are met.<sup>27</sup>

**Actions to reinforce EASO's capacity to support Italy and Greece:** all Member States should respond to EASO call for experts and increase the flexibility in their deployment to cover the two years covered the Council Decisions.

### 2.7.2. On the part of Italy and Greece

**Actions to speed up registration of applicants:** Greece should finalise the recruitment of an additional 100 staff as soon as possible and upscale and accept reinforced EASO support in the registration procedure. The target should be to ensure migrants can register their asylum application within maximum three days from the moment they join the scheme.

**Actions to improve coordination:** Italy should adopt and fully implement the Standard Operating Procedures applicable to the hotspots. Italy and Greece should finalise and fully implement the Protocols for relocation in cooperation with all relevant stakeholders (UNHCR, IOM, EASO, NGOs, and the Commission).

**Actions to improve reception capacities in Greece:** Greece should as soon as possible make available the 50,000 places it has committed to under the roadmap, including for newly arrived migrants. The UNHCR should conclude the implementing agreements to reach the target of 20,000 places under the rental scheme as soon as possible and ensure a centralised

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<sup>27</sup>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, 10 February 2016; Communication from the Commission to the European Parliament, the European Council and the Council, Back to Schengen - Back to Schengen – A roadmap COM(2016) 120 final, 4 March 2016.

system of accommodation for migrants participating in the relocation scheme. This is crucial to ensure effective transfers at the various step of the process, cultural orientation and reduce the risks of absconding.

**Actions to speed up response time to relocation requests:** Italy and Greece should carry out systematic checks including searching their national databases, as well as European and international databases (SIS and Interpol's databases, VIS) and perform security interviews before sending any relocation request; Italy and Greece should submit complete information in the relocation requests sent to Member States of relocation. The relocation request should include (1) the registration file; (2) information about the security checks carried out; (3) the results of the security checks; and (4) the hotspots through which the migrants have transited; Italy and Greece should appoint a security correspondent also in view of facilitating the exchange of information, including fingerprints via police cooperation channels. The Commission and Member States' experts should assist Italy and Greece in further elaborating security-related questions and to provide guidance on formulating rejections.

**Actions to address challenges related to the relocation of vulnerable applicants and UAM:** Italy and Greece should finalise as soon as possible the procedures to facilitate the relocation of UAM, in line with their best interests, and make use of the tools available prepared by EASO.

### **2.7.3 On the part of EASO**

**Actions to reduce the incorrect use of preferences:** EASO should finalise the development of a matching tool as soon as possible, and at the latest by the end of June, to facilitate the processing of applications for relocation, in particular in view of the likely increased number of applications during the summer. However, the matching mechanism would only be feasible and effective if preferences expressed are broad enough.

**Action to reduce time of response to relocation:** EASO should continue supporting Italy and start supporting Greece in carrying out specific interviews to detect potential exclusion grounds during the registration of their applications.

**Actions to address challenges related to the relocation of vulnerable applicants and UAM:** EASO should continue disseminating its tool to identify vulnerable applicants and improve the data collection regarding relocation of vulnerable cases. In addition, EASO is developing a tool for conducting Best Interest Assessment for unaccompanied children eligible for relocation which may be of use in the hotspots and beyond.

**Actions to increase migrants' acceptability and trust in the scheme and avoiding withdrawals:**

- EASO should increase visibility at information sites (hotspots and mainland). EASO experts should be clearly identified, as well as provided with adequate equipment. It is also crucial to ensure consistency of information, for example EASO could provide one to two-day training to newcomer experts on the information script to follow and on how to provide this information. EASO should also manage the migrants' expectations when delivering information particularly as regard the procedure, stressing the lack of choice regarding the Member State of relocation;



- EASO and IOM should step-up their role in pre-departure information and cultural orientation from notification until departure to the Member State of relocation. One EASO or IOM staff member could present during the notification of the decision. EASO should be immediately informed about asylum-seekers who express uncertainty regarding accepting the decision. Dedicated information sessions could be carried out by EASO and the relevant Liaison officer after the notification of the decision;
- EASO should step up information campaigns, including additional leaflets/brochures, videos, social media, in cooperation with the Commission and other stakeholders. This would be essential to increase the trust of applicants for relocation and counter the smugglers' narrative. These activities could include (a) a Facebook page specific for relocation where EASO and Member States can publish success stories of relocation, and generally more targeted presence in social media also through Twitter and mobile apps; (b) more videos where applicants that have been successfully relocated tell their experience; (c) Increased involvement of the migrant community in the Member States of relocation, particularly of those that have been successfully relocated.

#### **2.7.4 In addition, the Commission will continue supporting fully Italy and Greece and will also continue to:**

- Contribute to better coordinate via the existing fora (meetings of Liaison officers, meetings with the respective National Contact Points, Relocation and Resettlement Forum and the Friends of Hotspots) as they have proved to be useful to discuss the legal issues, practical challenges and bottlenecks of the relocation mechanism with all relevant stakeholders, creating networks and improving mutual trust particularly after a successful relocation experience.
- Monitor implementation: Ensuring the full and correct implementation of the EU asylum acquis is a key component of the EU response to the migration crisis and a priority for the Commission under the European Agenda on Migration.

### **3 Resettlement**

#### **3.1 State of Play**

Following the **Commission Recommendation of 8 June 2015 on a European resettlement scheme**<sup>28</sup>, 27 Member States<sup>29</sup> together with Dublin Associated States agreed on 20 July 2015<sup>30</sup> to resettle through multilateral and national schemes 22,504 displaced persons from outside the EU who are in clear need of international protection within two years. While some Member States have been engaged in resettlement programmes for many years through the UNHCR, this is a first common EU effort on resettlement and for a number of Member States it is their first experience with resettlement.

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<sup>28</sup> C(2015) 3560 final.

<sup>29</sup> Hungary does not participate.

<sup>30</sup> 11130/15; "Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in clear need of international protection".

Based on the information received from the participating States **4,555** people were resettled until 15 March 2016 to Austria, Belgium, Czech Republic, France, Ireland, Italy, the Netherlands, the United Kingdom, Norway, Liechtenstein, and Switzerland under the scheme. A majority of States participating in the scheme indicated that their resettlement efforts are primarily, but not exclusively, directed at Syrians staying in Jordan, Lebanon and Turkey. All persons resettled in the framework of the scheme have to be referred to the participating States by the UNHCR, which therefore plays a key role in the process.

The scheme is supported by EU funds; in total over EUR 150m have been made available to the Member States for implementation. Five Member States – Finland, France, Ireland, Sweden, the United Kingdom – have indicated their intention to resettle a considerably higher number of persons than they have pledged under 20 July scheme and ensure their implementation under the national programmes.

All Member States are putting strong focus on **security screening**, for which they themselves are responsible and which can take place at several stages of the resettlement procedure. There is a strong and **good cooperation with UNHCR**, which is seen as an indispensable partner in the process. Many Member States also rely on **IOM's logistical support** in pre-departure and departure procedures.

Even though the priority regions agreed under the Conclusions of 20 July 2015 are rather broad, most participating States have decided to resettle from the countries neighbouring Syria.

### **3.2 Challenges**

Unlike the obligations under the two relocation schemes, the Member States' commitments under the resettlement scheme of 20 July 2015 are based on **voluntary** pledges. While the scheme is an important milestone in terms of joint EU resettlement efforts, it does not create a clear resettlement framework with common rules and procedures for the participating states, but is to a large extent a compilation of national programmes and procedures, which are in some Member States still in preparatory stages. While some Member States have pledged under the 20 July Conclusions their entire national resettlement quota (Netherlands), some others have pledged numbers on top of their national quota (France). In addition, Member States, such as Finland or the United Kingdom, have pledged numbers which represent only a part of their respective resettlement engagements. Moreover, the resettlement scheme of 20 July does not set out any time-table of intervals in which resettlements should be carried out, including the numbers of persons to be resettled within a certain period of time. Such a loosely coordinated framework results in a lack of oversight and fragmented information and makes it difficult for the Commission to monitor the functioning of the scheme.<sup>31</sup>

- There are substantial **divergences** among the Member States as regards their respective resettlement programmes and practices, such as the selection criteria, length of procedures, pre-departure orientation programmes, integration tools, the status granted to persons admitted, residence permits as well as the number of places available for resettlement.

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<sup>31</sup> For the state of play on the basis of information provided by Member States and Associated States see Annexes 6 and 7.

- Member States select candidates for resettlement on the basis of selection missions or by reviewing the files submitted to them by the UNHCR. This has an influence on the **duration of the procedure**, which can last from several weeks to up to two years between the submission of the case by the UNHCR until arrival in a host country. In addition, several Member States mentioned the fact that they had to delay the implementation of the resettlement plans due to an increase in the number of spontaneous arrivals of migrants and asylum seekers.
- Lack of **reception capacities** and finding adequate accommodation was frequently mentioned as a particular challenge, especially in cases of resettling larger families, or when dealing with especially vulnerable cases. **Exit clearances** by the third countries, were also cited as problematic in some cases, causing significant delays in the procedure and arrivals having to be rescheduled.
- Where embassy staff of the Member States is involved in taking biometrics or issuing travel documents for resettlement candidates a **lack of human resources capacity** and the need for **adequate training** have been mentioned.
- **Capacity building in the field of resettlement:** While several EU countries, such as Sweden, Denmark, the Netherlands, Germany or Finland, for example, have been resettling for a number of years already, by the end of 2017 under the new European scheme, 10 Member States<sup>32</sup> are expected to resettle for the first time, although none of them has started implementing the programme yet. Challenges which those Member States face include building capacity for establishing a national resettlement mechanism, a lack of experience in conducting missions and selecting candidates, providing optimal conditions for integration of resettled refugees, and winning public support for resettlement among the general public. Several of them have expressed interest in drawing from expertise, experience, and good practice on the mechanisms used by Member States with long tradition of resettlement. Specific needs appear to be focused on support and assistance in conducting selection missions, negotiation and coordination with the third countries from which resettlement takes place, organising pre-departure cultural orientation programmes, medical examinations, travel arrangements, and putting in place first reception and integration mechanisms.

### 3.3 Addressing the challenges

- **Sharing knowledge and experience and working with partners**

It is clear that exchanges of practice and experience, especially between those Member States which are new to resettlement and those which have a longer tradition of resettlement should be stepped up. In addition, practical cooperation in the resettlement process through, for example, sharing of logistics, organisation of flights, and local exchange of information on individual cases, could be considered.

To facilitate such practical exchanges Member States should make use of bilateral visits to respective resettlement programmes. A good example of such practice was a practical

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<sup>32</sup> Bulgaria, Croatia, Cyprus, Estonia, Greece, Lithuania, Malta, Poland, Slovakia, Slovenia.

working visit to the Dutch national resettlement programme organised in the margins of the ATCR (Annual Tripartite Consultations on Resettlement) workshop on 18 February 2016. Member States with a long experience in resettlement should be encouraged to organise such visits and invite counterparts from across the EU, in particular from those countries which are only just starting with resettlement. The visits could include elements of the arrival procedure, such as registration and settling in, as well as participation in selection missions.

Practical cooperation could also be explored in the framework of the EU-FRANK<sup>33</sup> project funded by the EU, which aims at facilitating resettlement and refugee admission through sharing of knowledge. The project run by the Swedish Migration Agency between 2016-2020 aims at offering operational support to Member States to increase or start resettlement programs and facilitate their increased capacity for resettlement and humanitarian admission. A study visit to Sweden by Estonia, Latvia, Lithuania and Poland took place in October 2015. As of April, Member States are expected to be offered, through a "buddying system", an opportunity to join as observers in other Member States' resettlement activities, such as in field selection missions, cultural orientation programmes, transfer of refugees, or reception arrangements.

The Forum for exchange of experience among the resettling states offered by the ATCR, including its workshops, is a valuable tool. Emerging Member States should continue to be encouraged to take part in these exchanges.

Finally, the Commission has organised four Resettlement and Relocation Forums in which all Member States as well as UNHCR and IOM participated, and will continue to organise such meetings regularly. These meetings as well as EASO workshops on resettlement are good opportunities for exchanges and learning among national experts. A closer cooperation with other partners in the resettlement process, namely UNHCR, IOM, civil society, and local governments/municipalities could also help resolve several challenges faced by the resettling States. Working with municipalities and NGOs could in particular be explored to overcome the problems of reception arrangements and capacities and integration measures.

- **Improved monitoring of the scheme**

For the credibility of the scheme it is important that the pledges agreed are honoured, despite possible changes in circumstances for Member States particularly affected by the flows of migrants and refugees. In this context it is important that progress is regularly monitored and reported. This element, however, needs to be strengthened, as the information on the progress of the scheme, including for the purpose of this report, has been collected through different channels (including the questionnaire sent on 8 March to which 17 States replied, under the Integrated Political Crisis Response (IPCR) arrangements), which can result in incomplete or patchy information.

Eurostat collects yearly data on resettlement and will continue to do so also in the context of this scheme. However, in the current situation a more regular and detailed information on the progress made is needed. EASO has therefore launched a monthly data collection on

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<sup>33</sup> EU-FRANK: Facilitating Resettlement and Refugee Admission through New Knowledge. Apart from Sweden, the partners include the Netherlands, Belgium, Italy, Hungary, Switzerland, UNHCR and EASO. Interest has been signalled also from Austria, Germany, Estonia, Latvia, Lithuania, Poland, the Czech Republic, France, and Portugal.

resettlement as of March and the first information is expected to be available in April<sup>34</sup>. The Commission calls on the Member States and Associated States to ensure a smooth and timely collection of information. If more urgent or specific information is needed from the resettling States, the IPCR network may still be used.

- **Link to global resettlement efforts**

The EU's resettlement effort should ensure that the Union takes on its fair share of the global responsibility to provide legal pathways to refugee protection. The UNHCR High-level meeting on Global Responsibility Sharing through Pathways for Admission of Syrian Refugees in Geneva on 30 March 2016 will be the first next opportunity for the EU and its Member States to increase their support for and participation in international initiatives aimed at addressing global migration and refugee challenges, and press for increased pledging.

- **Implementing the Voluntary Humanitarian Admission Scheme with Turkey**

To implement the Voluntary Humanitarian Admission Scheme with Turkey and in line with the Statement of the Heads of State or Government of 7 March 2016, work should continue towards putting in place a credible scheme. Concrete political commitments are needed from the Member States and Associated States interested in taking part in the scheme, in particular as regards the number of persons to be admitted and in which timeframe. In addition, the conditions for launching and operating the scheme need to be agreed by all sides, including with the Turkish authorities.

- **A structured system of resettlement in the EU**

Building on the experience with the ongoing resettlement and humanitarian admission initiatives, the Commission will bring forward an EU wide resettlement proposal to frame the EU's policy on resettlement. This will allow for a common and more coordinated approach to safe and legal arrival in the EU for persons in need of protection. This initiative will also enable the EU to pool European resettlement efforts more systematically and to take on its fair share of the global responsibility in providing a safe haven for the world's refugees.

## **4 Way forward**

Following the recommendations outlined in this report, Member States should continue to improve the implementation of relocation and resettlement schemes and address outstanding challenges. Most urgently, the relocation pace has to be picked up significantly and consistently to respond effectively to the emergency humanitarian situation on the ground.

The relocation process involves several stakeholders and different factors have contributed until now to this very low implementation. This report shows that while problems are still to be addressed, Italy, Greece and the various agencies involved in relocation are stepping up efforts to ensure their part in the process is implemented smoothly. However, these efforts have to be matched with a similar commitment by the Member States of relocation. The willingness of the Member States of relocation to fully implement their obligations is crucial

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<sup>34</sup> The proposal for the collection was endorsed by the EASO Management Board at its meeting of 20-21 January 2016.

to make relocation work to ensure that the scheme delivers on its objective of providing emergency support to both Italy and Greece to enable them to cope better with the mass influx of migrants.

The Commission has calculated that in order to meet the number of commitments already allocated (106,000) under the two Council Decisions on relocation averaged over the remaining 18.5 months, a monthly relocation rate of 5,679 should be achieved as a minimum. This would imply an average of around 187 transfers per day and a relocation procedure of maximum two weeks. The experience of the recent relocation transfers to Portugal from Greece proves that the relocation procedure can also be implemented within one week. Based on this calculation, **the Commission considers that at least 6,000 relocations should be completed by the time of its Second Report on Relocation and Resttlement on 16 April, and that, stepping up the rate, at least 20,000 relocations should be completed by the Third Report on 16 May, in view of the emergency humanitarian situation on the ground.**

In parallel, in order to underline the importance attached to solidarity with affected third countries in the region and the role of legal pathways for migration, Member States need to deliver on the remaining 17,949 resettlement places. Over the remaining period, Member States would need to resettle on average 855 people in need of protection on a monthly basis.

In line with its commitment under the Roadmap "Back to Schengen", the Commission will report on a monthly basis on the progress made in implementing the relocation and resettlement commitments.