

## Summary

### Relocation Revisited The Greek Case

#### Basic Assertions

1. The Relocation Programme of the European Union, was a temporary measure to alleviate the burden of handling extraordinary large refugee inflows in Greece and Italy. It provided for the transfer of persons applying for international protection (asylum and subsidiary protection) from one member state to another, as an emergency mechanism with a fixed deadline (26.09.2017). It was adopted by two EU Council Decisions in 2015 (2015/1523 and 2015/1601) on the basis of the principle of solidarity to these two southern European countries. The programme was framed within the principles, objectives and values underlying the European Union.
2. The programme was only partially successful. It suffered from procedural inefficiencies and shortcomings, as well as from a lack of political will in implementing it uniformly;
  - The effective remedy that the relocation programme purported to offer to member states, whose administrative capacity in handling refugees and asylum applicants was evidently exhausted, was undermined by presuppositions for the eligibility of asylum applicants; only third country nationals originating from countries that have more than 75% EU average asylum recognition rate were eligible for relocation.
  - The programme's effectiveness was further compromised by its de facto amendment brought upon on 20.3.2016 by the so-called "EU-Turkey Joint Statement"; only third country nationals that had entered into Greece prior to the coming into effect of the Joint Statement were eligible for the relocation scheme. In this way, a programme originally designed to be available for a duration of two (2) years, was, in the case of Greece, in fact limited to a six (6) month period.
3. Despite the decrease in the number of asylum seekers reaching the European borders since 2015, the refugee crisis is far from being resolved. The EU is currently facing new challenges related to the lack of a well-adapted European legal framework on asylum and migration and, more importantly, the insufficient political will of EU decision makers to find common responses to these issues. The reform of the Common European Asylum System (CEAS) should send a clear political message that sustainable solutions can and should be achieved on the basis of solidarity and fair distribution of responsibility.

## **Main findings**

1. The original target of relocating 120.000 people was unattainable from the outset. By excluding nationals with a European asylum recognition rate lower than 75%, only Syrians were eligible for relocation. As a consequence, numerous individuals and families were excluded from the programme due to their national origin.
2. The scope of the scheme was de facto limited to a small fragment of asylum seekers, as asylum seekers crossing the Greek sea borders after the entry into force of the so-called “EU-Turkey Joint Statement” on 20.3.2016 were not deemed eligible for relocation.
3. Relocations peaked at the final stages of the programme, when the overall response of the member states to honour their commitments increased significantly.
4. Rejections of relocation applications by member states without full justification has been a reason for concern. National priorities may not be excluded as the underlying cause of bureaucratic impediments.

## **Main Recommendations**

1. A permanent distribution mechanism of asylum seekers as an integral part of the common European Asylum System (CEAS). Such a mechanism can ensure:
  - sustainability, providing for appropriate solutions to refugee flows as a permanent tool and not as an emergency measure in times of crisis,
  - fairness, on the basis of solidarity and fair sharing of responsibility according to art. 80 TFEU,
  - respect for the fundamental right of international protection,
  - restraint of irregular movements of mixed flows within the EU.
2. A functional mechanism for this permanent relocation scheme that should be both flexible and fair.
3. Eligibility criteria for a permanent relocation scheme that would offer substantial relief to EU border countries. To this end, the mechanism proposed in the “Wickström report” should form the basis for a system allowing for flexibility on recognition rates according to the real operational needs of an emergency situation.
4. A clear normative framework, with precise and transparent procedures for relocation and procedural guarantees and safeguards to ensure respect for the rights of persons applying for international protection.
5. Essential procedural safeguards for the processing of relocation applications by asylum seekers, most notably the duty to give reasons, to provide legal and procedural information and assistance at all stages of the application for international protection, enabling the exercise of rights guaranteed under EU law, most notably the right to appeal against a rejection.

6. The disassociation of the eligibility of a future distribution mechanism from any geographical restrictions that may be imposed by a member state, in accordance with art. 7 of Dir. 2013/33 of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.
7. Special safeguards for vulnerable persons, including their prioritisation in the relocation procedures and specific measures to meet their special reception needs.
8. Complementary policies against secondary movements by addressing their root causes should be considered. Specifying common integration measures across the EU, streamlining reception requirements to best practices and adopting common European guidelines for granting humanitarian visas should inform such complementary policies.