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Conference of Speakers of the EU Parliaments, 22-24 May 2016

Background note

Session I: Managing the Migration Flows

Since spring 2015, the European Union is facing a massive influx of refugees fleeing persecution, war and terror. In addition, the Union is facing a wave of migrants escaping from economic misery in their countries. On 13 May 2015, the European Commission published a far-reaching strategy, through the **European Agenda on Migration**, to tackle the immediate challenges of the ongoing crisis situation, as well as to equip the EU with tools to better manage migration in the medium and long term in the areas of irregular migration, borders, asylum and legal migration. Since then, the EU and its Member States intensified their efforts to establish an **effective, humanitarian and safe European migration policy**.

The International Organization for Migration (IOM) reports that an estimated 180.245 migrants and refugees have entered Europe by sea in 2016, arriving in Italy, Greece, Cyprus and Spain. Latest fatalities stand at 1232, including 500 who have perished off the Libyan coast. More than one million refugees and migrants reached Europe in 2015.

1. Reform of the Dublin regulation

The European Commission launched on 6 April 2016 the process for a **reform of the Common European Asylum System (CEAS)**, presenting options for a fair and sustainable system for allocating asylum applicants among Member States. This process aims at a further harmonisation of asylum procedures and standards to create a level playing field across Europe and thereby reduce pull factors inducing measures to reduce irregular secondary movements; and a strengthening of the mandate of the European Asylum Support Office (EASO). At the same time, the Commission is setting out **measures to ensure safe and well-managed pathways for a legal migration to Europe**.

The large-scale arrival of migrants and asylum seekers has exposed the weaknesses of the **Dublin System**, which establishes the Member State responsible for the examination of the asylum application based primarily on the first point of irregular entry. The differing treatment of asylum seekers across Member States has further exacerbated the problem of irregular secondary movements.

On 12 April 2016, the European Parliament adopted a non-binding resolution, which acknowledges the failure of the European asylum system to cope with ever rising numbers of migrant arrivals. The resolution calls for a **radical overhaul of the so-called Dublin rules**. It proposes establishing a central system for collecting and allocating asylum applicants. MEPs also stressed the need for a binding and mandatory legislative approach regarding resettlement. The text calls on Member States to fulfil their obligations with regard to urgent



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relocation measures. Technical assistance but also financial assistance should be granted to the Member States of first entry, such as Italy and Greece, to ensure a better functioning of the « hot spots ».

The European Commission is currently considering a **revision of the « Dublin III Regulation »** (which determines which Member State is responsible for processing which asylum application) and has presented a **legislative proposal for a regulation on 4 May**.

2. The Schengen area and the EU external borders

An effective management of the EU's external borders is fundamental for the well functioning of free movement within the EU. The future management of external borders is being discussed at the Council and focuses on **strengthening the role and the capacities of Frontex** as well as the **use of new technologies** for border control.

On 15 December 2015 the European Commission presented a **package of proposals** aimed at securing the EU's external borders and managing migration more effectively. One of the main proposals is the creation of a **European border and coast guard**, which the Council should adopt by end of June 2016. The proposed agency would bring together resources from Frontex and Member States in order to monitor migratory flows, identify weak spots and respond in situation where the EU's external border is at risk.

On 4 March 2016, the Commission presented a detailed Roadmap of the concrete steps needed to **return order to the management of the EU's external and internal borders and to make the Schengen system fully functional again**.

Regarding internal border controls, the Commission proposes moving from a patchwork to a coherent approach. If the current migratory pressures and the deficiencies in external border control were to **persist beyond 12 May 2016**, the Commission would need to **present a proposal under Article 26(2) of the Schengen Borders Code**, recommending to the Council a coherent EU approach to internal border controls until the structural deficiencies are remedied.

The goals would be to lift all internal border controls by December 2016, so that there can be a return to a normally functioning Schengen area by the end of 2016. On 4 May 2016, the Commission has proposed a recommendation, to be decided upon by the Council, to prolong proportionate controls at certain internal Schengen borders.

3. Agreement between the European Union and Turkey

On 15 October 2015, the European Commission reached an **agreement** with Turkey on a **Joint Action Plan** to step up their cooperation on migration management in a coordinated effort to tackle the refugee crisis. At the EU-Turkey summit on 29 November 2015, Turkey and the EU activated the Joint Action Plan.



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The Action Plan identifies a **series of collaborative actions** to be implemented as a matter of urgency by the European Union and Turkey with the aim of confronting common challenges in a concerted manner and supplementing Turkey's efforts in managing the large number of people in need of protection in Turkey. In addition, the European Union – the institutions and its Member States – also committed to increasing political engagement with Turkey, providing Turkey with a financial support of 3 billion euro, accelerating the fulfilment of the visa liberalisation roadmap and re-energising the accession process with Turkey.

Additional proposal made by Turkey to address the migration issue were welcomed by the Heads of State or Government.

On **18 March 2016**, the EU and Turkey reached an agreement aimed at stopping the flow of irregular migration from Turkey to the EU and replacing it with legal channels of resettlement of refugees to the European Union. For every Syrian returned to Turkey, **another Syrian will be resettled from Turkey to the EU**. The number of refugees who can be resettled in Europe from Turkey has **been capped at 72.000**, according to commitments already taken by the Member States. The European Commission has ensured that the mechanism respects **international law**. This agreement also provides for an additional EU funding of 3 billion euro up to the end of 2018.

The implementation of the EU-Turkey agreement began on 4 **April 2016 with the first removal operation of migrants** arrived illegally on the Greek islands and that did not apply for asylum or whose application for asylum has been deemed unfounded or inadmissible.

On 14 April 2016, the European Parliament adopted a **resolution on Turkey** that requires urgent **reforms to strengthen the rule of law and the protection of fundamental freedoms**, and considers that cooperation between the EU and Turkey on migration should be decoupled from the EU adhesion negotiation process.

On 21 April 2016, the Commission reported on the implementation of the EU-Turkey Agreement and finds that good progress has been made as there is a sharp decrease in irregular arrivals crossing the Aegean Sea to reach Greece.

The Commission has presented its third **visa liberalisation** progress report for Turkey on 4 May 2016, together with a legislative proposal for transferring Turkey to the visa-free list.

The Commission will present its second report on the implementation of the EU-Turkey Statement in mid-May 2016.

4. Relocation and resettlement scheme of the European Commission

The temporary emergency relocation scheme was established in two Council Decisions in September 2015 in which Member States committed **to relocate 160,000 people from Italy and Greece** (and if relevant from other Member States) by September 2017.



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« Relocation » means the transfer of a person who has made an application for international protection from the Member State in charge of examining their application to another Member State.

On 8 June 2015, the Commission adopted a proposal on a **European Resettlement Scheme**, which was followed by an agreement among the Member States of 20 July 2015 to **resettle 22,504 persons** in clear need of international protection, in line with the figures put forward by the United Nations High Commissioner for Refugees (UNHCR). « Resettlement » means non-EU displaced persons in clear need of international protection are transferred from a non-EU country to an EU Member State.

Following the EU Leaders' Summit with Turkey on 29 November 2015, the EU-Turkey Action Plan was adopted. The **voluntary admission scheme** is one of the important tools of the plan, aiming at supporting Turkey in dealing with the increasing amount of refugees, as well as at offering a safe and legal way to come to Europe for the persons in real need of protection.

Finally, the European Council on 7 March 2016 called for an **acceleration of the implementation of relocation**, in order to alleviate the heavy burden on Greece.

The report presented on 16 March 2016 by the Commission shows that the pace of relocation and resettlement mechanisms are not yet satisfactory. Lack of political will is the main obstacle to these two processes. Indeed, as of March 15, only 937 asylum seekers were relocated from Greece and Italy on the 160,000 expected by the relocation mechanism.

On 12 April 2016 the Commission gives an **update on the progress** made and assesses the actions undertaken by Member States to implement the emergency relocation and European resettlement schemes. Overall, progress since the Commission's first **report has been unsatisfactory**: on **relocation**, little progress has been made since mid-March, while we see **good progress on resettlement**. Good progress on resettlement is also **the result of the EU-Turkey agreement** which has shifted greater focus onto resettlement efforts. Greater efforts on relocation, however, are increasingly urgent in view of the humanitarian situation in Greece.

Some points for discussion :

- What are your opinions regarding the reform of the Dublin regulation?
- How can our parliaments contribute to address the root causes of migration?
- How can parliamentary diplomacy contribute to bring Turkey closer to the EU's fundamental values?