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A EUROPEAN AGENDA ON MIGRATION

I. Introduction

Throughout history, people have migrated from one place to another. People try to reach European shores for different reasons and through different channels. They look for legal pathways, but they risk also their lives, to escape from political oppression, war and poverty, as well as to find family reunification, entrepreneurship, knowledge and education. Every person's migration tells its own story. Misguided and stereotyped narratives often tend to focus only on certain types of flows, overlooking the inherent complexity of this phenomenon, which impacts society in many different ways and calls for a variety of responses. This Agenda brings together the different steps the European Union should take now, and in the coming years, to build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration.

The immediate imperative is the duty to protect those in need. The plight of thousands of migrants putting their lives in peril to cross the Mediterranean has shocked us all. As a first and immediate response, the Commission put forward a ten point plan for immediate action. The European Parliament and the European Council have lent their support to this plan and Member States have also committed to concrete steps, notably to avert further loss of life.

The response was immediate but insufficient. This cannot be a one-off response. Emergency measures have been necessary because the collective European policy on the matter has fallen short. While most Europeans have responded to the plight of the migrants, the reality is that across Europe, there are serious doubts about whether our migration policy is equal to the pressure of thousands of migrants, to the need to integrate migrants in our societies, or to the economic demands of a Europe in demographic decline.

To try to halt the human misery created by those who exploit migrants, we need to use the EU's global role and wide range of tools to address the root causes of migration. Some of these are deep-seated but must be addressed. Globalisation and the communication revolution have created opportunities and raised expectations. Others are the consequence of wars and crises from Ukraine to the Middle East, Asia and North Africa. The impact of global poverty and conflict do not end at national frontiers.

Europe should continue to be a safe haven for those fleeing persecution as well as an attractive destination for the talent and entrepreneurship of students, researchers and workers. Upholding our international commitments and values while securing our borders and at the same time creating the right conditions for Europe's economic prosperity and societal cohesion is a difficult balancing act that requires coordinated action at the European level.

This calls for a set of core measures and a consistent and clear common policy. We need to restore confidence in our ability to bring together European and national efforts to address migration, to meet our international and ethical obligations and to work together in an effective way, in accordance with the principles of solidarity and shared responsibility. No Member State can effectively address migration alone. It is clear that we need a new, more European approach. This requires using all policies and tools at our disposal – combining internal and external policies to best effect. All actors: Member States, EU institutions, International Organisations, civil society, local authorities and third countries need to work together to make a common European migration policy a reality.

II. Immediate action

The first part of this European Agenda on Migration responds to the need for swift and determined action in response to the human tragedy in the whole of the Mediterranean. The European Council statement of 23 April 2015[1] and the European Parliament Resolution a few days later,[2] illustrated the consensus for rapid action to save lives and to step up EU action.[3]

This swift response must also serve as the blueprint for the EU's reaction to future crises, whichever part of the common external border comes under pressure from East to West and from North to South.

Saving lives at sea

Europe cannot stand by whilst lives are being lost. Search and rescue efforts will be stepped up to restore the level of intervention provided under the former Italian 'Mare Nostrum' operation. To triple the budget for the **Frontex joint-operations Triton and Poseidon**, the Commission has already presented an amending budget for 2015 and will present its proposal for 2016 by the end of May. When implemented, this will expand both the capability and the geographical scope of these operations, so that Frontex can fulfil its dual role of coordinating operational border support to Member States under pressure, and helping to save the lives of migrants at sea[4]. In parallel to this increase in EU funding, assets (ships and aircrafts) are being deployed by several Member States. This welcome solidarity will need to be maintained for as long as the migratory pressure persists. The new Triton Operational Plan will be presented by the end of May.[5]

Targeting criminal smuggling networks

The criminal networks which exploit vulnerable migrants must be targeted. The High Representative/Vice President (HR/VP) has already presented options for possible **Common Security and Defence Policy (CSDP) operations** to systematically identify, capture and destroy vessels used by smugglers. Such action under international law will be a powerful demonstration of the EU's determination to act.

More will be done to pool and better **use information to identify and target smugglers**. Europol will immediately strengthen its recently established joint maritime information operation (JOT MARE) – and its focal point on migrant smuggling. The result will be a single

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1 Special meeting of the European Council, 23 April 2015 – statement: http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/. This part of The European Agenda on Migration incorporates and further develops the initiatives included in the Roadmap that the Commission presented as a follow up to the Statement of the European Council of 23 April.

2 http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2015/2660(RSP).

3 The Union's common policy on asylum, immigration, visa and external border controls is based on Title V (Area of freedom, security and Justice) of the Treaty on the functioning of the European Union (TFEU). Under Protocols 21 and 22 to the Treaties, the United Kingdom, Ireland and Denmark shall not take part in the adoption by the Council of proposed measures pursuant to Title V TFEU. The United Kingdom and Ireland may notify the Council, within three months after a proposal or initiative has been presented, or at any time after its adoption, that they wish to take part in the adoption and application of any such proposed measure. At any time Denmark may, in accordance with its constitutional requirements, notify the other Member States that it wishes to apply in full all relevant measures adopted on the basis of Title V TFEU.

4 This support is in addition to the substantial assistance available to these Member States from Home Affairs funds of which Italy is the major beneficiary in absolute terms and Malta in per capita terms.

5 As Triton and Poseidon are Frontex-coordinated operations which relate to the protection of external borders, they build on the Schengen *acquis* in which Ireland and the United Kingdom do not participate (see footnote 25 below). This fact does not exclude the United Kingdom vessels from participating in Search and Rescue operations, in the Mediterranean, in coordination by Triton and Poseidon.

entry point for inter-agency cooperation on smuggling.[6] Frontex and Europol will also develop profiles of vessels which could be used by smugglers, following patterns to identify potential vessels and monitor their movements. Finally, Europol will identify illegal internet content used by smugglers to attract migrants and refugees, and request its removal.

Responding to high-volumes of arrivals within the EU: Relocation

Member States' asylum systems today face unprecedented pressure and, with the summer arriving, the flow of people to frontline Member States will continue in the months to come. The EU should not wait until the pressure is intolerable to act: the volumes of arrivals mean that the capacity of local reception and processing facilities is already stretched thin. To deal with the situation in the Mediterranean, the Commission will, by the end of May, propose triggering the emergency response system envisaged under Article 78(3) TFEU[7]**.** The proposal will include a temporary distribution scheme for persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort. The receiving Member State will be responsible for the examination of the application in accordance with established rules and guarantees. A redistribution key based on criteria such as GDP, size of population, unemployment rate and past numbers of asylum seekers and of resettled refugees can be found in the Annex.

This step will be the precursor of a lasting solution. The EU needs a permanent system for sharing the responsibility for large numbers of refugees and asylum seekers among Member States. The Commission will table a legislative proposal by the end of 2015 to provide for a mandatory and automatically-triggered relocation system to distribute those in clear need of international protection within the EU when a mass influx emerges.[8] The scheme will take account of the efforts already made on a voluntary basis by Member States.

Pending the implementation of these two measures, Member States will need to show solidarity and redouble their efforts to assist those countries on the frontline.

A common approach to granting protection to displaced persons in need of protection: Resettlement

In addition to the relocation of those already on EU soil, the EU has a duty to contribute its share in helping displaced persons in clear need of international protection. This is a joint responsibility of the international community, with the United Nations High Commissioner for Refugees (UNHCR) given the task of identifying when people cannot stay safely in their own countries. Such vulnerable people cannot be left to resort to the criminal networks of smugglers and traffickers. There must be safe and legal ways for them to reach the EU. The UNHCR has endorsed a target of 20,000 resettlement places for the EU per year by the year 2020.[9] Some Member States have already made a major contribution to global resettlement efforts. But others offer nothing – and in many cases they are not making an alternative contribution in terms of receiving and accepting asylum requests or helping to fund the efforts of others.

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[6] The European Maritime Security Agency, the European Fisheries Control Agency and Eurojust should also contribute to this work.

[7] This proposal would not apply to Denmark and would apply to the United Kingdom and Ireland only if they make use of their respective "opt-in" right (see footnote 3).

[8] On the scope of such proposal see footnote 3.

[9] Statement of UNHCR Deputy Director, Progress Report on Resettlement, Meeting of the Standing Committee of the Executive Committee of the High Commissioner's Programme, Geneva, 26-28 2012.

By the end of May, the Commission will make a Recommendation proposing an **EU-wide resettlement scheme to offer 20,000 places**. This scheme will cover all Member States, with distribution criteria that can be found in the Annex, such as GDP, size of population, unemployment rate and past numbers of asylum seekers and of resettled refugees, and will take account of the efforts already made on a voluntary basis by Member States. The EU budget will provide dedicated funding of **an extra EUR 50 million** in 2015/2016 to support this scheme. If necessary this will be followed up with a proposal for a binding and mandatory legislative approach beyond 2016.[10] In addition to this common effort, the Commission calls on Member States to make use of the existing possibilities offered under the Asylum Migration and Integration Fund and pledge further resettlement places under their national programming, with the funding swiftly adjusted.

In addition, Member States should use to the full the other legal avenues available to persons in need of protection, including private/non-governmental sponsorships and humanitarian permits, and family reunification clauses.

Working in partnership with third countries to tackle migration upstream

The EU can also take immediate action to intervene upstream in regions of origin and of transit. The Commission and the European External Action Service (EEAS) will work together with partner countries to put in place concrete measures to prevent hazardous journeys.

First, the EU should step up its support to the countries bearing the brunt of displaced refugees. **Regional Development and Protection Programmes** will be set up or deepened, starting in North Africa and the Horn of Africa, as well as by building on the existing one in the Middle East. EUR 30 million will be made available in 2015/2016 and should be complemented by additional contributions from Member States.

Second, **a pilot multi-purpose centre will be set up in Niger** by the end of the year. Working with the International Organisation for Migration (IOM), the UNHCR and the Niger authorities**,** the centre will combine the provision of information, local protection and resettlement opportunities for those in need. Such centres in countries of origin or transit will help to provide a realistic picture of the likely success of migrants' journeys, and offer assisted voluntary return options for irregular migrants.

Third, migration will become a specific component of ongoing **Common Security and Defence Policy (CSDP)** missions already deployed in countries like Niger and Mali, which will be strengthened on border management. A dedicated summit will be organised in Malta in the autumn with key partners, including the African Union**,** to develop a common approach with the region addressing the causes of irregular migration and the protection of people in need, as well as smuggling and trafficking of people.

This work will be closely connected to broader political initiatives to promote stability. Of particular importance is the action led by the HR/VP to address the situation in **Libya**, with full support to the UN-led efforts to encourage the process of setting up of a Government of National Unity. Persistent efforts to address the crisis in **Syria** have been accompanied by €3.6 billion in humanitarian, stabilisation and development assistance inside Syria and to help Syrian refugees in countries like Lebanon, Jordan, Turkey and Iraq. These are only some of the most obvious of political crises which will have a profound impact on migration to the EU in the months to come. Close attention will also be paid to our eastern partners, the Western Balkans and Asia fostering existing cooperation frameworks.

[10] On the scope of such proposal see footnote 3.

Using the EU's tools to help frontline Member States

More will be done to help deal with the immediate challenge faced by Member States in the frontline of migrant arrivals.

First, the Commission will set up a new **'Hotspot'** approach, where the European Asylum Support Office, Frontex and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants. The work of the agencies will be complementary to one another. Those claiming asylum will be immediately channelled into an asylum procedure where EASO support teams will help to process asylum cases as quickly as possible. For those not in need of protection, Frontex will help Member States by coordinating the return of irregular migrants. Europol and Eurojust will assist the host Member State with investigations to dismantle the smuggling and trafficking networks.

Second, the Commission will mobilise an additional EUR 60 million in **emergency funding**, including to support the reception and capacity to provide healthcare to migrants in the Member States under particular pressure[11]. An evaluation of needs is under way.

Key Actions	• A funding package to triple the allocation for Triton and Poseidon in 2015-16 and to finance an EU-wide resettlement scheme. • Immediate support to a possible CSDP mission on smuggling migrants. • A legislative proposal to activate the emergency scheme under Article 78(3) TFEU by the end of May, on the basis of the distribution key included in the Annex. • A proposal for a permanent common EU system for relocation for emergency situations by the end of 2015. • A Recommendation for an EU resettlement scheme by the end of May followed if required by a proposal for more permanent approach beyond 2016. • EUR 30 million for Regional Development and Protection Programmes. • Pilot multi-purpose centre established in Niger by the end of 2015.

III. Four pillars to manage migration better

The migration crisis in the Mediterranean has put the spotlight on immediate needs. But it has also revealed much about the structural limitations of EU migration policy and the tools at its disposal. This is an opportunity for the EU to face up to the need to strike the right balance in its migration policy and send a clear message to citizens that migration can be better managed collectively by all EU actors.

As outlined by President Juncker in his Political Guidelines, a robust fight against irregular migration, traffickers and smugglers, and securing Europe's external borders must be paired with a strong common asylum policy as well as a new European policy on legal migration. Clearly, this requires an enhanced coherence between different policy sectors, such as development cooperation, trade, employment, foreign and home affairs policies.

A clear and well implemented framework for legal pathways to entrance in the EU (both through an efficient asylum and visa system) will reduce push factors towards irregular stay and entry, contributing to enhance security of European borders as well as safety of migratory flows.

[11] To this end Member States can use funds available under the Asylum Migration and Integration Fund. Countries particularly affected by an influx of migrants and asylum seekers may also request assistance as appropriate from the EU civil protection mechanism.

The EU must continue to offer protection to those in need. It must also recognise that the skills needed for a vibrant economy cannot always immediately be found inside the EU labour market or will take time to develop. Migrants who have been legally admitted by Member States should not be faced with reluctance and obstruction – they should be given every assistance to integrate in their new communities. This should be seen as central to the values Europeans should be proud of and should project to partners worldwide.

But by the same token, the EU needs to draw the consequences when migrants do not meet the criteria to stay. Unsuccessful asylum claimants who try to avoid return, visa overstayers, and migrants living in a permanent state of irregularity constitute a serious problem. This corrodes confidence in the system. It offers strong arguments for those looking to criticise or stigmatise migration. It makes it harder to integrate those migrants staying in the EU as of right.

The EU must continue engaging beyond its borders and strengthen cooperation with its global partners, address root causes, and promote modalities of legal migration that foster circular growth and development in the countries of origin and destination. This reflection will be addressed more broadly by the Strategic Review initiated by the HR/VP to assess the impact of changes in the global environment, as well as by the forthcoming Review of the European Neighbourhood Policy will also aim to set out proposals in close partnerships with our neighbours for a more focused cooperation on issues of common concern, including migration.

This Agenda sets out four levels of action for an EU migration policy which is fair, robust and realistic. When implemented, they will provide the EU with a migration policy which respects the right to seek asylum, responds to the humanitarian challenge, provides a clear European framework for a common migration policy, and stands the test of time.[12]

III.1 Reducing the incentives for irregular migration

There are many different motivations behind irregular migration. But often, it ends in deep disappointment. The journey is often far more dangerous than expected, often at the mercy of criminal networks who put profit before human life. Those who fail the test of asylum face the prospect of return. Those who live a clandestine life inside Europe have a precarious existence and can easily fall prey to exploitation. It is in the interests of all to address the root causes which cause people to seek a life elsewhere, to crack down on smugglers and traffickers, and to provide clarity and predictability in return policies.

Addressing the root causes of irregular and forced displacement in third countries

Many of the root causes of migration lie deep in global issues which the EU has been trying to address for many years. Migration should be recognised as one of the primary areas where an active and engaged EU external policy is of direct importance to EU citizens. Civil war, persecution, poverty, and climate change all feed directly and immediately into migration, so the prevention and mitigation of these threats is of primary importance for the migration debate.

[12] Concerning the scope of the measures which already apply and/or will be proposed, under Title V TFEU, to implement the Agenda, see footnote 3 on the "opt-in" rights concerning the United Kingdom and Ireland and the "opt-out" status concerning Denmark.

Partnership with countries of origin and transit is crucial and there are a series of established bilateral and regional cooperation frameworks on migration in place[13]. These will be enriched by stepping up the role on migration of **EU Delegations** in key countries. Delegations will in particular report on major migratory related developments in the host countries, contribute to mainstream migration issues into development cooperation and reach out to host countries to ensure coordinated action. **European migration liaison officers** will be seconded in EU Delegations in key third countries, in close cooperation with the Immigration Liaison Officers Network [14] and with local authorities and civil society, with the purpose of gathering, exchanging and analysing information.

A good example of where there is much to be gained from stepping up cooperation is **Turkey**. Since the beginning of 2014, Turkey has received EUR 79 million to contribute to its efforts to deal with the pressure on its refugee management system and to help prevent hazardous journeys in the Eastern Mediterranean. Deploying a dedicated Frontex liaison officer in Turkey will take cooperation one step further.

With a budget allocation of EUR 96.8 billion for the 2014-2020 period, **EU external cooperation assistance,** and in particular development cooperation, plays an important role in tackling global issues like poverty, insecurity, inequality and unemployment which are among the main root causes of irregular and forced migration. This includes support in regions of Africa, Asia and Eastern Europe where most of the migrants reaching Europe originate from.

As well as addressing long-term root causes, the EU helps to mitigate the impact of crisis at a local level. This needs a sustained effort: more than 70% of the world's refugees and Internally Displaced Persons (IDPs) are trapped in situations of displacement for five years or more. The EU is a leading international donor for refugees with EUR 200 million in ongoing projects from development assistance and over EUR 1 billion of humanitarian assistance dedicated to refugees and IDPs since the beginning of 2014. A strategic reflection is now under way to maximise the impact of this support, with results expected in 2016.

The fight against smugglers and traffickers

Action to fight criminal networks of smugglers and traffickers is first and foremost a way to prevent the exploitation of migrants by criminal networks.[15] It would also act as a disincentive to irregular migration. The goal must be to transform smuggling networks from 'low risk, high return' operations for criminals into 'high risk, low return' ones. An action plan will be brought forward by the Commission by the end of May.

Cooperation with third countries is of critical importance. Most of the smugglers are not based in Europe, and those who are arrested on the boats in the Mediterranean are normally the last link in the chain. Cooperation to crack down on the local and international criminal

[13] Rabat Process, Khartoum Process, the Budapest Process, the Prague Process, the EU-Africa Migration and Mobility Dialogue.

[14] Council Regulation (EC) No 377/2004 of 19 February 2004. The Immigration Liaison Officers are representatives of the Member States who are posted in a non-Member State in order to facilitate the measures taken by the EU to combat irregular immigration (OJ L 64, 2.3.2004, p. 1). The United Kingdom and Ireland "opted-in" to this Regulation (see footnote 3).

[15] These efforts will also be pursued under the European Agenda for Security and the Maritime Security Strategy. Migrants smuggling and trafficking are two diverse yet interlinked criminal activities perpetrated by criminal networks. The difference between the two is that in the former, migrants willingly engage in the irregular migration process by paying for the services of a smuggler in order to cross an international border, while in the latter they are the victims, coerced into severe exploitation which may or may not be linked to the crossing of a border. In reality, the two phenomena are not easy to disentangle as persons who start their journeys in a voluntary manner are also vulnerable to networks of labour or sexual exploitation.

groups that control smuggling routes will be a major focus of the intensified cooperation set out above.

EU Agencies can also assist Member States' authorities in intensifying their action against **criminal networks of smugglers.** Agencies help identify smugglers, investigate them, prosecute them, freeze and confiscate their assets. Action will build on immediate efforts to identify, capture and destroy vessels before they are used by criminal networks (see above). Proactive financial investigations, aiming at seizures and recovery of criminal assets, and actions against money laundering connected to migrant smuggling will be supported through enhanced cooperation with Financial Intelligence Units on financial flows and new cooperation with financial institutions, such as banks, international money transfer services, and credit card issuers. This will also draw on the improved information-sharing set out in the European Agenda on Security.

In order to strengthen the instruments available to prosecutors to address smuggling networks, the Commission will improve the existing EU legal framework to tackle **migrant smuggling** and those who profit from it.[16] In order to take specific action against traffickers' networks and provide assistance to victims of trafficking, the Commission will also complete the initiatives foreseen in the current strategy against **Trafficking in Human Beings** and look at how work can be further improved in 2016.[17] Another potential source of exploitation comes from employers inside the EU. Whilst promoting better integration into the labour market of legal migrants, the Commission will step up action against illegal employment of third country nationals, inter alia through better enforcement and application of the **Employers Sanctions Directive**[18]**,** which prohibits the employment of third-country nationals who have no right to stay in the EU**.** It will also prioritise infringement procedures relating to this Directive.

Return

One of the incentives for irregular migrants is the knowledge that the EU's return system – meant to return irregular migrants or those whose asylum applications are refused – works imperfectly. Smuggling networks often play on the fact that relatively few return decisions are enforced – only 39.2% of return decisions issued in 2013 were effectively enforced.

To increase the enforcement rate, we first need to ensure that third countries fulfil their international obligation to take back their own nationals residing irregularly in Europe.[19] The

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[16] Some of the measures adopted by the Union prior to 1 December 2009 with regard to police cooperation and judicial cooperation in criminal matters no longer apply to the United Kingdom since 1 December 2014, on the basis of Articles 9 and 10 of Protocol 36 to the Treaties, which set out a specific "block opt-out" and "opt-back-in" procedure (see decisions adopted by the Commission and the Council on the measures notified by the United Kingdom, OJ L 345, 1.12.2012, p. 1 and OJ C 430, 1.12.2014, p. 1). In 2002, the EU adopted rules to crack down on migrant smuggling: Directive 2002/90/EC establishing a common definition of the offense of facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17) and Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1). The United Kingdom and Ireland "opted in" both the Directive and the Framework decision. Nevertheless, for the United Kingdom, the Framework decision no longer applies by virtue of the block opt-out provided for in Protocol 36 referred to above. The United Kingdom may however still decide to "opt-in" to this Framework Decision.

[17] Concerning the scope of those initiatives and the measures already in force, see footnotes 3 and 17.

[18] Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals , OJ L 168, 30.6.2009, p. 24–32. The United Kingdom and Ireland did not "opt-in" to this Directive and are therefore not bound by it or subject to its application.

[19] A specific obligation exists in the Cotonou Agreement with the ACP countries. In accordance with Article 13 of the Cotonou Agreement, each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request, without further formalities; and

EU should be ready to use all leverage and incentives at its disposal. The recently agreed **Pilot Project on Return** to Pakistan and Bangladesh will offer an important practical demonstration of the way forward.[20] The EU will **help third countries to meet their obligations** by offering support such as capacity building for the management of returns, information and awareness campaigns, and support for reintegration measures**.** The Commission will also revise its approach to readmission agreements,[21] prioritising the main countries of origin of irregular migrants.

In parallel, Member States have to apply the **Return Directive**.[22] The Commission will give priority to monitoring implementation of the Directive, with a more swift return system going hand-in-hand with the respect of the procedures and standards that allow Europe to ensure a humane and dignified treatment of returnees and a proportionate use of coercive measures, in line with fundamental rights and the principle of *non-refoulement*[23]. The implementation of the EU rules on the return of irregular migrants is now being assessed thoroughly in the framework of the Schengen Evaluation Mechanism, and a '**Return Handbook**' will support Member States with common guidelines, best practice and recommendations.

While the EU has common rules on return, it lacks effective operational cooperation. Frontex is currently offering considerable support to Member States, but its mandate must be reinforced to increase its capacity to provide comprehensive operational assistance. Currently, Frontex can only coordinate return missions but not initiate its own. On the basis of the ongoing evaluation to be concluded this year, the Commission will propose to **amend the Frontex legal basis** to strengthen its role on return.[24]

Key Actions	• Addressing the root causes through development cooperation and humanitarian assistance. • Making migration a core issue for EU delegations. • An action plan on smuggling in May 2015. • Stronger action so that third countries fulfil their obligations to readmit their nationals. • Adoption of a Return Handbook and monitoring of the implementation of the Return Directive. • Reinforcement and amendment of the Frontex legal basis to strengthen its role on return.

III.2 Border management – saving lives and securing external borders

The measures described above to address the situation in the Mediterranean today have been developed as emergency measures in response to a specific crisis. It would be a illusion to

each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State's request and without further formalities.

20 Council Conclusions on EU Return Policy adopted at the Justice and Home Affairs Council meeting of 5 and 6 June 2014.

21 A readmission agreement facilitates the return of third-country nationals. Contracting parties will readmit to their territory without any formality persons with the nationality of that country who are residing without authorisation in the other country or who have crossed its frontier illegally.

22 Directive 2008/115/EC, of 16 December 2008, on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348 98, 24.12.2008, p. 98–107. The United Kingdom and Ireland did not "opt-in" to this Directive and are therefore not bound by it and not subject to its application.

23 *Non-refoulement* is a principle of international law, endorsed by the Charter of fundamental rights, according to which a person must not be returned to a place where there is a serious risk of death penalty, torture or inhuman or degrading treatment.

24 Frontex was established by Regulation 2007/2004 (OJ L 349, 25.11.2004, p. 1). As a development of the Schengen *acquis* in which Ireland and the United Kingdom do not participate, the latter Member States are not part of Frontex. There is however cooperation with Ireland and the United Kingdom pursuant to Article 12 of the Regulation, in particular regarding the organisation of joint return operations.

believe that this is a short-term need which will not return. The reinforcement of Frontex and the setting up of new forms of cooperation with Member States should be seen as a level of support and solidarity which is here to stay.

The rules of engagement agreed for **Triton** operations should be seen as the model for future action on the whole of the external land and sea border. Every crisis will be different, but the EU needs to heed the lesson and be prepared to act in anticipation of a crisis, not just in reaction.

Coastguards have a crucial role both for saving lives and securing maritime borders. Their effectiveness would be improved through greater cooperation. The Commission, together with relevant agencies, will support such cooperation and, where appropriate, the further pooling of certain coast guard functions at the EU level.

Identifying **risk trends** is increasingly necessary for effective operational preparedness**.** The roll-out of Eurosur[25] has provided a good model on which to build and should be used to the full by all civilian and military authorities with a responsibility for maritime border surveillance. The relevant agencies should develop an effective situational picture to feed into policy-making and response preparation at national and European levels.[26].

The EU has an established policy to help Member States build up sound and consistent external borders. The Internal Security Fund already provides over €2.7 billion to Member States for the period from 2014-2020. But while rules on border control are in place, border management today varies, based on a patchwork of sectorial documents and instruments. In 2016, the Commission will consolidate this into a **Union standard for border management** to cover all aspects of the Union's external border management.

Managing our borders more efficiently also implies making better use of the opportunities offered by IT systems and technologies. The EU today has three large-scale IT systems, dealing with the administration of asylum (Eurodac), visa applications (the Visa Information System), and the sharing of information about persons or objects for which an alert has been created by the competent authorities (Schengen Information System). The full use of these systems can bring benefits to border management, as well as to enhance Europe's capacity to reduce irregular migration and return irregular migrants. A new phase would come with the "**Smart Borders**" initiative to increase the efficiency of border crossings, facilitating crossings for the large majority of 'bona fide' third country travellers, whilst at the same time strengthening the fight against irregular migration by creating a record of all cross-border movements by third country nationals, fully respecting proportionality. Following initial discussions on the first proposal and to take into account concerns raised by the co-legislators, the Commission intends to present a revised proposal on Smart Borders by the beginning of 2016.[27]

The development of high standards inside the EU will also make it easier for Europe to support third countries developing their own solutions to better manage their borders. Initiatives in key African and neighbourhood countries could be supported by Frontex as well

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[25] Regulation 1052/2013 of 22 October 2013 establishing the European Border Surveillance System (EUROSUR): an information-exchange system designed to improve management of the EU external borders, OJ L 295, 6.11.2013, p. 1 EUROSUR enables near real-time sharing of border-related data between members of the network, consisting of Schengen countries and Frontex. As EUROSUR is a development of the Schengen acquis in which Ireland and the United Kingdom do not participate, those Member States are not part of EUROSUR. The limited cooperation at regional level foreseen in Article 19 of the Regulation is currently under scrutiny before the Court of Justice (pending Case C-88/14).

[26] Coordinated by Frontex with input from EASO, Europol, the EU Satellite Centre and the European Maritime Safety Agency.

[27] With regard to the scope of such proposal see footnote 3.

as by EU funding and related initiatives in the context of EU neighbourhood and development policies. The goal should be to encourage more secure borders, but also to **strengthen the capacity of countries in North Africa** to intervene and save lives of migrants in distress.

Key Actions	• Strengthening Frontex's role and capacity. • Union Standard for border management. • Strengthening EU coordination of coast guard functions. • A revised proposal on Smart Borders. • Strengthening the capacity of third countries to manage their borders.

III.3. Europe's duty to protect: a strong common asylum policy

The EU needs a clear system for reception of asylum-seekers inside the EU. In 2014, a record 600,000 people applied for asylum in the EU. All asylum applications must be processed and protection granted to those who qualify. One of the weaknesses exposed in the current policy has been the lack of mutual trust between Member States, notably as a result of the continued fragmentation of the asylum system. This has a direct impact on asylum seekers who seek to "asylum shop", but also on EU public opinion: it encourages a sense that the current system is fundamentally unfair. But the EU has common rules which should already provide the basis for mutual confidence, and a further development of these rules will allow for a fresh start.

A coherent implementation of the Common European Asylum System

The priority is to ensure a full and coherent implementation of the Common European Asylum System. This will be supported by **a new systematic monitoring process**, to look into the implementation and application of the asylum rules and foster mutual trust. In addition, working with the Member States and European Asylum Support Office (EASO), the Commission will give further guidance to improve **standards** on reception conditions and asylum procedures to provide Member States with well-defined and simple quality indicators, and reinforcing protection of the fundamental rights of asylum-seekers, paying particular attention to the needs of vulnerable groups, such as children.[28] The Commission will also prioritise transposition and implementation in practice of the recently adopted legislation on asylum rules when considering **infringement procedures**.[29]

EASO will at the same time step up **practical cooperation**, developing a role as the clearing house of national Country of Origin Information – the factual information on which asylum decisions are based. This would encourage more uniform decisions. Other key measures are training [30] and a new dedicated network of reception authorities, which could lay the foundation for pooling reception places in times of emergency.

Strengthening the Common European Asylum System also means a more effective approach to **abuses**. Too many requests are unfounded: in 2014, 55% of the asylum requests resulted in a negative decision and for some nationalities almost all asylum requests were rejected, hampering the capacity of Member States to provide swift protection to those in need. The

[28] In order to look at the specific vulnerabilities of children, not only those having a migrant's background, the Commission will develop a comprehensive strategy to follow up on the Action Plan on Unaccompanied Minors (2011-2014) to cover missing and unaccompanied children.

[29] Directive 2013/32/EU of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013, p. 60; Directive 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013, p. 96. The United Kingdom and Ireland did not "opt-in" to these Directives.

[30] EASO Training Curriculum, a common vocational training system designed for asylum officials and other target groups such as managers and legal officers throughout the EU.

legislation includes specific provisions to fight against abuses, for example by allowing swift processing of unfounded asylum applications. To reinforce this, the Commission will work with EASO and Member States to develop guidelines to maximise such possibilities.

Another problem arises with asylum applications from third country nationals who do not require a visa to come to the EU. These cases can be dealt with in part through the post-visa liberalisation monitoring mechanisms[31]. To reinforce this, the Commission will also propose strengthening **Safe Country of Origin provisions** of the Asylum Procedure Directive to support the swift processing of asylum applicants from countries designated as safe.[32]

Dublin system – greater responsibility sharing across Member States

Though the recent legal improvements date only from 2014, the mechanism for allocating responsibilities to examine asylum applications (the "Dublin system"[33]) is not working as it should. In 2014, five Member States dealt with 72% of all asylum applications EU-wide. The EU can provide further assistance, but the rules need to be applied in full.

Member States are responsible for applying the Dublin system. In particular, they should allocate the resources needed in order to increase the number of transfers and cut delays, proactively and consistently apply the clauses related to family reunification, and make a broader and regular use of the discretionary clauses, allowing them to examine an asylum application and relieve the pressure on the frontline Member States. At Union level, the European Asylum Support Office (EASO) will support Member States by establishing a dedicated **network of national Dublin Units**.

Member States must also implement fully the rules on taking migrants' **fingerprints**[34] at the borders. Member States under particular pressure will benefit from the Hotspot system for providing operational support on the ground (see above). The Commission will provide, by the end of May, guidance to facilitate systematic fingerprinting, in full respect of fundamental rights, backed up by practical cooperation and exchange of best practices. The Commission will also explore how more biometric identifiers can be used through the Eurodac system (such as using facial recognition techniques through digital photos).

When the Dublin system was designed, Europe was at a different stage of cooperation in the field of asylum. The inflows it was facing were of a different nature and scale. When the Commission undertakes its **evaluation of the Dublin system** in 2016, it will also be able to draw on the experience from the relocation and resettlement mechanisms. This will help to determine whether a revision of the legal parameters of Dublin will be needed to achieve a fairer distribution of asylum seekers in Europe.[35]

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[31] This allows the EU to take preventive action in partnership with the countries of origin, developing targeted information campaigns and reinforcing cooperation in border management and the fight against smugglers.

[32] Directive 2013/32/EU, quoted above.

[33] Regulation (EU) No 604/2013 of 26 June 2013 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 (OJ L 180, 29.6.2013, p. 31). The United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Regulation. Denmark participates in the Dublin system through a separate international agreement it has concluded with the EU in 2006. The criteria for establishing responsibility run, in hierarchical order, from family considerations, to recent possession of visa or residence permit in a Member State, to whether the applicant has entered EU irregularly, or regularly.

[34] Regulation (EU) No 603/2013 of 26 June 2013 on the establishment of Eurodac (recast). The United Kingdom and Ireland have "opted-in" to this Regulation. Denmark participates in the Eurodac system through a separate international agreement it has concluded with the EU in 2006.

[35] Concerning the scope of such new initiative see footnote 3.

Key Actions	• Establishing a new monitoring and evaluation system for the Common European Asylum System and guidance to improve standards on reception conditions and asylum procedures. • Guidelines to fight against abuses of the asylum system. • Strengthening **Safe Country of Origin provisions** of the Asylum Procedure Directive to support the swift processing of asylum applicants from countries designated as safe • Measures to promote systematic identification and fingerprinting. • More biometric identifiers passed through Eurodac. • Evaluation and possible revision of the Dublin Regulation in 2016.

III.4 A new policy on legal migration

Europe is competing with other economies to attract workers with the skills it needs. Changes in the skills required by the EU between 2012 and 2025 are expected to show a sharp increase in the share of jobs employing higher-educated labour (by 23%).[36] Shortages have already been seen in key sectors such as science, technology, engineering and healthcare. Europe needs to build up its own skills base and equip people for inclusion in today's labour market. The Commission will present a new Labour Mobility Package and a new Initiative on Skills[37] in 2015, but even with a determined effort over the medium and long term we are unlikely to be able to fully match the needs.

The EU is also facing a series of long-term economic and demographic challenges. Its population is ageing, while its economy is increasingly dependent on highly-skilled jobs. Furthermore, without migration the EU's working age population will decline by 17.5 million in the next decade. Migration will increasingly be an important way to enhance the sustainability of our welfare system and to ensure sustainable growth of the EU economy.

This is why, even if the case for legal migration will always be difficult at a time of high unemployment and social change, it is important to have in place a clear and rigorous common system, which reflects the EU interest, including by maintaining Europe as an attractive destination for migrants[38].

Well managed regular migration and visa policy

Decisions on the volume of admissions of third country nationals coming to seek work will remain the exclusive competence of Member States. But there is a specific role for the EU. Over the next seven years, European programmes such as Horizon 2020 and Erasmus+ will attract talented individuals to the EU. The Directive on Students and Researchers, now under negotiation by the co-legislators, aims to give these groups new mobility and job-seeking opportunities. The swift adoption of the legislation would allow these strategically important groups to see the EU as a welcoming environment for their work.[39]

[36] Descy, Pascaline (2014), "Projected labour market imbalances in Europe: Policy challenges in meeting the Europe 2020 employment targets", in OECD/European Union, Matching Economic Migration with Labour Market Needs, OECD Publishing (http://dx.doi.org/10.1787/9789264216501-12-en).

[37] Both initiatives are already envisaged in Annex 1 to the Commission's work programme for 2015.

[38] The Commission will also undertake an evaluation and assessment (*fitness check*) of the existing acquis on legal migration with a view to identifying gaps and inconsistencies and consider possible ways of simplifying and streamlining the current EU framework in order to contribute to a better management of legal migration flows. Concerning the scope of such new initiative see footnote 3.

[39] COM/2013/0151 final. Concerning the scope of this proposal see also footnote 3.

The next step should be an attractive EU-wide scheme for highly qualified third-country nationals. The **Blue Card Directive**[40] already provides such a scheme, but in its first two years, only 16,000 Blue Cards were issued and 13,000 were issued by a single Member State. By the end of May, the Commission will launch a public consultation on future of the Blue Card Directive. A review of the Directive will look at how to make it more effective in attracting talent to Europe. The review will include looking at issues of scope such as covering entrepreneurs who are willing to invest in Europe, or improving the possibilities for intra EU mobility for Blue Card holders.

Another sector with important economic impact is **services**. The services sector includes well-trained, highly-skilled foreign professionals who need to travel to the EU for short periods in order to provide services to businesses or governments. The Commission will assess possible ways to provide legal certainty to these categories of people, also in order to strengthen the EU's position to demand reciprocities when negotiating Free Trade Agreements (FTAs).

Member States' role in these decisions calls for a more direct and open dialogue to build common thinking and policy approaches and exchange best practice at European level. The Commission will support Member States in promoting a permanent dialogue and peer evaluation at European level on issues such as labour market gaps, regularisation and integration – issues where decisions by one Member State have an impact on others.

The Commission will also establish a platform of dialogue to include input from business, the trade unions, and other social partners, to maximise the benefits of migration for the European economy and the migrants themselves.

The EU needs the tools to identify those economic sectors and occupations that face, or will face, **recruitment difficulties or skill gaps**. Existing tools already provide some information, but a more complete picture is needed.[41] Existing web portals, such as the EU Migration portal and Europe's Job Mobility Portal (EURES) can also play an important role in facilitating job matching for third country nationals already in the EU. In matching migrants' skills, a particular problem is the lack of recognition of qualifications acquired by migrants in their home country. The EU can help to improve understanding of qualifications gained outside the EU.[42]

The efforts to develop our new legal migration policy mirror the **modernisation of our visa policy**.[43] In 2014, the Commission tabled a revision of the Visa Code and proposed the establishment of a new type of visa: the Touring Visa.[44] The adoption of these proposals will provide the EU with more flexible visa policy tools, aiming to maximise the positive economic impact of attracting more tourists, and visitors on personal or professional grounds

[40] Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009, p. 17–29. The United Kingdom and Ireland did not "opt-in" to this Directive and are not bound by or subject to its application.

[41] Such as the Skills Panorama and the Skills Alliances.

[42] For example through the European Qualification Framework and in the context of the upcoming revision of the EUROPASS system.

[43] The common visa policy mainly provided for in the Visa Code (Regulation 810/2009) sets out the rules for the issuing of short stay visas to third country nationals travelling for the purpose of e.g. tourism, business, private visits family/friends, cultural and sport events. It is part of the Schengen acquis in which Ireland and the United Kingdom do not participate. In 2014, the Schengen States issued approximately 15.8 million visa which represents an increase of approximately 60% compared to 2009. A recast proposal of the Visa Code is currently under discussion in the Parliament and the Council (COM(2014) 164).

[44] It is a new type of visa both for visa-exempt and visa requiring third-country nationals with a legitimate interest in travelling around the Schengen area for more than 90 days in any 180-day period (COM(2014)163). This proposal builds on the part of the Schengen *acquis* in which Ireland and the United Kingdom do not participate.

while minimising the risks of irregular migration and security. The Commission will also conclude by the end of 2015 its current **review of which nationalities require visas** and may propose to lift visa requirements for some nationalities, on a reciprocal basis, or to re-impose visa requirements for others. This will take into account the ongoing political dialogues with key countries on migration and mobility matters.

Effective integration

Our migration policy will succeed if underpinned by effective integration policies. Although the competence lies primarily with Member States, the European Union can support actions by national governments, local authorities and civil society engaged in the complex and long term process of fostering integration and mutual trust.

Funding is provided by the Asylum Migration and Integration Fund (AMIF). But the European Regional Development Fund (ERDF) and the European Social Fund (ESF) can also be of particular importance.[45] For the new programming period (2014-20), at least 20% of ESF resources will contribute to social inclusion, which includes measures for the **integration of migrants** with a particular focus on those seeking asylum and refugees as well as on children. The funds can support targeted initiatives to improve language and professional skills, improve access to services, promote access to the labour market, inclusive education foster inter-cultural exchanges and promote awareness campaigns targeting both host communities and migrants.

Maximising the development benefits for countries of origin

The EU's legal migration policy should also support the development of countries of origin[46]. The United Nations will shortly adopt the **Sustainable Development Goals (SDGs),** and migration-related targets should be included, alongside targets in areas such as promoting decent work, youth employment, wage and social protection policies which can help countries of origin to create better economic opportunities at home. The EU will continue to actively support migration-related targets as part of the final overall framework, and to emphasise the importance of harnessing the positive effects of migration as a horizontal means of implementation for the post-2015 development agenda. This would complement the work of the EU's **Mobility Partnerships**[47] and our efforts to mainstream migration issues into key development sectors.

The Commission will also make available at least EUR 30 million to support partners with capacity building on **effective management of labour migration**, focusing on empowering migrant workers and tackling exploitation. To mirror the success of Europe in establishing a single market underpinned by labour mobility, the EU has also launched a EUR 24 million initiative to support free movement in the Economic Community of West African States. Regional labour mobility schemes encouraging **South-South mobility** can bring an important contribution to local development. The Commission will also promote ethical recruitment in sectors suffering from a lack of qualified workers in countries of origin by supporting international initiatives in this field.

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[45] The implementation of these measures will be assessed by the end of 2015 to see whether Member States have met their objectives and whether any reprogramming of ESF resources is required.

[46] Commission Communication: "Maximising the Development Impact of Migration" (COM(2013)292 final); Council Conclusions on Migration in EU development cooperation of 12 December 2014.

[47] The Commission Communication: "The Global Approach to Migration and Mobility" (COM/2011/743 final). These are the most elaborated bilateral cooperation frameworks in the field of migration. They offer a political framework for comprehensive, enhanced and tailor-made dialogue and cooperation with partner countries, including a set of targets and commitments as well as a package of specific support measures offered by the EU and interested Member States. They include the negotiation of visa facilitation and readmission agreements.

One way in which the EU can help to ensure that countries of origin benefit from migration is through **facilitating cheaper, faster and safer remittance transfers**. Adoption of the proposal for a "EU Payment Services Directive II"[48] would help to strengthen the regulatory environment for remittances, and at least EUR 15 million will be made available through the Development Cooperation Instrument to support flagship initiatives in developing countries.

Key Actions	• Modernisation and overhaul of the Blue Card scheme. • A platform for dialogue with social partners on economic migration. • Stronger action to link migration and development policy. • Re-prioritising funding for integration policies • Cheaper, faster and safer remittance transfers.

IV. Moving Beyond

This Agenda primarily focuses on offering solutions that will allow Europe to move forward in these areas in the short and medium term. But if we are to address these issues in an effective and sustainable manner in the longer term, European cooperation in the area of migration needs to go further.

The initiatives contained in the Agenda will be critical in shaping an effective and balanced European migration policy. Within the scope of the Treaties and its relevant Protocols, the Commission will launch parallel reflections on a number of areas:

1. *The completion of the Common European Asylum System*: The EU Treaties looks forward to a uniform asylum status valid throughout the Union**.** The Commission will launch a broad debate on the next steps in the development of Common European Asylum System, including issues like a common Asylum Code and the mutual recognition of asylum decisions.[49] A longer term reflection towards establishing a single asylum decision process will also be part of the debate, aiming to guarantee equal treatment of asylum seekers throughout Europe.

2. *A shared management of the European border*: The scaling up of action in the Mediterranean exposes the reality of the management of external borders increasingly being a shared responsibility. As well as a European System of Border Guards,[50] this would cover a new approach to coastguard functions in the EU, looking at initiatives such as asset sharing, joint exercises and dual use of resources as well as a the possibility of moving towards a European Coastguard.

3. *A new model of legal migration:* The EU Treaties reserves the final decision on the admission of economic migrants for Member States. However, the EU needs to look at how to marry this limitation with the collective needs of the EU economy. In particular,

[48] COM/2013/0547 final.

[49] Mutual recognition of positive asylum decisions means the recognition by a Member State of the positive asylum decisions taken by another Member State.

[50] Study on the feasibility of the creation of a European System of Border Guards (http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/docs/20141016_home_esbg_frp_001_esbg_final_report_3_00_en.pdf), the ongoing study on the future of Frontex.

the Commission will look at the possibility of developing, with the Member States, an "expression of interest system". This would use verifiable criteria to automatically make an initial selection of potential migrants, with employers invited to identify priority applicants from the pool of candidates, and migration taking place after the migrant is offered a job. This would allow for the creation of an "EU-wide pool" of qualified migrants, accessible to both employers and Member States' authorities – but with the actual selection and the admission procedure remaining national, based on Member States' actual labour market needs.

ANNEX

European schemes for relocation and resettlement

Relocation

'Relocation' means a distribution among Member States of persons in clear need of international protection.

On the basis of a distribution key, the Commission will, by the end of May, propose triggering the emergency response system envisaged under Article 78(3) of the Treaty on the Functioning of the European Union and introduce a **temporary European relocation scheme** for asylum seekers who are in clear need of international protection.

The distribution key will be based on **objective, quantifiable and verifiable criteria that reflect the capacity of the Member States to absorb and integrate refugees**, with appropriate weighting factors reflecting the relative importance of such criteria (*see Table 1 below*). This key will be based on the following elements[51]:

a) the size of the population (40%) as it reflects the capacity to absorb a certain number of refugees;
b) total GDP[52] (40%) as it reflects the absolute wealth of a country and is thus indicative for the capacity of an economy to absorb and integrate refugees;
c) average number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010-2014 (10%) as it reflects the efforts made by Member States in the recent past;
d) unemployment rate (10%) as an indicator reflecting the capacity to integrate refugees.

Actual numbers to be relocated to each Member State will depend on the total number of persons to be relocated and will be included in the legislative proposal.

The receiving Member State will be responsible for the examination of the asylum applications in accordance with established rules and guarantees.

In applying the baseline distribution key the specific crisis situation shall be taken into account. The Member States from which relocation will take place should not themselves contribute as a relocating Member State.The proposal will reflect the position of the UK, Ireland and Denmark as set out in the respective Protocols to the Treaties.

Resettlement

'Resettlement' means the transfer of individual displaced persons in clear need of international protection, on submission of the United Nations High Commissioner for Refugees and in agreement with the country of resettlement, from a third country to a Member State, where they will be admitted and granted the right to stay and any other rights comparable to those granted to a beneficiary of international protection.

The Commission will, by the end of May, adopt a Recommendation for an **European resettlement scheme**.

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[51] Taking into account previous discussions in the context of Resettlement and Relocation Forum.

[52] GDP per capita is not to be used as considerations per capita are already reflected in the criteria on the size of the population.

This scheme will cover all Member States. Associated States will be invited to take part in the scheme. The share of the overall pledged resettlement places will be allocated to each Member State on the basis of the same **distribution key** as explained above for the relocation scheme (*see Table 2 below*).

The scheme will consist of a **single European pledge** of **20,000** resettlement places.

The **Commission will contribute to the scheme** by making additionally available a total of €50 million for 2015 and 2016.

The **priority regions for resettlement** will include North Africa, the Middle East, and the Horn of Africa, focusing on the countries where the Regional Development and Protection Programmes are being implemented. The scheme is to establish strong links with these programmes.

The **cooperation of the United Nations High Commissioner for Refugees** (UNHCR) and other relevant organisations will be called upon to assist in the implementation, in line with current practice (identification, submission, transfer, etc.). Practical **involvement of the European Asylum Support Office** in the scheme can also be envisaged. Each Member State will remain responsible for individual admission decisions.

The Commission is aware of the **risk of spontaneous secondary movement** of resettled persons. This will be addressed by making resettlement conditional upon agreement of the resettled person to remain in the resettling State for a period of at least 5 years, informing them of the consequence of onward movement within the EU and the fact that it will not be possible to acquire legal status in another Member State or gain access to social rights. Swift identification and return of persons who do not abide by such agreement is already possible under the EU law. The Commission, in cooperation with the Member States and the relevant Agencies, will develop further tools for the practical application of these measures.

Table 1 European relocation scheme

Member States[53] [54]	Key
Austria	2,62%
Belgium	2,91%
Bulgaria	1,25%
Croatia	1,73%
Cyprus	0,39%
Czech Republic	2,98%
Estonia	1,76%
Finland	1,72%
France	14,17%
Germany	18,42%
Greece	1,90%
Hungary	1,79%
Italy	11,84%
Latvia	1,21%
Lithuania	1,16%
Luxembourg	0,85%
Malta	0,69%
Netherlands	4,35%
Poland	5,64%
Portugal	3,89%
Romania	3,75%
Slovakia	1,78%
Slovenia	1,15%
Spain	9,10%
Sweden	2,92%

Calculations are based on statistical information provided by Eurostat (consulted on 8 April 2015).

[53] The Union's common policy on asylum, immigration, visa and external border controls is based on Title V (Area of freedom, security and Justice) of the Treaty on the functioning of the European Union (TFEU). Under Protocols 21 and 22 to the Treaties, the United Kingdom, Ireland and Denmark shall not take part in the adoption by the Council of proposed measures pursuant to Title V TFEU. The United Kingdom and Ireland may notify the Council, within three months after a proposal or initiative has been presented, or at any time after its adoption, that they wish to take part in the adoption and application of any such proposed measure. At any time Denmark may, in accordance with its constitutional requirements, notify the other Member States that it wishes to apply in full all relevant measures adopted on the basis of Title V TFEU. Should the United Kingdom and Ireland decide to "opt-in" to the relocation scheme, the percentage of Member States' contributions will be adapted accordingly. Should Denmark and the Associated States decide to voluntarily participate in the relocation scheme, the percentage of States' contributions will also be modified accordingly.

[54] The percentages set out in the distribution key will be adapted to take account of the specific crisis situation addressed by the emergency relocation scheme under Article 78(3) TFEU. The Member States from which relocation will take place should not themselves contribute as a relocating Member State.

Table 2 European resettlement scheme

Member States[55]	Key	Total allocation based on 20.000 persons
Austria	2,22%	444
Belgium	2,45%	490
Bulgaria	1,08%	216
Croatia	1,58%	315
Cyprus	0,34%	69
Czech Republic	2,63%	525
Denmark[56]	*1,73%*	*345*
Estonia	1,63%	326
Finland	1,46%	293
France	11,87%	2375
Germany	15,43%	3086
Greece	1,61%	323
Hungary	1,53%	307
Ireland[56]	*1,36%*	*272*
Italy	9,94%	1989
Latvia	1,10%	220
Lithuania	1,03%	207
Luxembourg	0,74%	147
Malta	0,60%	121
Netherlands	3,66%	732
Poland	4,81%	962
Portugal	3,52%	704
Romania	3,29%	657
Slovakia	1,60%	319
Slovenia	1,03%	207
Spain	7,75%	1549
Sweden	2,46%	491
United Kingdom[56]	*11,54%*	*2309*

Calculations are based on statistical information provided by Eurostat (consulted on 8 April 2015).

The percentage calculations were made to five decimal places and rounded up or down to two decimal places for presentation in the table; allocations of persons were made on the basis of the full figures to five decimal places.

[55] If the Associated States decide to participate in the resettlement scheme, the key and the total allocation will change accordingly.

[56] Whilst the proposed resettlement scheme will take the form of a Recommendation, the Union's common policy on migration is based on Title V TFEU. Therefore, the specific aspects referred to in footnote 3, concerning Protocols 21 and 22 to the Treaties, on the position of the United Kingdom, Ireland and Denmark, will be taken into account.