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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	ANNEX to the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL MANAGING MIGRATION IN ALL ITS ASPECTS: PROGRESS UNDER THE EUROPEAN AGENDA ON MIGRATION Factsheets on the proposals close to agreement

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Delegations will find attached document COM(2018) 798 final - ANNEX.

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Encl.: COM(2018) 798 final - ANNEX



Brussels, 4.12.2018  
COM(2018) 798 final

ANNEX

**ANNEX**

*to the*

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

**MANAGING MIGRATION IN ALL ITS ASPECTS: PROGRESS UNDER THE  
EUROPEAN AGENDA ON MIGRATION**

**Factsheets on the proposals close to agreement**

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## REFORMING THE COMMON EUROPEAN ASYLUM SYSTEM:

### WHAT THE INDIVIDUAL REFORMS WOULD CHANGE AND WHY WE NEED THEM NOW

While compromise is still needed on some elements of the EU's asylum reform, enormous progress has been made on the overall set, with 5 out of the Commission's initial 7 proposals ready for adoption. Though part of a far-reaching reform, each individual proposal has a clear added value on its own and their swift finalisation would make a difference on the ground.

# 1 Qualification Regulation

December 2018

### Strong added value



The new Qualification Regulation will ensure greater convergence of recognition rates across the EU, guarantee the rights of recognised refugees and discourage Schengen-endangering secondary movements.

### Ready to be concluded



Broad agreement found between co-legislators. Adoption is possible in early 2019.

### THE NEW QUALIFICATION REGULATION WILL ENSURE:



#### Greater convergence of recognition rates

Harmonised criteria for protection will ensure applicants have the same chance of getting asylum under the same conditions wherever they apply in the EU. This will result in greater convergence of recognition rates which still vary greatly amongst Member States and help put a stop to asylum shopping.



#### Protection when and as long as it's needed

Member States will be obliged to withdraw the protection status when protection is no longer needed. Before deciding on an asylum application possible internal protection alternatives in countries of origin will have to be assessed.



#### Firmer rules sanctioning secondary movements

The new rules will discourage secondary movements by introducing sanctions. For example, the clock will be restarted when calculating the required continuous legal residence for EU long-term resident status each time the refugee is found in a Member State where he/she does not have the right to stay or reside.



#### Stronger integration incentives

The new rules will help strengthen integration prospects by clarifying rules on social security and social assistance and allow Member States to link certain social benefits to compulsory integration measures.



#### Better protection for families and minors

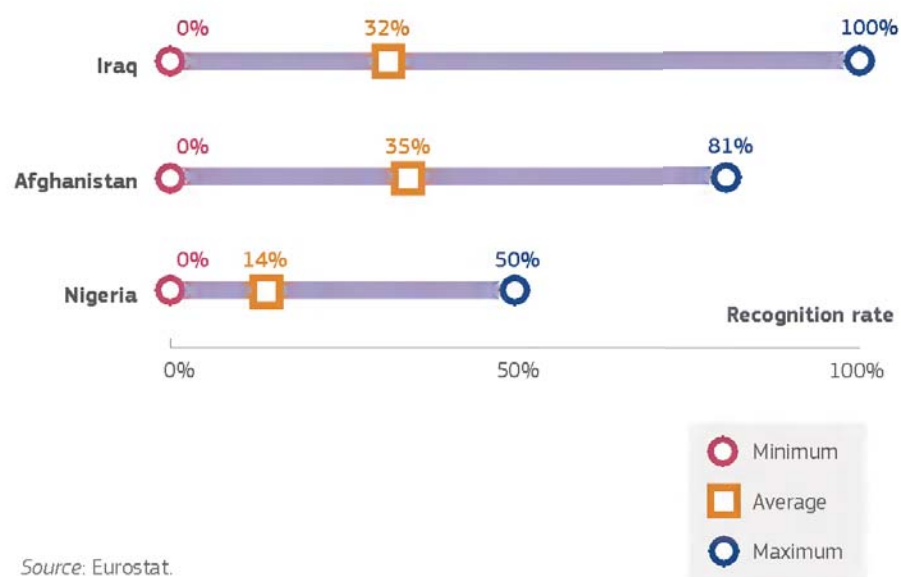
Families formed in transit countries will now also be able to benefit from a right to family unity and the best interest of minors will be strengthened in decisions relating to asylum applications and family unity rights.



#### Improved security internal

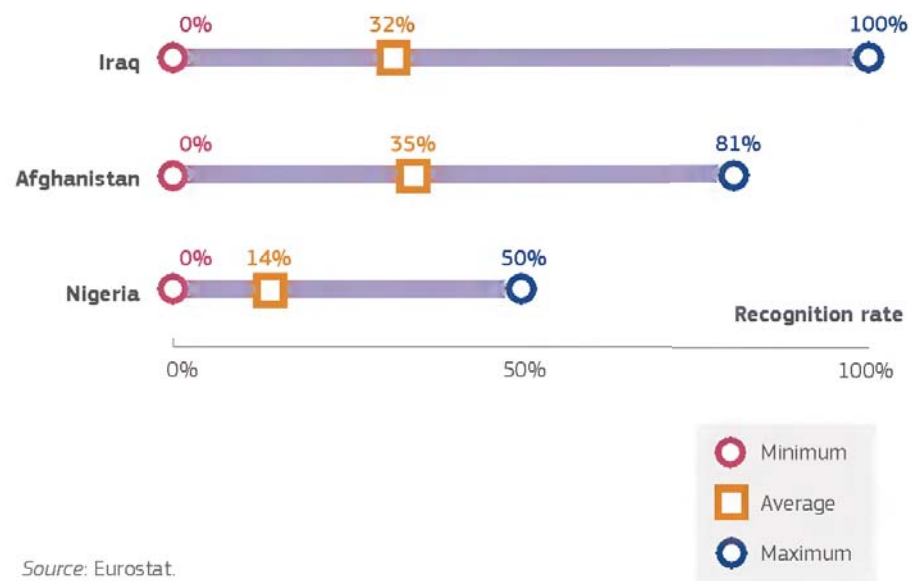
The new rules introduce an obligation to withdraw a refugee status in cases where a person commits criminal acts or poses a threat to national security.

### RECOGNITION RATES CONTINUE TO VARY GREATLY AMONG MEMBER STATES, 2017



Source: Eurostat.

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## 2 Reception Conditions Directive

December 2018

### Strong added value



The new Reception Conditions Directive will ensure asylum seekers are received under harmonised and decent conditions throughout the EU. It will help prevent secondary movements by clarifying the rights and obligations of asylum seekers.



### Ready to be concluded

Broad political agreement found between co-legislators. Adoption is possible in early 2019.

### A REFORMED RECEPTION CONDITIONS DIRECTIVE WILL ENSURE:



#### Adequate reception conditions across the EU

Member States will be obliged to have contingency plans in place to ensure sufficient reception capacity at all times, including in times of disproportionate pressure. The European Union Agency for Asylum will provide guidance to assist Member States in applying common standards on reception conditions.



#### Right to reception conditions in the responsible Member State only

Asylum seekers will only be provided with full reception conditions in the Member State responsible for their asylum application. This will help prevent Schengen-endangering secondary movements.



#### Reporting obligations

To discourage asylum seekers from absconding, Member States can assign them a place of residence and impose reporting obligations. In addition, to ensure an efficient procedure, Member States can assign asylum seekers to a geographical area within their territories.



#### Earlier access to the labour market

Asylum seekers will be granted the right to work no later than 6 months after their application was registered.



#### Better protection for child migrants

Minors will receive education within 2 months after their asylum request was lodged. Unaccompanied minors will immediately receive assistance and will be appointed a representative no later than 15 days after an asylum application has been made.







## REFORMING THE COMMON EUROPEAN ASYLUM SYSTEM: WHAT THE INDIVIDUAL REFORMS WOULD CHANGE AND WHY WE NEED THEM NOW

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### 3 European Union Agency for Asylum

December 2018



#### Strong added value

The reinforced Asylum Agency will be able to provide a rapid and full service to Member States in normal times as well as in times of particular pressure, including by carrying out the entire administrative stage of the asylum procedure if requested, as a concrete form of European solidarity.



#### Ready to be concluded

Political agreement reached on the Commission's initial proposal from 2016. New targeted amendments proposed by the Commission in September 2018. Adoption is possible in early 2019.

#### THE REINFORCED EU ASYLUM AGENCY WILL ENSURE:



#### Full operational support on asylum procedures whenever needed

The Agency and its deployable Asylum Support Teams will be able to provide a full range of support activities, including carrying out the entire administrative stage of the asylum procedure upon a Member State's request, and also offer assistance with appeals, in full respect of the independence of the judiciary.



#### A greater convergence across the EU in the assessment of protection needs and of reception conditions

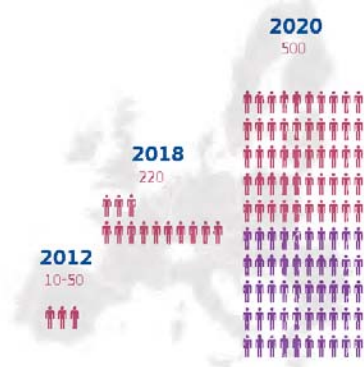
In addition to the guidance it already provides, the reinforced Agency will develop guidance, operational standards, indicators and best practices on the situation in countries of origin and on reception conditions, provide training and help Member States prepare contingency plans.



#### Monitoring

The Agency will also monitor the operational and technical application of the Common European Asylum System to help prevent possible shortcomings and swiftly provide support when necessary and requested by a Member State.

## BUILDING AN EU ASYLUM AGENCY CAPABLE OF GIVING FULL AND RAPID SUPPORT TO THE MEMBER STATES



By 2020, 500 operational staff and a reserve pool of 500 experts will be available to support Member States.

### The Agency's supporting tasks will include

- Identification and registration of asylum seekers
- Admissibility and substantive interviews
- Preparing administrative decisions on applications (national authorities will continue to take all decisions)
- Support to independent appeal bodies
- Interpretation and translation



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## 4 Eurodac Regulation

December 2018

### Strong added value



The new Eurodac Regulation will expand the EU's identification database, helping authorities track secondary movements, tackle irregular migration and improve returns of irregular migrants.



### Ready to be concluded

Broad agreement found between co-legislators. Adoption is possible in early 2019.

### THE NEW EURODAC REGULATION WILL ENSURE:



#### Better identification of asylum seekers

Member States will be able to store and search facial images in Eurodac in addition to fingerprints, in full compliance with data protection rules. This will help ensure they have all the elements needed at their disposal to identify asylum seekers, and help mitigate some challenges faced by Member States, for example with damaged fingertips and refusal to provide fingerprints.



#### More effective returns

The new system will no longer be limited to asylum applicants but will also store data on non-EU nationals found irregularly staying in the EU. The data retention period for irregular migrants apprehended at the external borders will be extended beyond the current 18 months to 5 years. This will make it easier to identify and re-document these individuals for the purpose of return and readmission.



#### Better protection of child migrants

By registering minors from the age of six, the new system will help improve the safety of child migrants, for example to detect cases of human trafficking and exploitation but also to establish family links should a child go missing.

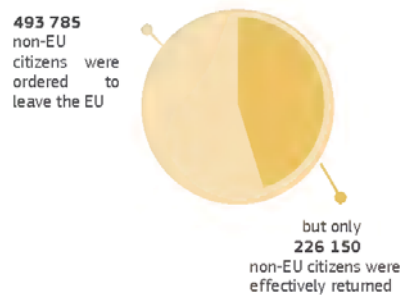


#### Better tracking of secondary movements

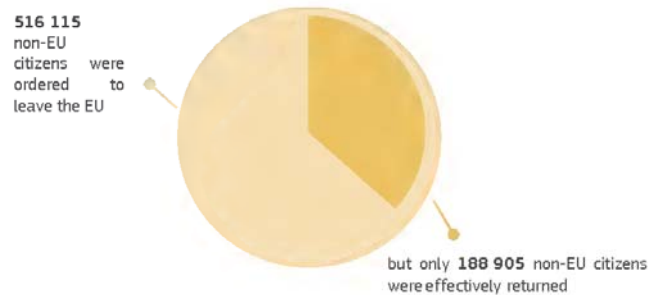
With additional information available in the system, national authorities will have a more complete picture of each registered person when tracking irregular secondary movements.

**IMPROVING RETURNS EXPANDING THE SCOPE OF EURODAC TO IRREGULAR MIGRANTS CAN  
HELP INCREASE RETURN RATES WHICH TO DATE REMAIN UNSATISFACTORY.**

**45.8% effective returns in 2016**



**36.6% effective returns in 2017**







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## 5 Union Resettlement Framework

December 2018



### Strong added value

The Union Resettlement Framework Regulation will help reduce irregular migration by ensuring safe and legal alternatives. It will replace the current ad-hoc schemes and set EU-wide 2-year plans for resettling genuine refugees. By contributing collectively to global resettlement efforts, the EU will strengthen its partnership and solidarity with third countries hosting large numbers of persons in need of international protection.



### Ready to be concluded

Broad agreement found between co-legislators. Adoption is possible in early 2019.

### THE NEW UNION RESETTLEMENT FRAMEWORK REGULATION WILL ENSURE:



#### The first ever collective legal framework for resettlement

The new framework will provide a common set of procedures for the selection and treatment of resettlement candidates and also ensure financial support from the EU budget.



#### Greater impact of the EU's joint resettlement efforts

The new framework will allow the EU as a whole to agree on targeted regions and countries from which resettlement should take place, placing the EU in a stronger position globally.



#### A flexible framework built on voluntary participation

Member States will continue to decide to whom and to how many people they will grant protection.



#### Fewer irregular arrivals

Ensuring safe and legal pathways for persons in need of protection will help reduce irregular flows and facilitate relations with countries of origin and transit.



#### Predictable timelines and clear decision-making

The Framework will be implemented through EU-wide plans, adopted by the Council on a proposal from the Commission, setting out a total number of persons to be admitted every 2 years.



#### Common grounds and stringent eligibility and security checks

Access to the scheme will be reserved for persons in genuine need of international protection. Member States can give preference to persons with demonstrated social links or other characteristics that can facilitate integration. Obligatory refusal grounds will apply to persons posing security threats.

**SINCE 2015, DIFFERENT EU RESETTLEMENT PROGRAMMES HAVE HELPED  
OVER 43 700 OF THE MOST VULNERABLE FIND SHELTER IN THE EU.**

