



Building on the Lessons Learned to Make the Relocation Schemes Work More Effectively

UNHCR's Recommendations

January 2016

Since the launch of the relocation schemes mid-September 2015,¹ some 322 persons in clear need of international protection have been transferred as of 18 January 2016 from Italy (240) and Greece (82) to eight Member States. More than 1,100 relocation applications have been registered in both countries and some hundreds of relocation requests are awaiting acceptance by Member States. According to the latest European Commission update,² 17 Member States have made more than 4,200 places available for relocation since the start of the scheme. However, according to information from Italy and Greece, the number of places formally indicated as available according to Article 5 of the Council Decisions and open to be filled within the normally foreseen two month period is significantly lower.

UNHCR has long advocated for and welcomed an EU-wide pilot response mechanism for relocating people in clear need of international protection; to using a distribution key as one way to address the current imbalance of asylum seekers and refugees amongst Member States; as well as to support Member States facing pressures as a result of an influx of refugees and migrants. The emergency relocation schemes are key elements of the overall EU response to the refugee emergency Europe is facing and to better manage asylum and migration systems. Their effective implementation will support the fair and swift processing of the significantly increased number of applications for international protection, preventing further processing backlogs. In addition, they will provide important guidance for the revision of the Dublin system, including the establishment of a permanent solidarity instrument, which is essential towards facilitating a more equal sharing of responsibilities for asylum seekers and refugees amongst Member States. These efforts have to be complemented with other measures to regain control and trust in the European asylum and migration systems, including: legal pathways to Europe, addressing the root causes of refugee and migratory movements, and effective and humane return policies for people not in need of

¹ Please refer to Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1523&qid=1443522997996&from=EN>; and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1601&qid=1443522997996&from=EN>. Please refer also to Council of the European Union, Justice and Home Affairs Council meeting, 3-4 December 2015, available at: <http://www.consilium.europa.eu/en/meetings/jha/2015/12/03-04/>

² European Commission, *Member States' Support to Emergency Relocation Mechanism*, 5 January 2016, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf

international protection in line with fundamental rights and the principle of non-refoulement. UNHCR has long recognised the importance of return programmes, including assisted voluntary return, to preserve the integrity of asylum systems.

Together with dedicated teams from the European Commission, EASO and Member State experts, non-governmental organizations, and IOM, UNHCR has supported the Italian and Greek authorities in identifying, informing, processing and transferring relocation applicants. The first four months of implementation can be considered a pilot phase. Overall, despite the relatively low number of persons actually transferred to date, the pilot phase has shown that the process can work. The challenge now is to move into a standardised process, with the capacities, structures and operating procedures necessary to facilitate a significantly higher number of transfers on a regular basis in order to reach the objective of 160,000 persons to be relocated by September 2017.

UNHCR would like to share the following observations and recommendations based on experiences and lessons learned over the past months at the field level to support a more effective implementation of the relocation process. Amongst these are concerns and constraints which have hampered the implementation of the process and challenged its credibility, and in particular for asylum seekers. UNHCR presents these observations to support developing the right design for the scheme. This is essential to further strengthen its swift and successful implementation, which is in the best interests of Member States as well as persons in clear need of international protection.

1. Delays in the implementation of the Italian and Greek Road Maps, including the EU hotspot approach and effective registration

According to the Italian Road Map, as of September 2015, four hotspots were to be operational, and two more should have been ready by the end of December 2015. In Greece, according to its Road Map, hotspots in the five current main entry points (Lesvos, Kos, Leros, Samos, Chios) should have been operational by November 2015 to ensure that all new arrivals are screened, identified, registered and referred to the national procedures, including for asylum, relocation and return. As of mid-January 2016, of the 11 planned hotspot facilities, just 3 are operational in Lampedusa and Trapani (Italy), and Lesvos (Greece).

Relocation is an expression of solidarity that requires mutual trust amongst Member States. A precondition for all Member States to willingly engage in relocation is the expectation that all arrivals will be systematically identified, registered and fingerprinted by frontline States in the planned hotspots, in accordance with international and EU standards, including adequate security checks that respond to the relevant concerns of the Member State of relocation. Following the Paris attacks in November 2015, Member States have stepped up cooperation on security issues and law enforcement, which also includes the sharing of security-related data and fingerprints. The Italian and Greek authorities should conduct security checks on applicants for relocation in accordance with their national procedures. These checks should include conducting searches through their national databases, as well as European databases (SIS and

Interpol's SLTD, VIS) before sending any relocation request. These checks would offer enough assurances to the Member State of relocation.

The lack of operational hotspots in Italy and Greece means the majority of arrivals are currently not going through the hotspots. The issue of what will happen to those arriving outside the hotspots needs to be addressed. In this context, the European Commission should seek assurances that all persons will be registered according to EU standards, including security checks upon arrival, and that a strategy is developed concerning people who refuse to give their fingerprints, which has been a major problem over the past two years.

Recommendation:

While welcoming the renewed commitment of the Italian and Greek governments, as well as recent progress with regard to the hotspot implementation in Lesbos and Trapani, UNHCR calls on Italy and Greece to seriously step up their efforts to establish the necessary hotspot facilities and procedures as foreseen in their respective Road Maps in line with international standards.

2. The need for adequate reception capacity

Adequate reception capacities are an absolute prerequisite for the successful implementation of the relocation schemes, which are part of the EU hotspot approach. Sufficient reception capacity is essential to carry out the initial identification and registration phase (first line reception), and to enable people to stay for the period required for the relocation process (second line reception) to take place.

The first line reception capacity (on the islands) in Greece is embryonic and below EU standards, while the second line reception capacity remains very limited.

The Greek Government and the European Commission have asked UNHCR to support the operationalization of the planned hotspot facilities on three islands (Lesbos, Kos and Leros), including reception capacities. Once all five hotspots are fully operational, it is estimated that the total reception capacity will be 7,000 places (of which 6,300 have already been identified for use). These 7,000 places are included within the 30,000 places Greece committed to make available in the EU Leaders' Statement in October 2015.³

In support to the Greek authorities, UNHCR has made available 1,000 reception places to date for relocation beneficiaries. In addition, as of January 2016, an accommodation scheme is progressively being made available for the provision of, ultimately, 20,000 additional reception places for asylum seekers and relocation applicants, which UNHCR committed to provide at the EU Leaders' Meeting on the Western Balkans in October 2015.

In Italy, as foreseen by the Road Map, the Ministry of Interior identified three

³ Leaders' Meeting on refugee flows along the Western Balkans Route, Leaders' Statement, available at: http://ec.europa.eu/news/2015/docs/leader_statement_final.pdf

relocation hubs in Bari, Crotone and Villa Sikania–Agrigento, for a total of 1,800 places, where the potential relocation beneficiaries could be accommodated. If all six hotspots were operational, additional second line capacity would be needed, depending on the processing time.

Recommendation:

UNHCR calls on the Italian and Greek Governments to intensify efforts to establish sufficient reception capacities, including for vulnerable persons, both in the context of the hotspots (first line reception), and to enable people to stay for the period required for the relocation process (second line reception) to take place.

3. Strengthened coordination and management of the relocation process

While acknowledging the undertakings by Italy, Greece, the European Commission and EASO to strengthen the coordination and cooperation on relocation at EU and national level, including through regular meetings involving all actors, UNHCR recommends further strengthening organizational structures at the national level to manage the relocation schemes. UNHCR welcomes efforts to develop Standard Operating Procedures (SOPs) in Italy and Greece, which are important to facilitate an effective relocation process. Intensified, constructive and trustful cooperation amongst all actors involved in relocation, combined with a high degree of flexibility, pragmatism and shared responsibility are essential preconditions for the successful implementation of the relocation schemes.

At the operational level, coordination and clear lines of communication, including between the competent authorities of Member States involved in the hotspot and relocation process, could significantly strengthen the effective management and implementation of the relocation schemes. In addition, clear lines and means of communication need to be established between Member States of relocation and Italy and Greece to ensure that indications of available places, relocation requests and the approval of relocation requests can be swiftly exchanged and promptly confirmed. UNHCR has learned that the operational responses by Member States involved in the relocation process, including requests for approvals, are sometimes delayed or incomplete. Since this part of the relocation communication process uses the DublinET system, it is essential to prevent the difficulties that have negatively affected the functioning of the Dublin system from also affecting the processing of relocation requests.

Recommendation:

UNHCR recommends further strengthening overall coordination and management of the relocation process, including between States of relocation and Italy and Greece.

4. The need for increased Dublin and relocation processing capacities

The swift registration and processing of relocation cases is at the centre of the effectiveness of relocation. UNHCR has observed in the past a lack of capacity to swiftly register potential relocation beneficiaries and delays in processing applications, including in the responses by Member States of relocation to requests from Italy and Greece. Such delays have discouraged asylum seekers

from applying for relocation, while contributing to their continued irregular onward movements, which are still viewed as the faster option.

Given that the relocation process itself is an integral part of the national asylum procedures, including the Dublin system, the allocation of additional human and financial resources is key for its effective implementation. Even with the still limited numbers of relocation cases, registration and processing capacities in Italy and Greece, e.g. in the Dublin Units, appear to be at times overburdened. In light of the need to significantly increase the number of relocation cases, it is highly recommended to further increase relocation registration and processing capacities, including through EASO support, to ensure that applicants have swift access to the asylum and relocation process, and that their applications are processed and transferred without delays. In order to allow for a significantly higher number to be promptly processed in Italy, Greece and in States of relocation, additional processing capacities are needed and more flexible and pragmatic cooperation between all actors involved in the process is required. The swift processing, response and transfer of relocation cases, including by States of relocation, would significantly increase the credibility of the programme amongst refugees and the public at large.

Recommendation:

UNHCR recommends that States further increase relocation registration and processing capacities, including through EASO support, to ensure that a significantly higher number of applicants for relocation can be processed and transferred without delays.

5. Delays and requirements in the ‘indication’ and ‘filling’ of available places by Member States of relocation

The transparent indication and swift filling of available places is crucial for the effectiveness of the relocation scheme. Several preconditions determine the speed of the “matching process” of identified relocation candidates with available places, reflective of the following:

- a) *The availability of sufficient relocation places:* Member States have to communicate every three months to Italy and Greece a sufficient number of available places that can be realistically filled within two months. Article 5(10) of the relocation Council Decisions aims at a swift completion of the relocation procedure that, as a rule, should not exceed two months from the time the Member State of relocation formally submits its indication. According to the European Commission’s latest update on ‘Member States’ Support to Emergency Relocation Mechanism’, only 17 Member States have so far indicated available places for relocation. However, as noted previously, according to UNHCR’s observations, not even all of those places appear to have been indicated formally pursuant to Article 5(2) of the relocation Council Decisions to allow Italy and Greece to promptly relocate applicants. Reportedly, some Member States have withdrawn places indicated as available to gain time to make reception arrangements, and previously available places were reduced significantly just before the actual transfers were to take place. This has caused frustration amongst

asylum seekers whose departure has had to be delayed for an unspecified period.

- b) *The preference issue:* The more preferences Member States attach to their indications that they are ready to relocate applicants, e.g. nationality, composition of relocation groups, families, single persons, language skills, vulnerabilities, etc., the more complicated and slower the matching and relocation process is. Some Member States appear to have attached to their indications a long list of preferences and additional limiting conditions related to language skills, vulnerabilities, etc., which significantly complicates and delays the matching process. Reportedly, other Member States have limited places to just one of the qualifying nationalities due to a lack of interpreters, or have explicitly excluded vulnerable cases. It should be recalled in this context that, while preferences expressed by Member States are meant to inform the matching process, they are not binding on Italy and Greece.

UNHCR welcomes the recent efforts of the European Commission and EASO to provide further guidance and templates to standardize the ‘indication of the readiness to swiftly relocate applicants’ pursuant to Article 5(2) of the relocation Council Decisions, including preferences to increase the effectiveness and planning of the relocation matching and communication process. The indications of available places for relocation by States, preferably with no or a low number of limiting preferences, needs to increase significantly to create the necessary momentum to facilitate a dynamic and swift relocation process.

Recommendation:

UNHCR encourages States to indicate their readiness to relocate significantly larger numbers of persons and to accept available applicants without applying restrictive selection criteria.

6. Ensuring the priority of vulnerable persons in the relocation process

When deciding which applicants in clear need of international protection should be relocated from Italy and Greece, priority should be given to vulnerable applicants within the meaning of Articles 21 and 22 of Directive 2013/33/EU of the European Parliament and of the Council. In this respect, any specific need of an applicant, including health, should be of primary concern. The best interests of the child should always be a primary consideration.

According to UNHCR’s observations, due to complex, time consuming legal procedures with regard to the assignment of guardians in Italy and Greece, unaccompanied and separated children (UASC) can currently de facto not be given priority for relocation. In addition, the prioritization of persons with specific needs, including unaccompanied children, in the relocation process has reportedly been hampered by the limited availability of adequate reception places in Member States of relocation. UNHCR calls on Member States to intensify efforts to overcome these challenges, including by strengthening existing guardianship systems through fast tracking the assignment of guardians for UASC and creating adequate reception facilities for vulnerable persons, including in the hotspots in Italy and

Greece. In addition, Member States of relocation should offer an increased number of adequate reception places for vulnerable persons to ensure their participation in the relocation schemes as a priority group.

Recommendation:

UNHCR calls on Italy and Greece to fast track the assignment of guardians for UASC and to establish adequate reception facilities for vulnerable persons, including in the hotspots and in States of relocation, to ensure that they can be processed as a priority group for relocation.

7. Strengthened information and communication on relocation

While a variety of materials and tools exist to inform and encourage potential relocation candidates already in Italy and Greece to register for relocation, information and communication activities on relocation could be further strengthened by developing standardized content, a common script and consistent messages, including through the use of audio visual tools, social media and websites that can also facilitate 'Refugee-to-Refugee' contacts (for example, through Skype), as has been successfully used for resettlement. Information on relocation has to be objective, comprehensive and consistent in order to be credible and trustworthy, and to enable refugees to make an informed decision. The effectiveness of the provision of information on relocation by a multitude of actors, including national authorities, EASO, UNHCR, IOM and NGOs, amongst others, would greatly benefit from the availability of standardized and harmonized materials and tools.

UNHCR welcomes the recent initiative by Italian counterparts and the European Commission to develop, in cooperation with EASO, UNHCR and other partners, a leaflet, a common script for information providers, a video on the relocation process, and possibly other tools for the benefit of potential relocation candidates already in Italy. These materials could be also adapted to the Greek context, where a leaflet on relocation is currently the main information tool. UNHCR has since developed 'Frequently Asked Questions' on relocation, as well as on asylum and registration for new arrivals in Europe, which are shared with relevant stakeholders to ensure consistency with other information materials. UNHCR is also preparing video testimonials of refugees on the relocation process and the general situation of refugees in the EU. The purpose of these 'Refugee-to-Refugee' contacts is to increase awareness and confidence of potential candidates in the process and the outcomes of relocation, and that it is a viable EU tool of protection.

Recommendation:

UNHCR recommends strengthening information and communication, including through the involvement of refugee communities, on relocation by developing standardized content and consistent messages, including through the use of audio visual tools and social media that can also facilitate 'Refugee-to-Refugee' contacts.

8. Reception and integration for those relocated

UNHCR would like to reiterate the need for adequate reception and integration support, including the right to family reunification, to be provided to beneficiaries of relocation. UNHCR calls on the European Commission to put in place a system to monitor this to avoid post-relocation secondary movements, which must be linked to fully functioning and standardised reception services, including the immediate appointment of guardians for unaccompanied and separated children across the participating States.

Recommendation:

UNHCR calls on States of relocation to ensure that relocated persons have access to reception and integration support in line with international and European standards, and recommends to the European Commission to monitor this to avoid post-relocation secondary movements

9. Capitalizing on existing stakeholder networks to strengthen the reception and integration of persons relocated to EU Member States

Some tools used in the resettlement context might be very useful to ensure the effective functioning of the relocation mechanism as well as to support its credibility in the eyes of potential beneficiaries. This would be particularly useful in Member States that have less experience in receiving asylum seekers and refugees, and which are less well known by refugees themselves. This could include pre-departure information on reception and integration conditions and support networks in a given Member State, and facilitating contacts with existing refugee communities, where feasible. In this effort, drawing on the expertise of stakeholder networks in each Member State that have traditionally provided support towards the reception and integration of refugees could add significant value.

These measures could help to raise awareness about as well as encourage asylum seekers benefitting from relocation to relocate to less familiar Member States. These networks could facilitate the provision of information on the support that will be provided to asylum seekers and their families upon arrival, thereby contributing towards the management of expectations of applicants and reducing the potential for post-relocation secondary movements. Such tools, applied flexibly, can have an immediate impact on the quality of the relocation process and may help to increase interest in relocation amongst potential beneficiaries.

Recommendation:

UNHCR recommends capitalizing on experiences from the resettlement process, including drawing on existing stakeholder networks that traditionally provide support for the reception and integration of refugees, to strengthen the effectiveness of the relocation process and to increase interest in relocation amongst potential beneficiaries.

10. Concluding Remarks

UNHCR would like to reiterate its continued readiness to engage with and support the relocation schemes to ensure their success. The observations outlined above are intended to assist in addressing obstacles encountered to date and to encourage closer cooperation between all parties with a view to achieving the ambitious results originally envisaged for the relocation schemes. Intensified, constructive and trustful cooperation amongst all actors involved in relocation, combined with a high degree of flexibility, pragmatism and shared responsibility remain preconditions to address these challenges and to turn relocation into an attractive and credible offer.

UNHCR looks forward to working closely with the EU, its Member States and with relevant third countries in supporting collective action, with the overall objective of consolidating the Common European Asylum System; in ensuring that people in need of international protection have access to quality asylum and reception systems throughout the Union; in building on proposals that will provide refugees with legal avenues to reach safety in Europe; and in enhancing protection capacity, asylum space and solutions in third countries.

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