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European Union

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## OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	16110/22
No. Cion doc.:	11313/16
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Admission Framework and amending Regulation (EU) N0 2021/1147 of the European Parliament and the Council - Amended mandate for negotiations with the European Parliament

Delegations will find attached the amended mandate on the abovementioned proposal as approved by the Permanent Representatives Committee at its meeting on 20 December 2022.

**Proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a Union Resettlement and Humanitarian Admission Framework and amending  
Regulation (EU) No 2021/1147 of the European Parliament and the Council**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(d) and (g) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

Whereas:

- (1) The Justice and Home Affairs Council Conclusions of 10 October 2014 acknowledged that "while taking into account the efforts carried out by Member States affected by migratory flows, all Member States should give their contribution to resettlement in a fair and balanced manner."<sup>3</sup>
- (1a) This Regulation is based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.
- (1b) A Union Resettlement and Humanitarian Admission Framework should be established complementing other legal pathways. This framework should offer the most vulnerable third-country nationals or stateless persons in need of international protection access to a durable solution in accordance with EU and national law.
- (1c) The UN General Assembly<sup>1a</sup> urged states to scale up resettlement efforts and envisages a comprehensive refugee response framework in which States aim to provide resettlement places and other legal pathways on a scale that would enable the annual resettlement needs identified by the Office of the United Nations High Commissioner for Refugees to be met. The Global Compact on Refugees adopted by the UN General Assembly on 17 December 2018 foresees that voluntary contributions will be sought from States to establish or enlarge the scope, size, and quality of resettlement programmes.

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<sup>1a</sup> *United Nations General Assembly Resolution A/RES/71/1.*

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<sup>3</sup> Council Conclusions on "Taking action to better manage migratory flows", Justice and Home Affairs Council meeting, 10 October 2014.

- (1d) The concept of ‘danger to public health’ should be understood as disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation.
- (2) In its Communication on a European Agenda on Migration<sup>4</sup> of 13 May 2015 the Commission set out the need for a common approach to granting protection to displaced persons in need of protection through resettlement.
- (3) On 8 June 2015 the Commission addressed a Recommendation on a European Resettlement Scheme<sup>5</sup> to the Member States, based on an equitable distribution key. It was followed by Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 to resettle, through multilateral and national schemes, 22 504 persons in clear need of international protection<sup>6</sup>. The resettlement places were distributed between Member States and Dublin Associated States according to the commitments set out in the Annex to the Conclusions.
- (4) On 15 December 2015, the Commission addressed a Recommendation for a Voluntary Humanitarian Admission Scheme with Turkey<sup>7</sup> to the Member States and Associated States recommending that participating States admit persons displaced by the conflict in Syria who are in need of international protection.
- (6) On 6 April 2016, the Commission adopted a Communication Towards a Reform of the Common European Asylum System and enhancing legal avenues to Europe<sup>8</sup> in which it announced it would set out a proposal for a structured resettlement system framing the Union’s policy on resettlement and providing a common approach to safe and legal arrival in the Union for persons in need of international protection.

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<sup>4</sup> COM(2015) 240 final.

<sup>5</sup> C(2015) 3560 final.

<sup>6</sup> 11097/15.

<sup>7</sup> C(2015) 9490.

<sup>8</sup> COM(2016) 197 final.

- (7) On 12 April 2016, the European Parliament adopted a resolution on the Situation in the Mediterranean and the need for a holistic EU approach to Migration<sup>9</sup> underlining the need for a permanent Union-wide resettlement programme, providing resettlement for a meaningful number of refugees, having regard to the overall number of refugees seeking protection in the Union.
- (7a) On 27 September 2017 the Commission addressed a Recommendation on enhancing legal pathways for persons in need of international protection to the Member States. In response, Member States pledged to offer 50.039 resettlement places.
- (8) Building on the existing initiatives, and in the context of the existing international architecture, a stable and reliable Union Resettlement and Humanitarian Admission Framework should be established for the admission of third-country nationals or stateless persons in need of international protection to be implemented in accordance with a Union Resettlement and Humanitarian Admission Plan which should fully respect Member States' concrete indications on their commitments.
- (10) The Union Resettlement and Humanitarian Admission Framework should be situated in the context of international resettlement and humanitarian admission efforts. The contribution of this framework to meeting global resettlement and humanitarian admission needs should help strengthen the Union's partnership with third countries with the objective of showing solidarity with countries in regions to which a large number of persons in need of international protection has been displaced by helping to alleviate the pressure on those countries, fostering those countries' capacity to improve reception and international protection conditions, and reducing irregular and dangerous onward movements of third-country nationals and stateless persons in need of international protection, in the context of migration.

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<sup>9</sup> 2015/2095(INI).

- (11) In order to contribute to increasing resettlement and humanitarian admission efforts and reduce divergences among the national resettlement practices and procedures, a common procedure together with common eligibility criteria and refusal grounds for admission should be laid down, as well as common principles regarding the status to be granted to admitted persons.
- (12) The common admission procedure should build on the existing resettlement and humanitarian admission experience and standards of the Member States and if applicable of the UNHCR.
- (12a) The admission of family members of third-country nationals or stateless persons or of Union citizens who are legally residing in a Member State should be without prejudice to the rights laid down in Council Directive 2003/86/EC on the right to family reunification, Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States or to national law concerning family reunification, and therefore should focus on the family members who fall outside the scope of those Directives or relevant national law, or who could not be reunited with their families for other reasons.
- (12b) In order to ensure family unity, all family members for whom a Member State intends to conduct an admission procedure, who are eligible and do not fall under the refusal grounds, should as a rule to the extent possible be admitted together. Should this not be possible, those family members should be admitted as soon as possible at a later stage.

In the process of determining the parameters of a given family on whom a third-country national or stateless person is dependent, as referred to in this Regulation, it should be recognised that the extended relations may be the last line of defence for individuals who rely exclusively on the family for survival, psychological support, and emotional care.

(12c) Member States should be able to choose for whom to conduct an admission procedure including on the basis of considerations relating to the family composition. When making that choice, Member States should respect the principle of family unity.

Member States should be able to require third-country nationals or stateless persons to demonstrate the existence of a family relationship.

(13) The admission procedure consists of the following stages: referral, where applicable, identification, registration, assessment and conclusion on admission and, in case of resettlement, decision on granting international protection or, in case of humanitarian admission, decision on granting international protection or humanitarian status under national law.

(13a) A positive conclusion on admission means that a person in relation to whom the admission procedure has been carried out for the purpose of resettlement or humanitarian admission by a Member State has been accepted by that Member State for admission. A negative conclusion on admission means that such person has not been accepted by that Member State for admission.

(14) Before granting international protection, a full assessment of the international protection needs of the third-country national or stateless person should be carried out.

(15a) In case of emergency admission, the assessment of the admission requirements established under this Regulation should be accelerated. Emergency admission should not necessarily be linked to the regions or third countries from which admission is to occur as established in accordance with this Regulation. All Member States should be encouraged to offer emergency admission places.

(16) The admission procedure should be concluded as soon as possible while ensuring that Member States have sufficient time for an adequate examination of each case. Member States should make every effort to ensure that a third-country national or stateless person for whom a positive conclusion on admission was reached enters their territory by not later than twelve months from the date of the conclusion on their admission.

[(17) Any personal data of persons admitted under this Regulation ten years from the date of registration at national level. That ten-year period should be considered sufficient for the purposes of the admission procedure, given that the majority of such persons will have resided for several years in the Union and will have obtained citizenship of a Member State. Given that third-country nationals or stateless persons who during the last three years prior to admission have been refused admission to a Member State should be refused admission under the terms of this Regulation, the data should be stored for a period of three years from the date on which the negative conclusion on admission was reached. Given that third-country nationals who during the last three years prior to admission have not given or have withdrawn their consent to be admitted to a particular Member State could be refused admission under the terms of this Regulation, the data should be stored for a period of three years from the date of discontinuation.]

The storage period should be shorter in certain special situations where there is no need to keep personal data for that length of time. Personal data belonging to a third-country national or a stateless person should be erased immediately and permanently once he or she obtain citizenship of a Member State.]

(18) [...]]

(19) There is no subjective right to request admission or to be admitted by a Member State or an obligation on Member States to admit a person under this Framework.

(20a) Resettlement should be the primary type of admission, complemented by humanitarian admission and emergency admission as appropriate to address specific circumstances.



(20b) The Union Resettlement and Humanitarian Admission Framework should aim at having all Member States contributing to the implementation of the Union Resettlement and Humanitarian Admission Plan and scaling up their resettlement and humanitarian admission efforts with a view to contributing significantly to meeting the Global Resettlement Needs, including emergency cases.

(20c) To that end, the Asylum, Migration and Integration Fund should provide targeted assistance in the form of financial incentives for each person admitted in accordance with the Union Resettlement and Humanitarian Admission Framework as well as for actions to establish appropriate infrastructure and services for the implementation of the Framework.

(20d) The European Union Agency for Asylum should support Member States on their request, in accordance with its mandate, with the implementation of the Union Resettlement and Humanitarian Admission Plan, such as through assisting them in the implementation of certain elements of the admission procedure, coordinating technical cooperation between them and facilitating the sharing of infrastructure.

The European Union Agency for Asylum should support Member States on their request, in accordance with its mandate, with the implementation of the Union Resettlement and Humanitarian Admission Plan, such as through assisting them in the implementation of certain elements of the admission procedure, coordinating technical cooperation between them and facilitating the sharing of infrastructure.

(20e) The sharing of good practices among resettlement and humanitarian admission actors in relevant fora, including in the Annual Tripartite Consultations on Resettlement (ATCR), should be promoted.

- (21) In order to ensure uniform conditions for the implementation of the Union Resettlement and Humanitarian Admission Framework, implementing powers should be conferred on the Council for establishing and amending the two-year Union Resettlement and Humanitarian Admission Plan, fixing the total number of persons to be admitted and indicating, what part of that number should be dedicated to resettlement, humanitarian admission and emergency admission, the details about the participation of the Member States in the plan and their contributions to the total number of persons to be admitted, a description of the specific group or groups of persons to which the plan should apply, as well as the specification of the regions or third countries from which admission is to occur.
- (21-a) Conferring implementing powers on the Council is justified in view of the fact that they touch on national executive powers regarding the admission of third-country nationals on the territory of the Member States.
- (21a) Amendments to the Plan to address new circumstances could include contributions fully respecting indications on a voluntary basis made by Member States at the High-Level Resettlement and Humanitarian Admission Committee to new regions or third countries through the reallocation of existing or through new contributions.

- (22) Those implementing powers should be exercised on a proposal from the Commission on the total number of persons to be admitted and the specification of the regions or third countries from which admission is to occur fully respecting indications on a voluntary basis made by Member States prior to the proposal at the High-Level Resettlement and Humanitarian Admission Committee. The Commission should make its proposal for the Plan simultaneously with its proposal on the draft Union annual budget in the year preceding the two-year period in which the Plan is to be implemented. The Commission should make its proposal for an amendment to the Plan simultaneously with a corresponding proposal on the draft amending budget, where necessary. The Council should aim to adopt the proposal within two months.
- (25) The provisions on the content of international protection contained in the asylum acquis should apply as of the moment when admitted persons who are granted international protection arrive on the territory of the Member States or once these persons were granted international protection, if granted after the person concerned arrived on the territory of the Member State.
- (25-a) The integration of admitted persons in their host society is important for a successful admission procedure. Admitted persons should have the same access to integration measures as beneficiaries of international protection in accordance with the [Qualification Regulation]. Member States [...] should be able to make the participation in such integration measures compulsory only if those integration measures are easily accessible, available and free of charge. Member States should also offer, when considered feasible, a pre-departure orientation programme to third-country nationals or stateless persons, which could include information about their rights and obligations, language classes, and information about the Member State's social, cultural and political set up. Such information could also be provided after entry or be included into integration measures and take into account the particular vulnerabilities of the admitted person.

Member States should be able to also arrange post-arrival orientation programmes tailored to the needs of admitted persons in order to provide them with guidance concerning, in particular, the learning of the language of the host Member State, education, access to the labour market, taking account of their specific vulnerabilities. In modalities to be set by Member States, as far as possible, the bodies and persons concerned, such as local authorities and persons who have already been admitted, should be involved in implementing programmes of this kind.

[(25a) The secondary movement of all persons who have been admitted under this Regulation, including when humanitarian status under national law has been granted, should be discouraged. Member States within the framework of the Union law and policy should cooperate effectively and without undue delay readmit persons who have been admitted in accordance with this Regulation and found in a Member State where they have no right to stay.]

(25b) Without prejudice to the right to apply for international protection, Member States may, in case of humanitarian admission, reach a conclusion on the admission of a third country national or stateless person to its territory based on an initial evaluation and grant that person a humanitarian status under national law.

[(25c) The humanitarian status under national law should provide for rights and obligations equivalent to those of [Articles 22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX Qualification Regulation] for beneficiaries of subsidiary protection. Such a status should be withdrawn only in case [...] new circumstances or new evidence arise concerning the person's eligibility following the decision on granting the status.]

- (26) [In line with the Commission proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)<sup>10</sup>, in order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to a Member State should be added to the number of applications for international protection for the purpose of calculating the corrective allocation mechanism proposed by the Commission.]
- (27) Given the expertise of UNHCR in facilitating the different forms of admission of persons in need of international protection from third countries, to which they have been displaced, to Member States willing to admit them, UNHCR should continue to play a key role under the Union Resettlement and Humanitarian Admission Framework. It should be possible that in addition to UNHCR, other international actors such as International Organisation for Migration (IOM) be called upon to assist Member States in the implementation of such Framework.
- (29) A High-Level Resettlement and Humanitarian Admission Committee should be established to consult with stakeholders on the implementation of the Union Resettlement and Humanitarian Admission Framework.

The High-Level Resettlement and Humanitarian Admission Committee should advise the Commission on issues related to the implementation of the Union Resettlement and Humanitarian Admission Framework, including on a recommended number of persons to be admitted and the third countries or regions from which admission should be undertaken, taking into account the annual UNHCR Projected Global Resettlement Needs. It could make recommendations.

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<sup>10</sup> COM(2016) 270 final.

The Commission should invite Member States to indicate on a voluntary basis at the meeting of that Committee the details of their participation, including the type of admission and the countries from which admission shall take place, and their contributions to the total number of persons to be admitted under that Plan.

- (30) Resettlement and humanitarian admission efforts by the Member States under this Regulation should be supported by appropriate funding from the Union's general budget. To enable a proper and sustainable functioning of the Resettlement and Humanitarian Admission Framework, Regulation (EU) No [...] 2021/1147 of the European Parliament and of the Council<sup>11</sup> should be amended.
- (31) This Regulation does not affect the ability of the Member States to adopt or implement national resettlement schemes for example where they contribute an additional number of admission places to the total number of persons to be admitted under the Union Resettlement and Humanitarian Admission Plan.
- (32) Complementarity with ongoing resettlement and humanitarian admission initiatives undertaken in the Union framework should be ensured.
- (33) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and should therefore be applied in a manner consistent with these rights and principles, including as regards the rights of the child, the right to respect for family life and the general principle of non-discrimination.

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<sup>11</sup> Regulation (EU) No 2021/1147 of the European Parliament and of the Council of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund.

- (34) Any processing of personal data by the authorities of the Member States within the framework of this Regulation should be conducted in accordance with Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
- (35) Any processing of personal data by the European Union Agency for Asylum within the framework of this Regulation should be conducted in accordance with Regulation EU 2016/679 of the European Parliament and of the Council, as well as Regulation (EU) No 2021/2303 (EU Asylum Agency Regulation) and it should respect the principles of necessity and proportionality
- (36) [...]
- (37) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.
- (38) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

## *Article 1*

### **Subject matter**

1. This Regulation:
  - establishes a Union Resettlement and Humanitarian Admission Framework for the admission of third-country nationals or stateless persons to the territory of the Member States with a view to granting them in accordance with this Regulation:
    - a) international protection as defined in [Article 2(1) of Regulation (EU) XXX/XXX Qualification Regulation] (“international protection”), or
    - b) a humanitarian status under national law that provides for rights and obligations equivalent to those of [Articles 22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX Qualification Regulation] for beneficiaries of subsidiary protection.
  - lays down rules on the admission of third-country nationals or stateless persons to the territory of the Member States for the purpose of implementing this Regulation.  
Admission shall take place through resettlement or humanitarian admission.
2. This Regulation does not establish a right for third-country nationals or stateless persons to request admission or to be admitted to the territory of the Member States.
- 2a. This Regulation does not impose an obligation on Member States to admit a person.
- 2b. Member States shall contribute to the Union Resettlement and Humanitarian Admission Plan set out under Article 7, on a voluntary basis. The indications made by the Member States in the High Level Resettlement and Humanitarian Admission Committee in relation to the details of their participation, including the type of admission and the regions or countries from which admission shall take place, and of their contribution to the total number of persons to be admitted under that Plan shall be voluntary.



## *Article 2*

### **[...] Definitions**

For the purposes of this Regulation the following definitions apply:

- 1) 'resettlement' means the admission, following a referral from the United Nations High Commissioner for Refugees ('UNHCR'), of third-country nationals or stateless persons who are eligible under ... Article 5 (1) and who do not fall under refusal grounds in accordance with Article 6, from a third country to which they have been displaced, to the territory of the Member States, and who are granted international protection and have access to a durable solution in accordance with EU and national law.
- (2) 'humanitarian admission' means the admission, following, where requested by a Member State, a referral from the UNHCR, the European Union Agency for Asylum or another relevant international body, of third-country nationals or stateless persons, from a third country to which they have been forcibly displaced, to the territory of the Member States and who, at least, on the basis of an initial evaluation:
  - (a) are eligible under Article 5 (1a);
  - (b) do not fall under refusal grounds under Article 6 and
  - (c) are granted in accordance with point aa) of Article 10 (7) of this Regulation international protection or a humanitarian status under national law that provides for rights and obligations equivalent to those of [Articles 22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX Qualification Regulation] for beneficiaries of subsidiary protection.
- (3) 'emergency admission' means the admission through resettlement or humanitarian admission of persons with urgent legal or physical protection needs or with immediate medical needs.

### *Article 3*

#### **Union Resettlement and Humanitarian Admission Framework**

The Union Resettlement and Humanitarian Admission Framework shall:

- (a) provide for the legal and safe arrival of third-country nationals or stateless persons who are eligible for admission and who do not fall under refusal grounds in accordance with this Regulation to the territory of the Member States with a view to granting them international protection in accordance with this regulation or a humanitarian status under national law as defined in Article 2(2)(c) and encourage all Member States to scale up their efforts to that effect;
- aa) contribute to increasing the Union's contribution to international resettlement and humanitarian admission initiatives with a view to increasing the overall number of available resettlement and humanitarian admission places;
- ab) contribute to strengthening the Union's partnerships with third countries in regions to which a large number of persons in need of international protection has been displaced.

### *Article 4*

#### **Determination of regions or third countries from which Union resettlement or humanitarian admission is to occur**

1. The determination of the regions or third countries from which Union resettlement or humanitarian admission shall occur shall primarily have as a basis:
  - (a) the UNHCR Projected Global Resettlement Needs;
  - (b) the scope for improving the protection environment and increasing the protection space in third countries;
  - ca) the scale and content of commitments to resettlement or humanitarian admission undertaken by third countries with a view to collectively contributing to meeting the Global Resettlement Needs.

## Article 5

### Eligibility for admission

1. For the purpose of resettlement, the following third-country nationals or stateless persons shall be eligible for admission provided that they also fall within at least one of the categories referred to in point (a) of par. 1b:
  - (a) third-country nationals who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, as defined in [Article 10 of Regulation EU XXX Qualification Regulation] are outside the country of nationality and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country, or stateless persons, who, being outside of the country of former habitual residence for the same reasons as mentioned above, are unable or, owing to such fear, unwilling to return to it; or, failing that,
  - (ab) third-country nationals who are outside the country of nationality or stateless persons who are outside of the country of former habitual residence and in respect of whom substantial grounds have been shown for believing that they, if returned to their country of origin or former habitual residence, would face a real risk of suffering serious harm as defined in [Article 16 of Regulation (EU) XXX/XXX Qualification Regulation], and are unable or, owing to such risk, unwilling to avail themselves of the protection of that country.

Persons whose protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees has ceased for any reason without their position being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, shall be deemed to meet the eligible criteria set out in this point.

- 1a. For the purpose of humanitarian admission, the following third-country nationals or stateless persons shall be eligible for admission provided that, at least on the basis of an initial evaluation, they also fall within at least one of the categories referred to in points (a) and (ab) of paragraph 1b:
- (a) third-country nationals who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, as defined in [Article 10 of Regulation EU XXX Qualification Regulation] are outside the country of nationality and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that country, or stateless persons who, being outside of the country of former habitual residence for the same reasons as mentioned above, are unable or, owing to such fear, unwilling to return to it; or, failing that,
  - (b) third-country nationals who are outside the country of nationality or stateless persons who are outside of the country of former habitual residence, and in respect of whom substantial grounds have been shown for believing that they, if returned to their country of origin or former habitual residence, would face a real risk of suffering serious harm as defined in [Article 16 of Regulation (EU) XXX/XXX Qualification Regulation], and are unable or, owing to such risk, unwilling to avail themselves of the protection of that country.

Persons whose protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees has ceased for any reason without their position being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, shall be deemed to meet the eligible criteria set out in this point.

1b. To be eligible for admission third-country nationals and stateless persons shall also fall within at least one of the following categories:

(a) vulnerable persons:

- women and girls at risk;
- minors , including unaccompanied minors;
- survivors of violence or torture, including on the basis of gender or sexual orientation;
- persons with legal and/or physical protection needs, including as regards protection from refoulement;
- persons with medical needs, including where life-saving treatment is unavailable in the country to which they have been [forcibly] displaced;
- persons with disabilities; or
- persons who lack a foreseeable alternative durable solution, in particular those in protracted refugee situation;

(ab) In case of humanitarian admission, the family members listed in paragraph 1c) of third-country nationals or stateless persons legally residing in a Member State or of Union citizens.

1c. With the aim to ensure family unity the following family members of third-country nationals or stateless persons to be admitted shall also be eligible for admission:

- the spouse or unmarried partner in a stable relationship, where the law or practice of the Member State concerned treats unmarried couples in a way comparable to that of married couples under its law relating to third-country nationals or stateless persons;

- the minor children on the condition that they are unmarried, regardless of whether they were born in or out of wedlock or adopted or recognised as defined under national law;
- the father, mother or another adult responsible for an unmarried minor, whether by law or by the practice of the Member State concerned;
- the sibling or siblings
- third-country nationals or stateless persons who are dependent on their child, parent or other family member for assistance as a result of pregnancy, a new-born child, serious illness, severe disability or old age. This applies provided that family ties existed in the country of origin, that the child, parent or other family member is able to take care of the dependent person, and that the persons concerned expressed their desire in writing.

In the application of this paragraph, Member States shall take due account of the best interests of the child. Where the third-country national or stateless person is a married minor but not accompanied by his or her spouse, the best interests of the minor may be seen to lie with his or her original family.

### *Article 6*

#### **Grounds for refusing admission**

1. The following third-country nationals or stateless persons shall be refused admission under this Regulation :
  - (-aa) persons recognised by the competent authorities of the country in which they have taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or equivalent rights and obligations;

- (a) persons for whom there are reasonable grounds for considering that:
  - (i) they have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
  - (ii) they have committed a serious crime;
  - (iii) they have been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;

This point also applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein;

- (b) persons for whom there are reasonable grounds for considering that they are a danger to the community, public policy, security, public health of the Member State examining the resettlement file.
- (c) persons for whom an alert has been issued in the Schengen Information System or in a national database of a Member State for the purposes of refusing entry;
- (e) persons who have been granted international protection by Member States or a national humanitarian status as defined in point (c) of paragraph 2 of Article 2;
- (f) persons whom Member States have during the last three years prior to admission refused to admit in accordance with points (b) or (c) of this paragraph.

2. Third-country nationals or stateless persons may be refused admission where:
- (b) persons who during the last three years prior to admission have not given or have withdrawn their consent to be admitted to a particular Member State in accordance with Article 6a where they have been informed of the consequences of such withdrawal in accordance with paragraph 2b, point b of Article 10;
  - (ba) persons who have committed one or more crimes outside the scope of point (a) of paragraph 1 which would be punishable with a maximum sentence of at least one year of imprisonment had they been committed in the Member State examining the admission file, unless the prosecution or the punishment would have been statute-barred or, in case of a conviction for such a crime, an entry relating to that conviction would have been removed from the national criminal record, according to the law of the Member State examining the admission file;
  - (bb) persons refusing to participate in a pre-departure orientation programme referred to in point (c) of Article 10 (7);
  - (bc) persons in relation to whom Member State cannot provide adequate support that the person needs on the basis of his or her vulnerability.

These grounds apply provided that they are without discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.



## *Article 6a*

### **Consent**

The admission procedure laid down in Article 10 shall apply to third-country nationals or stateless persons who have given their consent to be admitted and have not subsequently withdrawn their consent, including refusing admission to a particular Member State.

Failure to provide the available data or information essential to conduct the procedure as laid down in Article 10 (2) or failure to attend a personal interview as laid down in Article 10(3), may be considered as an implicit withdrawal of consent unless the third-country national or stateless person was not informed in accordance with Article 10 (2b) or the third country national or stateless person complies with his or her obligations within a reasonable period of time or can demonstrate that his or her failure was due to circumstances beyond his or her control.

## *Article 7*

### **Union Resettlement and Humanitarian Admission Plan**

1. On the basis of a proposal from the Commission, the Council shall adopt, by means of an implementing act, a two-year Union Resettlement and Humanitarian Admission Plan in the year preceding the two-year period in which it is to be implemented.

The Commission shall inform without delay the European Parliament of its proposal, and the Council shall keep the European Parliament regularly informed of the progress of the procedure.

The Council shall inform without delay the European Parliament and the Commission of the final draft Union Resettlement and Humanitarian Admission Plan. Upon its adoption the Council shall transmit without delay the Union Resettlement and Humanitarian Admission Plan to the European Parliament.

- 1a. When implementing this Article, the Council and the Commission shall take due account of the outcome of the meetings of the High-Level Resettlement and Humanitarian Admission Committee and of the UNHCR Projected Global Resettlement Needs.

2. The Union Resettlement and Humanitarian Admission Plan shall include:
- (a) the total number of persons to be admitted, indicating what part of that number shall be dedicated to resettlement, which shall constitute not less than approximately 60% of the total number of the persons to be admitted, as well as to humanitarian admission and emergency admission.
  - (b) details about the participation of the Member States and their contributions to the total number of persons to be admitted and the part of the total dedicated to resettlement, humanitarian admission and emergency admission in accordance with point (a), fully respecting the indications made by Member States at the High Level Resettlement and Humanitarian Admission Committee set out in Article 13 (3a);
  - (d) the specification of the regions or third countries from which resettlement or humanitarian admission is to occur as referred to in Article 4;
- 2a. The Union Resettlement and Humanitarian Admission Plan may, where necessary, include:
- (b) a description of the specific group or groups of third-country nationals or stateless persons to whom the Union resettlement and Humanitarian Admission Plan shall apply;
  - (c) local coordination and practical cooperation arrangements among Member States, supported by European Union Agency for Asylum in accordance with Article 12, with third countries, UNHCR or other relevant partners.
- 2b. Emergency admission shall be applied irrespective of the regions or third countries from which resettlement or humanitarian admission is to occur.

- 2c. Where required by new circumstances, such as an unforeseen humanitarian crisis falling outside the regions or third countries from of the Union Resettlement and Humanitarian Admission Plan, the Council, on a proposal from the Commission, shall, where appropriate, amend the Plan such as by adding regions or third countries from which admission is to occur as referred to in Article 4.

## *Article 10*

### **Admission procedure**

In case of resettlement, when implementing the Union Resettlement and Humanitarian Admission Plan, Member States shall request UNHCR to refer to them third-country nationals or stateless persons.

- 1a. In case of humanitarian admission, for the purpose of implementing the Union Resettlement and Humanitarian Admission Plan, Member States may request UNHCR, [the European Union Agency for Asylum} or another relevant international body to refer to them third-country nationals or stateless persons.
- 1a. Member States shall assess whether those third-country nationals or stateless persons fall within the scope of the Union Resettlement and Humanitarian Admission Plan.

Member States may give preference to third-country nationals or stateless persons:

- (a) with family links with third-country nationals or stateless persons or Union citizens legally residing in a Member State;
- (b) with demonstrated social links or other characteristics that can facilitate integration in the Member State conducting the admission procedure, including language skills or previous residence.
- c) with particular protection needs or vulnerabilities

2. After identifying third-country nationals or stateless persons, Member States shall register the following information of those who fall within the scope of a Union Resettlement and Humanitarian Admission Plan and for whom they intend to conduct the admission procedure:
- (a) the name, date of birth, gender, nationality;
  - (c) the type and number of any identity or travel document of the third-country national or stateless person; and
  - (d) the date of the registration, the place where the registration is made, and the authority making the registration.

Additional data necessary for the implementation of paragraphs 3 and 4 may also be collected at the time of registration

- 2b. Member States shall inform the third-country nationals or stateless persons in relation to whom they conduct an admission procedure of:
- (a) the objectives and different steps of the admission procedure;
  - (b) the consequences of withdrawal of consent to be admitted in the meaning of Article 6a, and of a refusal to participate in a pre - departure orientation programme as set out in this Regulation.

2 ba. Member States shall provide third-country nationals or stateless persons in relation to whom they conduct an admission procedure, at the time when personal data are collected, in writing, and where necessary, orally, in a language that they understand or are reasonably supposed to understand in a concise, transparent, intelligible and easily accessible form, using clear and plain language, adapted to the needs of minors or of persons with specific needs, with the information they are required to provide under Regulation (EU) No 2016/679.

3. Member States shall assess whether the third-country nationals or the stateless persons for whom they conduct the admission procedure meet the eligibility criteria set out in Article 5, and whether they do not fall under refusal grounds in Article 6.

Member States shall make that assessment in particular on the basis of documentary evidence, including, where applicable, information from UNHCR on whether the third-country nationals or the stateless persons qualify as refugees or on the basis of a personal interview, or a combination of both.

- 3a. In case of resettlement , Member States shall request that UNHCR, to fully assess:
- a) whether they fall within the scope of the Union Resettlement and Humanitarian Admission Plan; and
  - (b) whether they fall under one of the vulnerability categories set out in point (a) of Article 5 (1b); or have family links in accordance with Article 5 (1c) and the reasoning behind the assessment.
  - (c) qualify as refugees within the meaning of Article 1 of the 1951 Geneva Convention.

Member States may also request that the criteria set out in points (a), (b) and (c) of paragraph 1a be taken into account.

- 3b. In case of humanitarian admission Member States may request UNHCR to also assess whether third-country nationals or stateless persons referred to them by UNHCR:
- (i) qualify as refugees within the meaning of Article 1 of the 1951 Geneva Convention;
  - (ii) fall under one of the vulnerability categories set out in point (a) of Article 5 (1b) or have family links in accordance with points (ab) of Article 5 (1b) or in Article 5 (1c);

Member States may also request that the criteria set out in points (a), (b) and (c) of paragraph 1a be taken into account.

4. Member States shall reach a conclusion on the admission of third-country nationals or stateless persons on the basis of the assessment referred to in paragraph 3 as soon as possible and not later than seven months from their registration. Member States may extend that time-limit by a period of not more than three months, where complex issues of fact or law are involved.

-4a In case of emergency admission, Member States shall reach a conclusion as soon as possible and endeavour to do so not later than one month from their registration.

4a. Member States shall discontinue the admission procedure where third-country nationals or stateless persons have withdrawn their consent to be admitted in accordance with Article 6a.

Prior to its termination, Member States may discontinue the admission procedure where they have concluded that (a) the total number of third-country nationals or stateless persons it admitted exceeds its contribution set out in the Union Resettlement and Humanitarian Admission Plan; (b) to give preference to the third-country nationals or stateless persons in accordance with paragraph 1a; (c) it is not able to respect the time limits referred to in paragraph 4 for reasons beyond their control.

Subject to the requirements set out in Chapter V of Regulation (EU) No 2016/679, the reason for discontinuation shall be communicated to the UNHCR where it is necessary to perform its tasks regarding referrals of third-country nationals or stateless persons to Member States or to third countries in accordance with this regulation or its mandate, unless there is an overriding public interest in not doing so.

5. [Member States shall store the data referred to in paragraphs 2 and 4 for ten years from the date of registration. In the case of persons who have been refused admission, such data shall be stored for a period of three years from the date on which the negative conclusion on admission was reached. ]

[Upon expiry of the applicable period, the Member States shall erase the data. Member States shall erase the data relating to a person who has acquired citizenship of any Member State before the expiry of that period as soon as Member States become aware that the person concerned has acquired such citizenship.]

[Where a Member State discontinues the admission procedure prior to its termination on the basis of the first sub-paragraph of Article 6a, the Member State shall store the data related to the person concerned for three years from the date of discontinuation. Where a Member State discontinues the admission procedure for other reasons than those set up in the first sub-paragraph of Article 6a, the Member State shall erase the data relating to the person concerned on the date of discontinuation. ]

6. If the conclusion referred to in paragraph 4 is negative, no admission of the person concerned shall occur to the Member State that has reached the conclusion.

Subject to the requirements set out in Chapter V of Regulation (EU) No 2016/679, the reason for negative conclusion shall be communicated to the UNHCR, where it is necessary to perform its tasks regarding referrals of third-country nationals or stateless persons to Member States or to third countries in accordance with this regulation or its mandate, unless there is an overriding public interest in not doing so.

Any Member State that has reached a negative conclusion may require any second Member State examining the resettlement file to consult it during the examination.

7. If the conclusion referred to in paragraph 4 is positive, the Member State prior or after entry of the person concerned on its territory

- (a) shall take a decision to grant refugee status where the third-country national or the stateless person concerned qualifies as a refugee, or subsidiary protection status where the third-country national or the stateless person concerned is eligible for subsidiary protection.

That decision shall have the same effect as a decision granting refugee status or subsidiary protection status referred to in [Articles 13 or 19 of Regulation (EU) No XXX/XXX Qualification Regulation], once the person concerned has entered the territory of a Member State

Member States may issue residence permits of permanent or unlimited validity on terms that are more favourable as referred in Article 13 of Council Directive 2003/109/EC<sup>1</sup> ;

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<sup>1</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44).

- (-aa) in case of a family member of a third country national or stateless persons to be admitted as referred in paragraph 1c of Article 5 who does not individually qualify for international protection, shall take a decision to issue a residence permit. That decision shall have the same effect as a decision to issue a residence permit referred to in the first paragraph of [Article 25 of Regulation (EU) No XXX/XXX Qualification Regulation], once the person concerned has entered the territory of a Member State.



- (aa) may, in case of humanitarian admission, grant international protection or without prejudice to the right to apply for international protection a humanitarian status under national law that provides for rights and obligations equivalent to those of Articles [22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX Qualification Regulation] for beneficiaries of subsidiary protection. This decision shall take effect once the person concerned has entered the territory of a Member State;
- (-ab) in case of a family member of a third country national or stateless persons to be admitted as referred in paragraph 1c of Article 5 who does not individually qualify for international protection or for a humanitarian status under national law as referred to in Article 1b, shall take a decision to issue a residence permit. That decision shall have the same effect as a decision to issue a residence permit referred to in the first paragraph of [Article 25 of Regulation (EU) No XXX/XXX Qualification Regulation], once the person concerned has entered the territory of a Member State.
- (ab) The Member States [or the relevant partner on behalf of the Member State in accordance with Article 12 (3) ] shall notify the third-country nationals or stateless persons concerned of the decision mentioned in point a) and aa) . Also where the decision was taken prior to entry, the notification may take place once the person concerned has entered the territory of a Member State;
- (ac) shall make every effort to ensure entry to its territory as soon as possible and not later than twelve months from the date of the conclusion;

In cases of emergency admission, ensure the swift transfer of the third country national or stateless person from the date of the conclusion.

- (b) shall offer , where necessary, to make travel arrangements, including fit-to-travel medical checks and provide transfer to their territory free of charge, and that offer shall include, where necessary, the facilitation of exit procedures in the third country from where the third-country national or the stateless person is admitted. When organising the travel, Member States shall take account of specific needs that the persons concerned have in view of their vulnerability;
- (c) shall, when considered feasible, offer pre-departure orientation programme to third-country nationals or stateless persons, which shall be free of charge and easily accessible and may include information about their rights and obligations, language classes, and information about the Member State's social, cultural and political set-up.

When it is not feasible to provide orientation programmes, Members States shall provide at least information to third-country nationals or stateless persons about their rights and obligations.

- 7a. Personal data processed by a Member State pursuant to this Article shall not be transferred or made available to any third country, international body or private entity established in or outside the Union in other cases than those set out in this Article.
- [7b. Member States shall register the data of the persons falling under this Regulation in accordance with Article 12a of Regulation (EU) XXX/XXX [Eurodac Regulation]. ]
- 7c. At all stages of the procedure Member States shall not discriminate against persons on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

### Operational cooperation

1. To facilitate the implementation of the Union Resettlement and Humanitarian Admission Plan, Member States shall appoint national contact points and may decide to appoint liaison officers in third countries.
2. [The European Union Agency for Asylum] may support Member States upon their request in accordance with Article 10 (-1a), or where provided for in a Union Resettlement and Humanitarian Admission Plan in accordance with point (c) of Article 7 (2a). This support may include, coordinating technical cooperation between Member States, assisting Member States in the implementation of Union Resettlement and Humanitarian Admission Plan, training of personnel conducting admission procedure, providing information to third-country nationals or stateless persons as referred to in article 10.2.b, 10.2.ba and 10.7c, facilitating the sharing of infrastructure and assisting Member States in cooperating with third countries for the purpose of conducting the admission procedure in accordance with [Regulation (EU) No 2021/2303 (EU Asylum Agency Regulation)].

[The European Union Agency for Asylum] may also coordinate an exchange of good practices between Member States for the purpose of the implementation of this Regulation and the integration of resettled persons in their host society.

3. To implement the Union Resettlement and Humanitarian Admission Plan, and in particular to notify the third-country nationals or stateless persons concerned of the decision taken by Member States in accordance with point (a) and (aa) of Article 10 (7), to conduct pre-departure orientation programmes, fit-to-travel medical checks, travel arrangements and other practical arrangements, Member States may be assisted by relevant partners upon the request of the Member State or in accordance with local coordination and practical cooperation arrangements for a Union Resettlement and Humanitarian Admission Plan established in accordance with point (c) of Article 7 (2a).

### *Article 13*

#### **High-Level Resettlement and Humanitarian Admission Committee**

1. A High-Level Resettlement and Humanitarian Admission Committee shall be established, composed of representatives of the European Parliament, the Council, the Commission, and the Member States. The European Union Agency for Asylum, UNHCR and IOM shall be invited to attend the meetings of the High-Level Resettlement and Humanitarian Admission Committee. Other relevant organisations, including civil society organisations, may be invited to attend the meetings of the High-Level Resettlement and Humanitarian Admission Committee in areas of their expertise. Representatives of Iceland, Liechtenstein, Norway, and Switzerland shall be invited to attend the meetings of the High-Level Resettlement and Humanitarian Admission Committee where they have indicated their intention to be associated with the implementation of the Union resettlement plan.
- 1-a. The High-Level Resettlement and Humanitarian Admission Committee shall be chaired by the Commission. It shall meet whenever necessary at the invitation of the Commission or at a request of a Member State or the European Parliament and shall meet at least once a year.
- 1a. The High-Level Resettlement and Humanitarian Admission Committee shall advise the Commission on issues related to the implementation of the Union Resettlement and Humanitarian Admission Framework, including on a recommended number of persons to be admitted and the third countries or regions from which admission should be undertaken, taking into account the annual UNHCR Projected Global Resettlement Needs. It may make recommendations.

The Commission shall publish the minutes of the meetings of the High-Level Resettlement and Humanitarian Admission Committee.

Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of any public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001.

- 1b. The Commission shall consult and take into account the outcome of the meetings of the High-Level Resettlement and Humanitarian Admission Committee on issues related to the implementation of the Union Resettlement and Humanitarian Admission Framework.
- 1c. Following the outcome of the discussions, the Commission shall invite Member States to indicate the details of their participation and of their contribution on a voluntary basis to the total number of persons to be admitted including the type of admission and the countries from which admission shall take place in accordance with Article 4 and Article 7.
- 1d. The Commission, on its own initiative or following a recommendation by one or more Member States or the European Parliament, shall convene a meeting of the High Level Resettlement and Humanitarian Admission Committee, to discuss the possible admission of persons pursuant to point (c) of Article 7(2) to respond to new circumstances, such as an unforeseen humanitarian crisis falling outside the regions or third countries included in the Plan.
- 1e. The Committee may, if necessary, establish its rules of procedure.

### *Article 16*

#### **Association with Iceland, Liechtenstein, Norway, and Switzerland**

Iceland, Liechtenstein, Norway, and Switzerland shall be invited to be associated with the implementation of the Union Resettlement and Humanitarian Admission Plan. The core elements of this Regulation, in particular those related to the procedure laid down in Article 10 and to the rights and obligations of admitted persons, shall be duly taken into account in that association.

### *Article 16a (NEW)*

Financial support to the Member States for resettlement and humanitarian admission shall be implemented in accordance with Regulation (EU) No 2021/1147 establishing the Asylum, Migration and Integration Fund.

### *Article 17*

#### **Amendments to Regulation (EU) No 2021/1147[...]**

Regulation (EU) No 2021/1147 [...] is amended as follows:

#### *Article 2*

##### Definitions

[...]

(5) is replaced by the following:

(5) ‘humanitarian admission’ means humanitarian admission as defined in point (2) of Article 2 of [Resettlement Regulation].

[...]

(8) is replaced by the following:

(8) ‘resettlement’ means resettlement as defined in point (1) of Article 2 of [Resettlement Regulation].

[...]

## *Article 19*

### Resources for resettlement and humanitarian admission

*Points 1, 2 and 3 of Article 19 are replaced by the following:*

1. Member States shall receive, in addition to their allocation under point (a) of Article 13(1), an amount of EUR 10 000 for each person admitted through resettlement under the Union Resettlement and Humanitarian Admission Framework established in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation].
2. Member States shall receive, in addition to their allocation under point (a) of Article 13(1), an amount of EUR 6 000 for each person admitted through humanitarian admission under the Union Resettlement and Humanitarian Admission Framework established in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation] or admitted under a national resettlement scheme.
3. The amount referred to in paragraph 2 shall be increased to EUR 8 000 for each person admitted through humanitarian admission or admitted under a national resettlement scheme who belongs to one or more of the following vulnerable groups:
  - (a) women and children at risk;
  - (b) unaccompanied minors;
  - (c) persons having medical needs that can be addressed only through humanitarian admission;
  - (d) persons in need of humanitarian admission for legal or physical protection needs, including victims of violence or torture.

## *Article 18*

### **Evaluation and Review**

1. No later than four years after the entry into force of this Regulation the Commission shall report to the European Parliament and the Council on the application of this Regulation, including Article 10 (1a) (b) and on the contributions made by Member States to the implementation of Union Resettlement and Humanitarian Admission Framework, in accordance with Article 7, and on the efforts of all Member States to scale up their resettlement and humanitarian admission efforts with a view to significantly contributing to meeting the global resettlement needs. The report shall be accompanied, if necessary, by adequate proposals to reach that aim.
2. [Member States shall provide the Commission and [the European Union Agency for Asylum] with the necessary information for drawing up its report for the purpose of paragraph 1 in addition to the information provided [the European Union Agency for Asylum] on the number of third-country nationals or stateless persons effectively admitted as laid down in Article 22(3) of [Regulation (EU) No XXX/XXX (Dublin Regulation)]]].
3. The European Parliament and the Council shall, on the basis of the proposal of the Commission, taking into account the report referred to in paragraph 1, review this Regulation within two years of the submission of the report by the Commission.



*Article 19*

**Entry into force**

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*

*For the Council*

*The President*

*The President*

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