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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 4 September 2009

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Commission staff working document accompanying the Communication of the Commission on the establishment of a Joint EU Resettlement Programme and the proposal for a Decision of the European Parliament and of the Council amending Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC

- Summary of the Impact Assessment

Delegations will find attached Commission document SEC(2009) 1128 final.

Encl.: SEC(2009) 1128 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.9.2009
SEC(2009) 1128 final

**COMMISSION STAFF WORKING DOCUMENT
accompanying the**

COMMUNICATION OF THE COMMISSION

**on the establishment of a Joint EU Resettlement Programme
and the proposal for a**

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Decision No 573/2007/EC of the European Parliament and of the Council of
23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as
part of the General programme "Solidarity and Management of Migration Flows" and
repealing Council Decision 2004/904/EC**

Summary of the Impact Assessment

{COM(2009) 447 final}
{COM(2009) 456 final}
{SEC(2009) 1127}

1. BACKGROUND INFORMATION

Resettlement is the relocation of refugees, who are recognized by UNHCR as being in need of international protection, from the first country of asylum (mostly in the third world) to another country where they receive permanent protection. Resettlement offers solutions to refugees who can not return to their country of origin, and who can not be integrated locally in the country of first asylum.

Resettlement is the transfer of refugees from outside EU territory to an EU Member State.

The number of refugees worldwide is around 10 million. Around 5% out of them are in need of resettlement. Only a small proportion of these refugees are effectively resettled. There is therefore a structural discrepancy between the needs and the humanitarian response.

Only a small part of the refugees who are resettled each year are resettled to the EU. Out of the 65.596 refugees who departed for resettlement in 2008, 4.378 refugees departed to the EU. This contrasts sharply with the numbers of resettled refugees who were taken in by the USA and other traditional resettlement countries in the industrialized world.

2. RESETTLEMENT IN THE EU: CURRENT SITUATION (BASELINE)

There are at present ten EU Member States which participate annually in resettlement. Sweden, Denmark, Finland, Netherlands, United Kingdom and Ireland have had a resettlement programme already for some years. Since 2007 Portugal, France, Romania and the Czech Republic decided to introduce national resettlement programmes. This positive development is due to a number of factors. Firstly, resettlement receives strong financial support by the European Refugee Fund (ERF III) since 2007. Secondly, many project and twinning activities on resettlement were developed among stakeholders from different Member States over the past few years. A third positive development is the strong political interest at the EU level. This interest focused particularly on the needs to resettle Iraqi refugees from Syria and Jordan to the EU. In 2008 the JHA Council adopted conclusions on the resettlement of refugees from Iraq, which highlight that resettlement contributes to the maintenance of the protection situation in Syria and Jordan. Following the Council Conclusions four Member States which until recently were not engaged in resettlement, have committed themselves to resettle refugees from Iraq (DE, IT, BE, LU).

The European Asylum Support Office (EASO), which is expected to become operational in 2010, will support the Member States and other stakeholders in practical cooperation, including resettlement.

3. PROBLEM DEFINITION

The current situation is generally positive and is gradually evolving, particularly given the expected creation of the EASO. However, there are a number of important deficits and structural constraints.

The principal problem is the current low level of solidarity by the EU with third countries in receiving refugees. This number is too limited, given the scale of the global resettlement

needs. A second problem is that too few Member States participate in resettlement. At present only 10 Member States (Sweden, Finland, Denmark, UK, Ireland, the Netherlands, Portugal, France, Romania and the Czech Republic) resettle refugees on a yearly basis. The international role of the EU regarding resettlement is not sufficient. This has a negative impact on the ambition of the EU to play a prominent role in global humanitarian affairs and on the influence of the EU in international fora.

There is little coordination between those EU Member States which carry out resettlement, on the resettlement priorities, i.e. the nationalities and specific groups which are resettled. These priorities are currently set by the Member States on a national level in close bilateral contacts with UNHCR, without prior discussions and decision making at the EU level. As a result there is also a lack of strategic use of resettlement as an EU external policy instrument. Resettlement serves not only a humanitarian purpose vis-à-vis those persons who are effectively resettled, but also to relieve the third country in question of the burden associated with hosting large numbers of refugees. Resettlement can therefore play an important role as a component of EU external asylum policies and EU external policy more generally. The impact of resettlement in strategic terms would be larger if priorities with respect to nationalities and specific categories to be resettled were largely set at an EU level. The current financial framework poses constraints. ERF III provides additional financial assistance to those Member States which resettle specific categories of refugees. These criteria are considered to be too rigid.

A third set of problems of the present situation relate to the lack of structured practical cooperation among Member States on resettlement. There is currently a lack of exchange of information and coordination on resettlement activities. This has a negative effect on the quality of resettlement. Another consequence is that there is a lack of economies of scale. Resettlement requires much logistical preparation, such as selection and orientation missions, medical and security screenings, arrangements for travel and visa, reception and integration programmes. Some of these activities could potentially be carried out jointly or in close cooperation between Member States.

4. SUBSIDIARITY

- Community involvement in the asylum field is founded on the need for solidarity among Member States in addressing a challenge that, in an EU without internal borders, cannot be effectively dealt with by individual countries acting alone.
- The need to act as regards the Common European Asylum System (CEAS) has already been assessed in recent impact assessment reports.
- There have been repeated calls from the European Council and the European Parliament to develop the CEAS, including its external dimension.

5. OBJECTIVES

Overall policy objectives:

- (a) to give support to the international protection of refugees through resettlement;

(b) to increase the humanitarian impact and efforts of the EU by greater common involvement in resettlement;

Specific objectives:

(c) to ensure greater solidarity by the EU with third countries in receiving refugees;

(d) to ensure that more EU Member States participate in resettlement;

(e) to ensure that resettlement efforts in the EU are better targeted, on an ongoing basis, towards those persons or groups of persons (e.g. particularly vulnerable persons, including children, or persons from specific geographic areas) who are most in need of protection;

(f) to increase the strategic use of resettlement at an EU level;

(g) to reinforce the international role of the EU generally, regarding resettlement specifically by developing resettlement as an integral and coherent component of EU external policies;

(h) to improve through cooperation the quality of the resettlement procedures in the EU;

(i) to lower through cooperation the economic and financial costs of resettlement in the EU;

(j) to reduce the differences among EU Member States regarding protection standards and to increase efficiency through the convergence of resettlement criteria;

6. POLICY OPTIONS

On the basis of the problem analysis three main components of resettlement policies at the EU level have been identified: the practical cooperation, political and financial component. They form the starting point for the elaboration of the policy options.

6.1. 1st policy option: maintenance of status quo

The European Asylum Support Office will provide a framework for carrying out practical cooperation activities on asylum, including activities with respect to resettlement. There is potentially a wide range of practical cooperation activities which EASO could develop with respect to resettlement, such identification of best practices, trainings, twinning arrangements targeted at Member States which are not involved in resettlement yet, and organizing joint activities and operations between existing resettlement countries.

If the status quo is maintained, the political and financial components will not be further developed.

6.2. 2nd policy option: medium option (the dynamic process)

Under this option practical cooperation will also be developed by the EASO. The distinction between the practical cooperation under this option and option 1 is primarily related to the link between practical cooperation activities and the further development of the political and

financial component. The practical cooperation component is expected to be stimulated and reinforced by the development of the other two components.

Under this option it is envisaged to develop further structured political cooperation through the establishment of a political framework and to underpin it via the financial component.

It is foreseen that a political framework will be created which would set political and strategic priorities with respect to resettlement. All relevant stakeholders (experts from Member States, Commission, UNHCR, NGO's) will participate in this political framework. The tasks will be the following:

1. Setting of common EU annual priorities with respect to resettlement, both with respect to nationalities and specific categories of refugees to be resettled. This will allow to respond in an effective and adaptable manner to new arising needs.
2. Member States would receive extra financial assistance under Article 13 of ERF III, if they resettle according to these common EU annual priorities. It should, however, be underlined that Member States will remain free to carry out resettlement of other categories of refugees.
3. Ensure an integrated approach between resettlement, external asylum policies and EU external policies as a whole.
4. Within this political framework resettlement will also be discussed more generally. The creation of a political framework will lead to more steering of practical cooperation activities to be carried out by EASO.

Extra financial assistance will be provided to Member States for the resettlement of refugees which fall under the annually agreed EU priorities. This requires an amendment of ERF. No structural reallocation of funding under ERF III is foreseen, which would have an impact on the funding of other asylum related activities.

Within the 2nd option, two sub-options are identified. The difference between these sub-options relate only to the mechanism which is foreseen for the political framework. Sub-option 2A provides for the establishment of a new Committee on resettlement under Comitology rules. Sub-option 2B provides for the use of existing structures.

6.3. 3rd policy option: maximum option

Under this option it is considered that a fully developed EU wide resettlement scheme will be established. Resettlement would be carried out jointly in terms of priority setting and also in terms of implementation. A full-fledged joint EU resettlement scheme could consist of the following elements.

- (1) All Member States would participate in the scheme by making a certain number of places available. The total number of available resettlement places within the EU would be set and filled at EU level. At EU level decisions would be made on priorities to be resettled. At EU level it would also be ensured that resettlement would be integrated into external asylum policies and EU external policies as a whole.

- (2) No resettlement would be carried out by the Member States outside of the joint resettlement scheme. There would also be full harmonization of resettlement criteria and the status which resettled refugees would receive after arrival.
- (3) The resettlement selection process would be fully centralized at the EU level. All pre-departure operations would be carried out jointly. EASO would most likely have a leading organizational role. This would require an increase in capacity of EASO with respect to resettlement.
- (4) The financial component would need to be reviewed completely.

7. ASSESSMENT OF OPTIONS

See for assessment of the different impacts the Table on page 5.

1. The baseline is evolving, particularly because of the expected establishment of the European Support Office (EASO) in 2010. In order to quantify the expected impacts of the creation of EASO, we have made a distinction between the static baseline (situation in spring 2009) and the evolving baseline (situation expected after the creation of EASO without further EU action taken).

2. Since the expected output of sub-options 2A and 2B is expected to be the same, the assessment of the effectiveness in reaching the objectives as well as impacts is done together for sub-options 2A and 2B. However, what distinguishes sub-option 2A from sub-option 2B is the assessment of political feasibility and proportionality.

8. COMPARISON OF OPTIONS

Quantified impact of options 1, 2 and 3

- The effectiveness of the options in reaching the principal objective (to ensure greater solidarity by the EU with third countries in receiving refugees) is rated as follows: option 1 – 5% increase, option 2 – 15 % increase, option 3 – 10 % increase;
- The first impact (direct financial costs related to resettlement) of the options is rated as follows: option 1 – increase of Euros 3.825.000, option 2 – increase of Euros 11.475.000, option 3 – increase of Euros 7.650.000.
- The second impact (direct financial cost / effect of economies of scale) of the options is rated as follows: option 1 – decrease of Euros 803.350, option 2 – decrease of Euros 1.759.000, option 3 – decrease of Euros 2.524.500.

Over-all assessment:

1. Option 2 and 3 score better than option 1. There are two main objections against option 3: lower score on reaching the principal objective and political feasibility/proportionality.

2. A majority of Member States favour an approach which is incremental and which puts emphasis on closer cooperation and familiarizing new Member States with resettlement, rather than on harmonizing resettlement criteria. Particularly on the voluntary nature of participation in the scheme, positions of Member States are very firm. Even if there was sufficient support for the establishment of a fully-fledged joint EU resettlement scheme, it is doubtful whether some Member States would under the current situation be sufficiently prepared to implement resettlement. It is questionable whether the establishment of a fully-fledged joint EU resettlement scheme is necessary and proportionate at this stage to reach the set objectives.

- A comparison of options 1 and 2 shows a clear preference for option 2.
- Sub-option 2B is preferred on grounds of political feasibility and proportionality. There is a strong preference among a majority of Member States to build on existing consultation and decision making mechanisms. The current political situation is positive towards resettlement but reluctant to create any new formal structure, because of the bureaucratic burden this might entail and the fear that Member States' freedom to decide on priorities themselves would be reduced. From the perspective of proportionality the use of existing structures is considered preferable, if this is as effective in reaching the objectives and if it is expected to have the same impacts.
- Sub-option 2B is therefore the preferred option.

9. MONITORING AND EVALUATION

The Commission will carry out an evaluation within three years after the introduction of the EU joint resettlement scheme. The evaluation will include the progress made with respect to political cooperation, the financial component as well as practical cooperation.

Eight quantifiable indicators have been identified, which cover the different aspects of the option and the objectives (political, financial and practical cooperation).

| Comparison of impacts of options | | | | | |
|----------------------------------|--|----------|----------------|----------------------|----------|
| | | Option 1 | | Option 2 | Option 3 |
| Objectives | | now | progressive | dynamic | maximum |
| 1 | ensure greater solidarity by the EU with third countries in receiving refugees | 0 | Low/medium | Medium/high | Medium |
| 2 | ensure that more EU Member States participate in resettlement | 0 | Low/medium | Medium/high | High |
| 3 | ensure that resettlement efforts are better targeted, on ongoing basis, towards those most in need (e.g. children, refugees from specific regions) | 0 | Low/medium | High | High |
| 4 | Increase strategic use of resettlement at an EU level | 0 | Low | Medium | Medium |
| 5 | reinforce the international role of the EU regarding resettlement by developing it as an integral and coherent component of EU external policies | 0 | Low | Medium | Medium |
| 6 | improve through cooperation the quality of the resettlement procedures in the EU | 0 | Low/medium | Medium/high | High |
| 7 | lower through cooperation the economic and financial costs per capita of resettlement in the EU | 0 | Low/medium | Medium/high | High |
| 8 | reduce the differences among EU Member States regarding protection standards and to increase efficiency through the convergence of resettlement criteria | 0 | Low | Medium | High |
| Impacts | | | | | |
| 1 | Direct financial costs related to resettlement (selection, reception, integration) | 0 | Small increase | Medium/high increase | Medium |

| | | | | | | |
|--|--|---|----------------|-----------------|----------------------|---------------|
| 2 | Direct financial costs related to resettlement (selection, reception, integration) pro capita | 0 | Small decrease | medium decrease | significant decrease | |
| 3 | Economic and social costs related to the integration of resettled refugees, in a wide sense (total costs) | 0 | Small increase | Medium/high | Medium | |
| 4 | Economic and social costs related to the integration of resettled refugees, in a wide sense (per capita costs) | 0 | Low | Low | Low | |
| 5 | Impact of resettlement on third countries, specific categories and EU external relations | 0 | low | Medium | medium | |
| 6 | Increased equality in providing protection to refugees | 0 | Low | Medium | High | |
| 7 | Impact on fundamental rights | 0 | Low | Medium/high | medium | |
| Political feasibility and proportionality | | | | 2 A | 2 B | |
| 1 | Support among key stakeholders for this option | 0 | Medium | Low/medium | Medium/High | Low |
| 2 | Proportionality | 0 | Some concern | Some concern | Little concern | Large concern |