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COMMISSION RECOMMENDATION

of 27.9.2017

on enhancing legal pathways for persons in need of international protection

The document is approved in principle. Formal adoption will follow as soon as all language versions are available.

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Resettlement is an important tool for offering protection to forcibly displaced persons and a clear demonstration of global solidarity with third countries to help them cope with large numbers of persons fleeing war or persecution. By substituting dangerous and irregular migration flows to the Union with safe and legal pathways, resettlement helps to save lives, contributes to reducing irregular migration and managing migratory pressure, and counters the narrative of smuggling networks. Resettlement is therefore also an important element of the EU's comprehensive asylum and migration policy.
- (2) In September 2015, the crisis in the Mediterranean prompted the Union institutions to immediately acknowledge the emergency situation due to exceptionally high migratory flows in the region and call for the adoption of short term and long term measures, from tackling migratory flows outside the EU to ensuring effective control of our external borders, reinforcing the EU return policy while at the same time reforming the Common European Asylum System (CEAS) and providing enhanced paths for safe and legal ways into the EU.
- (3) As part of the immediate measures and with a view to addressing the migratory crisis comprehensively and showing solidarity with third countries bearing the brunt of the global refugee crisis, the Commission on 8 June 2015 recommended an EU-wide scheme to resettle 20 000 people in need of international protection over two years¹. On 20 July 2015, Member States, together with Dublin Associated States, agreed to resettle 22 504 people in need of international protection from the Middle East, the Horn of Africa and North Africa².
- (4) In order to disrupt migrant smuggling networks and to offer migrants an alternative to putting their lives at risk, the EU and Turkey decided on 18 March 2016 to break the cycle of uncontrolled flows of migrants creating a humanitarian crisis and agreed on a number of actions including the resettlement of Syrians in need of international protection to the Member States.

¹ Commission Recommendation of 8.6.2015 on a European resettlement scheme - C(2015) 3560 final.

² Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015.

- (5) Following the EU-Turkey Statement, the Council amended Council Decision (EU) 2015/1601³ to allow Member States to fulfil their relocation obligations in relation to 54 000 applicants through resettlement, humanitarian admission, or other forms of legal admission of Syrians in need of international protection from Turkey under their national and multilateral schemes.
- (6) The New York Declaration for Refugees and Migrants of 19 September 2016 adopted by all 193 United Nations Member States called for a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees. The United Nations Member States expressed their intention to expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries⁴.
- (7) By 20 September 2017 more than 23 000 people have been resettled under the scheme agreed on 20 July 2015 and under the EU-Turkey Statement. The Member States have resettled further persons in need of international protection via their own national schemes.
- (8) In 2016 alone, Member States resettled 14 205 refugees, a significant increase compared to the 8 155 people resettled in 2015, 6 550 in 2014, and between 4 000 and 5 000 per year in the period 2010-2013. This increase shows the added value and potential of EU-level cooperation and coordination in the area of resettlement. It also shows the importance of appropriate funding for resettlement from the EU budget as EUR 293.3 million has been committed for the period 2014-2017.
- (9) Member States who have not yet implemented their committed pledges under the current schemes should do so without delay. Any pledges remaining after the expiry of both schemes should be carried over to the next resettlement pledging exercise and be in addition to the new pledges that Member States will make.
- (10) The EU needs to move from ad-hoc resettlement and humanitarian admission schemes to a stable framework for resettlement to the EU. To this end, the proposal for a Union Resettlement Framework⁵ to provide safe and legal pathways to international protection for those in need was put forward by the Commission as part of the overhaul of the EU asylum system. The swift adoption of the proposal is an important element for a more efficient, fair and stable European policy on asylum and migration.
- (11) In order to ensure continued resettlement until a Union Resettlement Framework is in place, the Commission at the 8th Resettlement and Relocation Forum on 4 July 2017 invited Member States to submit ambitious resettlement pledges, based on the agreed priorities for this period and also in line with the United Nations High Commissioner for Refugees (UNHCR) Global Projected Needs for 2018.
- (12) The purpose of this Recommendation is to ensure that resettlement efforts can continue in the period between the end of the current EU resettlement schemes and the operationalisation of the Union Resettlement Framework and follow up to the pledging exercise launched on 4 July 2017 in the light of emerging additional needs as set out in the UNHCR Projected Global Resettlement Needs for 2018.

³ Council Decision 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ L 268, 1.10.2016, p 82).

⁴ New York Declaration for Refugees and Migrants; available at: <http://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>.

⁵ COM(2016) 468 final.

- (13) The Recommendation aims to support Member States' continuous efforts in providing and enhancing legal and safe channels for people in need of international protection. Member States' actions in line with this Recommendation will show solidarity to third countries where a large number of persons in need of international protection is displaced, contribute to international resettlement initiatives and contribute to a better overall management of the migratory situation. The objectives of this Recommendation are therefore in line with the proposal for a Union Resettlement Framework.
- (14) The choice of priority regions is based on the need to continue implementing the EU-Turkey Statement of 18 March 2016, including via the future Voluntary Humanitarian Admission Scheme (VHAS), to continue resettlement from Jordan and Lebanon and to follow-up on the announcement in the "Action plan on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity"⁶ to resettle from the key African countries along and leading to the Central Mediterranean migratory route, including Libya, Niger, Chad, Egypt, Ethiopia, and Sudan.
- (15) The pledging exercise launched on 4 July 2017 has by 20 September resulted in around 14 000 pledges submitted by Member States. Stronger engagement by all Member States is needed in order to contribute to a common effort to save lives and offer credible alternatives to irregular movements.
- (16) The global resettlement needs stand at 1.2 million persons and the UNHCR has repeatedly called on all countries to progressively increase the size of their resettlement programmes in line with the intentions expressed in the New York Declaration for Refugees. Against this background and building on the progress achieved since 2015, the Union should offer at least 50 000 resettlement places to admit by 31 October 2019 persons in need of international protection from third countries.
- (17) To support Member States in implementing this target EUR 500 million should be made available from the Union budget. Subject to the conditions of the Asylum Migration and Integration Fund (AMIF) Member States can receive a lump sum of EUR 10 000 per resettled person from priority regions.
- (18) UNHCR is planning a temporary mechanism for emergency evacuation of the most vulnerable groups of migrants from Libya. The EU should, together with other global actors, contribute to this mechanism so that it has a real impact in allowing the most vulnerable persons in need of international protection and who are now in Libya to have access to resettlement opportunities. Irregular migration will only stop if there is a real alternative to perilous journeys. When considering their resettlement pledges Member States should therefore also take into account and support this UNHCR initiative.
- (19) In a Joint Statement on Addressing the Challenge of Migration and Asylum of 28 August 2017 the representatives of France, Germany, Italy, Spain and the High Representative/Vice President of the Union for Foreign Affairs and Security Policy, together with the representatives of Niger and Chad, and the Chairman of the Presidential Council of Libya recognised the need, as smuggler-driven migration is reduced, to organise the resettlement of people in need of international protection who are particularly vulnerable.

⁶ SEC(2017)339.

- (20) At least 50 000 resettlement places to be offered by the Union from the priority regions will contribute to global solidarity initiatives in scaling up legal pathways, including the UNHCR's recent global call for 40 000 places for resettlement from the countries along the Central Mediterranean route in 2018.
- (21) To ensure monitoring of the implementation, Member States should report on a monthly basis to the Commission on persons resettled to their territory in line with their pledges, specifying the country from which the person has been resettled.
- (22) The Commission should review the progress in the implementation of this Recommendation by 31 October 2018. On the basis of this review and taking into account the overall migratory situation in the EU and globally Member States may be invited to further revise their pledges.
- (23) This recommendation should be addressed to the Member States. The Associated States are invited to contribute to common European resettlement efforts,

RECOMMENDS:

Increasing resettlement pledges

- (1) Building on the experience achieved in the implementation of the current EU resettlement schemes and in order to bridge the transition between these schemes and the Union Resettlement Framework Member States should offer at least 50 000 resettlement places to admit by 31 October 2019 persons in need of international protection from third countries.
- (2) Member States who have not yet submitted their pledges under the resettlement pledging exercise launched by the Commission on 4 July 2017 should do so no later than by 31 October 2017 and those who have already done so should consider increasing their pledges in order to achieve the target.
- (3) Member States should focus their pledges:
 - (a) to ensure continued resettlement from Turkey of Syrians and third country nationals and stateless persons displaced by the conflict in Syria in order to support the implementation of the EU-Turkey Statement of 18 March 2016, including via the future Voluntary Humanitarian Admission Scheme (VHAS);
 - (b) to ensure continued resettlement from Lebanon and Jordan;
 - (c) to contribute to the stabilisation of the situation in the central Mediterranean by resettling persons in need of protection from Libya, Niger, Chad, Egypt, Ethiopia and Sudan, including by supporting the UNHCR's temporary mechanism for emergency evacuation of the most vulnerable groups of migrants from Libya.
- (4) Member States are invited to resettle in fulfilment of their pledges as soon as possible, in close cooperation with UNHCR and with support from EASO as appropriate.

Monitoring

- (5) Member States should communicate to the Commission on a monthly basis the number of persons resettled to their territory in fulfilment of their pledges, specifying the country from which the person has been resettled.

Financial support

- (6) Member States should make full use of the financial support of EUR 500 million that is made available through the Asylum, Migration and Integration Fund for the fulfilment of the resettlement pledges referred to in this Recommendation.

Review

- (7) The Commission will review this Recommendation by 31 October 2018. Following the Commission's review of the implementation of this Recommendation and taking into account the overall migratory situation in the EU and globally, Member States may be invited to further update their pledges as appropriate.

Addressees

- (8) This Recommendation is addressed to the Member States.

Done at Brussels, 27.9.2017

For the Commission

Dimitris Avramopoulos

Member of the Commission