



**2016/0225(COD)**

23.3.2017

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (COM(2016)0468 – C8-0325/2016 – 2016/0225(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Malin Björk

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	68



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (COM(2016)0468 – C8-0325/2016 – 2016/0225(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0468),
  - having regard to Article 294(2) and Article 78(2)(d) and (g) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0325/2016),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 25 January 2017<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 8 February 2017<sup>2</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs and the Committee on Budgets (A8-0000/2017),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

##### **Recital 1 a (new)**

---

<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> Not yet published in the Official Journal.

*Text proposed by the Commission*

*Amendment*

***(1 a) Resettlement is the selection, admission and transfer of third-country nationals and stateless persons in need of international protection from a state in which they have sought protection to another state with a view to granting them international protection and providing them with a durable solution.***

***Resettlement is a well-established act of solidarity with refugee-hosting countries based on humanitarian needs.***

***Resettlement has three interrelated and complementary functions: it is a tool for protection, it is a durable solution and a responsibility-sharing mechanism.***

Or. en

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1 b) UNHCR is mandated by its statute and the UN General Assembly resolutions to undertake resettlement as one durable solution for persons in protracted refugee situations. UNHCR's expertise in the field is based on decades of work and a globally supported mandate. UNHCR's competence in this field should be a source of support for Member States' resettlement programmes, and for the Union Resettlement Framework.***

Or. en

### **Amendment 3**

#### **Proposal for a regulation**

##### **Recital 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***(1 c) According to Article 78(1) TFEU, the Union's asylum policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. These treaties are grounded in Article 14 of the 1948 Universal Declaration of Human Rights, which recognises the right of persons to seek asylum from persecution in other countries. Resettlement will not replace the spontaneous arrival of asylum-seekers in the Union.***

Or. en

### **Amendment 4**

#### **Proposal for a regulation**

##### **Recital 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***(1 d) Resettlement is one legal pathway, and should be complemented by other legal pathways, including extended family reunification, humanitarian visas, humanitarian admission programmes, private sponsorship programmes, and labour migration.***

Or. en

### **Amendment 5**

#### **Proposal for a regulation**

##### **Recital 1 e (new)**

**(1 e) The Union Resettlement Framework should be based on humanitarian needs, contribute to meeting the global resettlement needs and alleviate protracted refugee situations. It should conform to already existing structures for resettlement, notably the Annual Tripartite Consultations on Resettlement (ATCR), with the aim of gradually scaling up Member States' collective resettlement efforts to reach at least 25% of the global resettlement needs as outlined in UNHCRs annual projected global resettlement needs.**

Or. en

*Justification*

*Europe has 23.8% of the world's GDP, yet EU Member States host only around 8% of the world's refugees. This places a disproportionate burden on developing countries, which host the vast majority. 22 European countries resettled 13,040 persons in 2015 (9,629 to 17 EU Member States), with Europe contributing, on average, approximately 10 per cent to global resettlement intakes over the past five years. By contrast, that same year, the U.S. resettled 69,933 refugees. In order for an EU Resettlement Framework to add value, it needs to increase both the quality and the quantity of resettlement to the Union. If we want to reduce the need for dangerous journeys, reduce loss of lives and reliance on smuggling networks, this will only become a reality when the number of places offered is credible and meaningful. Therefore, the rapporteur suggests to clearly align the Union Framework to already existing and successful structures, and to increase the number of resettlement places reflecting the EUs responsibility as a global region with the capacity to do so. The will from Member States to contribute to global resettlement needs is clear as more and more Member States are starting national resettlement programmes for the first time. The Union Resettlement Framework should be a stepping stone to increasing our collective effort.*

**Amendment 6**

**Proposal for a regulation**

**Recital 1 f (new)**

**(1 f) The Union Resettlement Framework should support and**

*encourage Member States' resettlement programmes, whether they are old or new, gradually increase Member States' collective resettlement efforts and support and facilitate the reception and integration of resettled persons.*

Or. en

## **Amendment 7**

### **Proposal for a regulation Recital 1 g (new)**

*Text proposed by the Commission*

*Amendment*

*(1 g) The New York Declaration for Refugees and Migrants<sup>1a</sup> urges states to scale up resettlement efforts and envisages a comprehensive refugee response framework in which "States aim to provide resettlement places and other legal pathways on a scale that would enable the annual resettlement needs identified by the Office of the United Nations High Commissioner for Refugees to be met."*

---

*1a*

*[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/71/L.1](http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1)*

Or. en

## **Amendment 8**

### **Proposal for a regulation Recital 4**

*Text proposed by the Commission*

*Amendment*

*(4) On 15 December 2015, the Commission addressed a Recommendation for a Voluntary*

*deleted*

***Humanitarian Admission Scheme with Turkey<sup>29</sup> to the Member States and Associated States recommending that participating States admit persons displaced by the conflict in Syria who are in need of international protection. According to the EU-Turkey Statement of 18 March 2016 a Voluntary Humanitarian Admission Scheme will be activated once irregular crossings between Turkey and the EU are ending or at least have been substantially and sustainably reduced. Member States will contribute on a voluntary basis to this scheme.***

---

<sup>29</sup> C(2015) 9490.

Or. en

#### *Justification*

*The EU - Turkey Statement and the 1:1 scheme has been widely criticised and questioned by Human Rights actors. The statement has left tens of thousands of refugees in limbo in Greece in appalling conditions. Therefore, the rapporteur finds the reference to the EU - Turkey Statement inappropriate in a forward looking Resettlement Framework that aims to place EU on the international scene as an important actor.*

#### **Amendment 9**

##### **Proposal for a regulation**

##### **Recital 5**

*Text proposed by the Commission*

*Amendment*

***(5) According to the EU-Turkey Statement of 18 March 2016 all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 would be returned to Turkey. For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the Union taking into account the United Nations Vulnerability Criteria. In May 2016, the Member States and Dublin Associated***

***deleted***

*States and Turkey reached a common understanding on Standard Operating Procedures guiding the implementation of this resettlement scheme.*

Or. en

#### *Justification*

*As outlined by Amnesty and other human rights groups, the return of refugees from Greece to Turkey under the EU - Turkey Statement and its 1:1 scheme is undermining international law. Turkey is not seen as a safe country, nor as a country with a functioning asylum system. To uphold this procedure in the Framework of a solid resettlement scheme that is built on international asylum law is therefore inappropriate.*

### **Amendment 10**

#### **Proposal for a regulation**

##### **Recital 8**

*Text proposed by the Commission*

(8) Building on the existing initiatives, a stable and reliable Union Resettlement Framework should be established for the resettlement of persons in need of international protection to be implemented in accordance with *annual* Union resettlement plans and targeted Union resettlement schemes which effectively deliver on Member States' concrete commitments.

*Amendment*

(8) Building on the existing initiatives ***and in conformity with the existing international resettlement architecture***, a stable and reliable Union Resettlement Framework should be established for the resettlement of persons in need of international protection to be implemented in accordance with Union resettlement plans and targeted Union resettlement schemes which effectively deliver on Member States' concrete commitments ***and are aligned with the Annual Projected Global Resettlement Needs as set out by UNHCR and presented at the Annual Tripartite Consultations on Resettlement (ATCR)***.

Or. en

### **Amendment 11**

#### **Proposal for a regulation**

##### **Recital 9**

*Text proposed by the Commission*

(9) Such a framework is a necessary part of a well-managed **migration policy to reduce divergences among** national resettlement **practices and procedures, provide** for the legal and safe arrival to the territory of the Member States of third-country nationals and stateless persons in need of international protection, **help reduce the risk of a large-scale irregular inflow of third-country nationals and stateless persons to the territory of the Member States and thereby reducing the pressure of spontaneous arrivals on the Member States' asylum systems, be** an expression of solidarity with countries **in** regions to which or within which a large number of persons in need of international protection has been displaced by helping to alleviate the pressure on those countries, **help achieve Union's foreign policy objectives by increasing the Union's leverage vis-à-vis third countries,** and effectively **contribute** to global resettlement initiatives through speaking with one voice in international fora **and with** third countries.

*Amendment*

(9) Such a framework is a necessary part of a well-managed **Common European Asylum System that supports and expands already existing** national resettlement **programmes, supports and helps new national resettlement efforts, provides** for the legal and safe arrival to the territory of the Member States of third-country nationals and stateless persons in need of international protection, **contributes to the provision of protection and durable solutions for the needs of an increasing number of third country nationals and stateless persons, is** an expression of solidarity with countries **and** regions to which or within which a large number of persons in need of international protection has been displaced by helping to alleviate the pressure on those countries, and effectively **contributes** to global resettlement initiatives through speaking with one voice in international fora. **Resettlement that is coupled with development actions and policies can effectively contribute to decreasing tensions and alleviate protracted refugee situations in** third countries.

Or. en

**Amendment 12**

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) **In order to help reduce the risk of a large-scale irregular inflow of third-country nationals and stateless persons to the territory of the Member States, show solidarity with countries in regions to which or within which a large number of persons in need of international**

*Amendment*

**deleted**

*protection has been displaced by helping to alleviate the pressure on those countries, and help achieve the Union's foreign policy objectives, the regions or third countries from which resettlement is to occur should fit in a tailored engagement with third countries to better manage migration as foreseen in the Commission's Communication of 7 June 2016 on Establishing a new Partnership Framework with third countries under the European Agenda on Migration<sup>32</sup>.*

---

<sup>32</sup> COM(2016) 377 final.

Or. en

### *Justification*

*Several stakeholders such as UNHCR, IOM, ECRE, IRC, Caritas, Red Cross, Amnesty International and many more have voiced their concerns about linking resettlement with third countries cooperation in asylum and migration matters as this moves away from resettlement as a protection tool to provide assistance to the most vulnerable refugees. The rapporteur strongly believes that the humanitarian essence of resettlement must be safeguarded, and that resettlement must continue to be based on the needs of the most vulnerable refugees. Determining geographical priorities based on third countries cooperation in the area of migration and leveraging resettlement to reach foreign policy objectives would de facto jeopardize a humanitarian, needs-based and international protection approach.*

## **Amendment 13**

### **Proposal for a regulation**

#### **Recital 11**

*Text proposed by the Commission*

(11) In order to ***reduce divergences among the national resettlement practices and procedures***, common standard procedures and common eligibility criteria and exclusion grounds for the selection should be laid down, ***as well as a common protection status to be granted to resettled persons***.

*Amendment*

(11) In order to ***create a Union Resettlement Framework and to enhance and support increased participation of Member States***, common standard procedures and common eligibility criteria and exclusion grounds for the selection should be laid down.

Or. en

## Justification

Although it is important to create incentives for MS to participate in the Union Framework, it is also important that this Framework does not discourage potential national efforts by enforcing common procedures, eligibility criteria or exclusion grounds on national programmes. Participation in the Union Resettlement Framework will be increased gradually by the added value that the programme will provide, and by the pooling of expertise and resources. Furthermore, the basis of resettlement as a durable solution is that states are expected to provide resettled persons with permanent residence. Therefore, it is vital that MS are able to issue residence permits that are more favourable than those suggested in Regulation (EU) No XXX/XXX [Qualification Regulation].

### Amendment 14

#### Proposal for a regulation

##### Recital 12

###### *Text proposed by the Commission*

(12) The common standard procedures should build on the existing resettlement experience and standards of the Member States, *in particular the Standard Operating Procedures guiding the implementation of the resettlement scheme with Turkey set out in the EU-Turkey Statement of 18 March 2016*. The Union Resettlement Framework should allow the use of *two types of standard resettlement procedures*.

###### *Amendment*

(12) The common standard procedures should build on the existing resettlement experience and standards of the Member States *and UNHCR*. The Union Resettlement Framework should allow the use of *an ordinary procedure, an expedited procedure and an emergency procedure*.

Or. en

### Amendment 15

#### Proposal for a regulation

##### Recital 13

###### *Text proposed by the Commission*

(13) *Both* types of *procedure* consist of the following stages: identification, *registration*, assessment *and decision*.

###### *Amendment*

(13) *All three* types of *procedures should* consist of the following stages: identification, *submission of cases*, assessment, *decision and registration*.

Or. en

## Amendment 16

### Proposal for a regulation

#### Recital 15

*Text proposed by the Commission*

(15) An expedited procedure should be established with the same level of security checks as in the ordinary procedure. However, in the expedited procedure, the assessment of the international protection needs of third-country nationals or stateless persons **should** be limited to an assessment of their eligibility for subsidiary protection without assessing their qualification for refugee status.

*Amendment*

(15) An expedited procedure should be established with the same level of security checks as in the ordinary procedure. However, in the expedited procedure, **it should be possible to limit** the assessment of the international protection needs of third-country nationals or stateless persons to an assessment of their eligibility for subsidiary protection without assessing their qualification for refugee status.

Or. en

## Amendment 17

### Proposal for a regulation

#### Recital 15 a (new)

*Text proposed by the Commission*

*Amendment*

***(15 a) An emergency procedure should be established with the same level of security checks as in the ordinary procedure. However, in the emergency procedure, submission of urgent or emergency resettlement cases from UNHCR should be subject to an accelerated assessment of the requirements and eligibility criteria established under Article 5.***

Or. en

#### *Justification*

*Introducing a specific emergency quota and procedure within the Union resettlement plan would serve to respond to emergency and urgent cases globally, for which there is currently a significant shortfall of places available.*

## Amendment 18

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

(16) The resettlement procedure should be concluded as soon as possible in order to **discourage** persons in need of international protection to use irregular ways to enter the European Union to seek protection. At the same time it should ensure that Member States have sufficient time for a full and adequate examination of each case. The time-limits should correspond to what is necessary to make the different types of assessment foreseen for the ordinary **and expedited** procedure.

*Amendment*

(16) The resettlement procedure should be concluded as soon as possible in order to **reduce the need for** persons in need of international protection to use irregular ways to enter the European Union to seek protection. At the same time it should ensure that Member States have sufficient time for a full and adequate examination of each case. The time-limits should correspond to what is necessary to make the different types of assessment foreseen for the ordinary, **expedited and emergency** procedures.

Or. en

## Amendment 19

### Proposal for a regulation

#### Recital 17

*Text proposed by the Commission*

(17) Any personal data collected for the purpose of the resettlement procedure should be stored for a maximum period of five years from the date of resettlement. ***Given that third-country nationals or stateless persons who have already been resettled by one Member State or who during the last five years refused to resettle to a Member State should be excluded from resettlement to another Member State, that period should be considered a necessary period for the storage of personal details, including fingerprints and facial images.***

*Amendment*

(17) Any personal data collected for the purpose of the resettlement procedure should be stored for a maximum period of five years from the date of resettlement.

## **Amendment 20**

### **Proposal for a regulation**

#### **Recital 19**

*Text proposed by the Commission*

*Amendment*

**(19) There is no subjective right to be resettled.** **deleted**

Or. en

*Justification*

*It is not clear what could be the objective of this paragraph and why it would be necessary to include here.*

## **Amendment 21**

### **Proposal for a regulation**

#### **Recital 20**

*Text proposed by the Commission*

*Amendment*

**(20) In order to allow for supplementing the rules which govern the procedure to be applied in targeted Union resettlement schemes, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to adapt the procedure to the circumstances in the third country from which resettlement takes place such as determining that third country's role in the procedure. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>33</sup>. In** **deleted**

*particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

---

<sup>33</sup> OJ L123, 12.05.2016, p. 1.

Or. en

### *Justification*

*It is not clear what could be the objective and scope of these delegated acts, specifically concerning the assessment and decision taking of a resettlement case, and why they could not be better reached by other means. The ordinary procedure provides enough flexibility to Member States to adapt the procedure as necessary in order to successfully implement paragraphs 1 to 4 of Article 10.*

## **Amendment 22**

### **Proposal for a regulation Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

*(20 a) In order to supplement this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing the Union resettlement plan fixing every two years the target number of persons to be resettled, the details of Member States' participation in the plan and their contributions to the target number of persons to be resettled, as well as overall geographical priorities. In order to supplement this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing*

*targeted Union resettlement schemes laying down the precise number of persons to be resettled relative to the target number and the participation of the Member States, consistent with the Union Resettlement plan. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

Or. en

## **Amendment 23**

### **Proposal for a regulation Recital 21**

*Text proposed by the Commission*

*Amendment*

*(21) In order to ensure uniform conditions for the implementation of the Union Resettlement Framework, implementing powers should be conferred on the Council for establishing the annual Union resettlement plan, fixing the maximum total number of persons to be resettled, the details about the participation of the Member States in the plan and their contributions to the total number of persons to be resettled, as well as overall geographical priorities.*

*deleted*

Or. en

## Amendment 24

### Proposal for a regulation

#### Recital 22

*Text proposed by the Commission*

*Amendment*

**(22) *These powers should be exercised on a proposal from the Commission on the maximum total number of persons to be resettled and overall geographical priorities. The Commission should make its proposal simultaneously with its proposal on the draft Union annual budget. The Council should aim to adopt the proposal within two months. The Commission and the Council should take into account the discussions within the High-Level Resettlement Committee.*** *deleted*

Or. en

## Amendment 25

### Proposal for a regulation

#### Recital 23

*Text proposed by the Commission*

*Amendment*

**(23) *In order to ensure uniform conditions for the implementation of the Union Resettlement Framework, the Commission should be empowered to establish targeted Union resettlement schemes laying down the precise number out of the total number of persons to be resettled and participation of the Member State, consistent with the annual Union Resettlement plan. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member*** *deleted*

***States of the Commission's exercise of implementing powers<sup>34</sup>. The examination procedure should be used for establishing targeted Union resettlement schemes given that those schemes have substantial implications. The Commission should aim to establish targeted Union resettlement schemes as soon as possible after the adoption of the annual Union resettlement plan and whenever necessary during the period covered by the annual Union resettlement plan. The Commission should take into account the discussions within the High-Level Resettlement Committee.***

---

<sup>34</sup> OJ L 55, 28.2.2011, p. 13.

Or. en

## **Amendment 26**

### **Proposal for a regulation Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23 a) The Commission should build upon the consultations with the High-Level Resettlement Committee when preparing the Union resettlement plan every two years.***

Or. en

## **Amendment 27**

### **Proposal for a regulation Recital 24**

*Text proposed by the Commission*

*Amendment*

(24) Each targeted Union resettlement scheme should determine which standard

(24) Each targeted Union resettlement scheme should determine which standard

procedural rules should apply to its implementation. It should in addition set out local cooperation arrangements where and as appropriate to facilitate its implementation.

procedural rules should apply to its implementation. It should in addition set out local cooperation arrangements where and as appropriate to facilitate its implementation, ***notably with UNHCR, IOM, EUAA and other relevant organisations.***

Or. en

## Amendment 28

### Proposal for a regulation Recital 25

*Text proposed by the Commission*

(25) Resettled persons should be granted international protection. Accordingly, the provisions on the content of international protection contained in the asylum acquis should apply as of the moment when resettled persons arrive on the territory of the Member States, ***including the rules to discourage secondary movement of beneficiaries of international protection.***

*Amendment*

(25) Resettled persons should be granted international protection ***with a view to providing them with a durable solution.*** Accordingly, the provisions on the content of international protection contained in the asylum acquis should apply as of the moment when resettled persons arrive on the territory of the Member States.

Or. en

## Amendment 29

### Proposal for a regulation Recital 25 a (new)

*Text proposed by the Commission*

*Amendment*

***(25 a) Resettled persons should have the same access to integration measures as other beneficiaries of international protection in accordance with Chapter VII Section III of [the Qualification Regulation]. Member States may make the participation in such integration measures compulsory only if those integration measures are easily accessible,***

*available and free of charge.*

Or. en

## **Amendment 30**

### **Proposal for a regulation**

#### **Recital 27**

*Text proposed by the Commission*

(27) Given the expertise of UNHCR in facilitating the different forms of admission of persons in need of international protection from third countries, to which they have been displaced, to Member States willing to admit them, UNHCR should *continue to play a key role in* resettlement *efforts* conducted under the Union Resettlement Framework. In addition to UNHCR, other international actors such as the International Organisation for Migration (IOM) should be called upon to assist Member States in the implementation of the Union Resettlement Framework.

*Amendment*

(27) Given the expertise of UNHCR in facilitating the different forms of admission of persons in need of international protection from third countries, to which they have been displaced, to Member States willing to admit them, UNHCR should *be primarily responsible for referring persons eligible for* resettlement conducted under the Union Resettlement Framework. In addition to UNHCR, other international actors such as the International Organisation for Migration (IOM) should be called upon to assist Member States in the implementation of the Union Resettlement Framework.

Or. en

## **Amendment 31**

### **Proposal for a regulation**

#### **Recital 28**

*Text proposed by the Commission*

(28) [The European Union Agency for Asylum] should assist Member States in the implementation of Union Resettlement Framework in accordance with its mandate.

*Amendment*

(28) [The European Union Agency for Asylum] should assist Member States in the implementation of Union Resettlement Framework in accordance with its mandate *and if requested by Member States.*

Or. en

## Justification

*The European Union Agency for Asylum can play an important role in increasing and facilitating the resettlement capacities of Member States and their contributions to Union resettlement efforts, as detailed in Article 10 and Article 12.*

### Amendment 32

#### Proposal for a regulation

##### Recital 29

*Text proposed by the Commission*

(29) A High-Level Resettlement Committee should be established to allow for broad consultations with all stakeholders on the implementation of the Union Resettlement Framework.

*Amendment*

(29) A High-Level Resettlement Committee should be established to allow for broad consultations with all stakeholders on the implementation of the Union Resettlement Framework. ***This Committee should align its work with that of international resettlement structures, particularly the Annual Tripartite Consultations on Resettlement and UNHCR's Annual Projected Global Resettlement Needs. The High-Level Resettlement Committee should outline the main components of the Union resettlement plan and of the different targeted Union resettlement schemes.***

Or. en

### Amendment 33

#### Proposal for a regulation

##### Recital 31

*Text proposed by the Commission*

(31) This Regulation does not affect the ability of the Member States to adopt or implement national resettlement schemes, ***which do not jeopardise the attainment of the Union's objectives under this Regulation, for example where they contribute an additional number of resettlement places to targeted Union resettlement schemes established under***

*Amendment*

(31) This Regulation does not affect the ability of the Member States to adopt or implement national resettlement schemes.

*this Regulation going beyond their contribution to the maximum number of persons to be resettled under the annual Union resettlement plan.*

Or. en

#### Amendment 34

##### Proposal for a regulation Article 1 – paragraph 1

*Text proposed by the Commission*

This Regulation establishes a Union Resettlement Framework for the admission of third-country nationals and stateless persons to the territory of the Member States with a view to granting them international protection.

*Amendment*

This Regulation establishes a Union Resettlement Framework for the admission of third-country nationals and stateless persons to the territory of the Member States with a view to granting them international protection ***and providing them with a durable solution.***

Or. en

#### Amendment 35

##### Proposal for a regulation Article 2 – paragraph 1

*Text proposed by the Commission*

For the purposes of this Regulation 'resettlement' means the admission of third-country nationals and stateless persons in need of international protection from a third country to which or within which they have been displaced to ***the territory of the Member States*** with a view to granting them international protection.

*Amendment*

For the purposes of this Regulation 'resettlement' means the ***selection, admission and transfer*** of third-country nationals and stateless persons in need of international protection from a third country to which or within which they have been displaced to ***a Member State*** with a view to granting them international protection ***and providing them with a durable solution.***

Or. en

## Amendment 36

### Proposal for a regulation

#### Article 3 – paragraph 3 – point a

*Text proposed by the Commission*

(a) provide for the legal and safe arrival of third-country nationals and stateless persons in need of international protection to the territory of the Member States;

*Amendment*

(a) provide for the legal and safe ***transfer and*** arrival of third-country nationals and stateless persons in need of international protection to the territory of the Member States ***with a view to providing them with a durable solution;***

Or. en

## Amendment 37

### Proposal for a regulation

#### Article 3 – paragraph 3 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(a a) contribute to the protection of and durable solutions for the most vulnerable third-country nationals and stateless persons in need of international protection, including those in protracted refugee situations.***

Or. en

## Amendment 38

### Proposal for a regulation

#### Article 3 – paragraph 3 – point b

*Text proposed by the Commission*

***(b) contribute to the reduction of the risk of a large-scale irregular inflow of third-country nationals and stateless persons in need of international protection to the territory of the Member States;***

*Amendment*

***deleted***

*Justification*

*According to Article 78(1) TFEU, the Union's asylum policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. These treaties are grounded in Article 14 of the Universal Declaration of human rights 1948, which recognises the right of persons to seek asylum from persecution in other countries. Resettlement cannot replace the spontaneous arrival of asylum-seekers in the European Union.*

**Amendment 39****Proposal for a regulation****Article 3 – paragraph 3 – point b a (new)***Text proposed by the Commission**Amendment*

***(b a) gradually increase Member States' collective resettlement efforts and support and facilitate the reception and integration of resettled persons.***

Or. en

**Amendment 40****Proposal for a regulation****Article 3 – paragraph 3 – point c***Text proposed by the Commission**Amendment*

(c) contribute to international resettlement initiatives.

(c) contribute to international resettlement initiatives, ***including through the strategic use of resettlement, particularly in protracted refugee situations.***

Or. en

*Justification*

*The strategic use of resettlement has been defined by UNHCR as follows: “The planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the*

*hosting State, other States or the international protection regime in general.” The strategic use of resettlement should, for the purposes of this Framework, be understood as the use of resettlement in a manner that deliberately enhances protection on a broader scale. For UNHCR this has meant, for example, improving the protection conditions in the country of asylum, such as mitigating the risk of refoulement, or ensuring that appropriate documents are issued to asylum-seekers and refugees (e.g. Egypt, Turkey) or that UNHCR has access to refugees in detention (e.g. China and Libya). The strategic use of resettlement should not be understood as a tool for migration control. Potential difficulty in assessing the strategic use of resettlement in a specific situation should not be the basis for excluding a region or a country.*

## **Amendment 41**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

In determining the regions or third countries from which resettlement shall occur within the Union Resettlement Framework, in accordance with the **implementing** acts referred to in Articles 7 and 8, the following factors shall be taken into consideration:

*Amendment*

In determining the regions or third countries from which resettlement shall occur within the Union Resettlement Framework, in accordance with the **delegated** acts referred to in Articles 7 and 8, the following factors shall be taken into consideration:

Or. en

## **Amendment 42**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) *the number of persons in need of international protection displaced to or within a third country and any onward movement of those persons to the territory of the Member States;*

*Amendment*

(a) *Global resettlement needs as detailed in UNHCR's Projected Global Resettlement Needs document, identifying the most vulnerable refugees who are in need of resettlement worldwide;*

Or. en

## Amendment 43

### Proposal for a regulation

#### Article 4 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

**(b) complementarity with financial and technical assistance provided to third countries to which or within which persons in need of international protection have been displaced;** *deleted*

Or. en

#### *Justification*

*This point is covered in the suggested amendment to paragraph (d) in this Article.*

## Amendment 44

### Proposal for a regulation

#### Article 4 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

**(c) the Union's overall relations with the third country or countries from which resettlement occurs, and with third countries in general;** *deleted*

Or. en

#### *Justification*

*Several stakeholders such as UNHCR, IOM, ECRE, IRC, Caritas, Red Cross, Amnesty International and many more have voiced their concerns about linking resettlement with third countries cooperation in migration matters as this moves away from resettlement as a protection tool to provide assistance to the most vulnerable refugees. The rapporteur strongly believe that the humanitarian essence of resettlement must be safeguarded, and that resettlement must continue to be based on the needs of the most vulnerable refugees. It is worth noting that UNHCR already views resettlement as the last alternative, meaning that when they assess a case all other alternatives have already been reviewed. Determining geographical priorities based on third countries cooperation in the area of migration and leveraging resettlement to reach foreign policy objectives would de facto jeopardize a humanitarian, needs-based and international protection approach.*

## Amendment 45

### Proposal for a regulation

#### Article 4 – paragraph 1 – point d – introductory part

*Text proposed by the Commission*

(d) *a third country's effective cooperation with the Union in the area of migration and asylum, including:*

*Amendment*

(d) *The strategic use of resettlement, with a view to collectively providing solutions and improving the protection environment and security situation in third countries, including through the development of an effective asylum system and development policies.*

Or. en

#### *Justification*

*The strategic use of resettlement has been defined by UNHCR as follows: “The planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting State, other States or the international protection regime in general.” The strategic use of resettlement should, for the purposes of this Framework, be understood as the use of resettlement in a strategic manner to enhance protection on a broader scale. For UNHCR this has meant, for example, improving the protection conditions in the country of asylum, such as mitigating the risk of refoulement, or ensuring that appropriate documents are issued to asylum-seekers and refugees (e.g. Egypt, Turkey) or that UNHCR has access to refugees in detention (e.g. China and Libya). The strategic use of resettlement should not, in any way, be understood as a tool for migration control. Potential difficulty in assessing the strategic use of resettlement in a specific situation should not be the basis for excluding a region or a country.*

## Amendment 46

### Proposal for a regulation

#### Article 4 – paragraph 1 – point d – point i

*Text proposed by the Commission*

(i) *reducing the number of third-country nationals and stateless persons irregularly crossing the border into the territory of the Member States coming from that third country;*

*Amendment*

*deleted*

Or. en

### *Justification*

*Several stakeholders such as UNHCR, IOM, ECRE, IRC, Caritas, Red Cross, Amnesty International and many more have voiced their concerns about linking resettlement with third countries cooperation in border control matters as this moves away from resettlement as a protection tool to provide assistance to the most vulnerable refugees. The rapporteur strongly believe that the humanitarian essence of resettlement must be safeguarded, and that resettlement must continue to be based on the needs of the most vulnerable refugees. Determining geographical priorities based on third countries cooperation in the area of migration control and leveraging resettlement to reach foreign policy objectives would de facto jeopardize a humanitarian, needs-based and international protection approach. Spontaneous arrivals will not be stopped by resettlement, and the only way to reduce the need for people to use irregular ways is to increase resettlement numbers and provide other legal pathways such as humanitarian visas, extended family reunification, humanitarian admission programmes, etc.*

### **Amendment 47**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point d – point ii**

*Text proposed by the Commission*

*Amendment*

**(ii) *creating the conditions for the use of the first country of asylum and safe third country concepts for the return of asylum applicants who have irregularly crossed the border into the territory of the Member States coming from or having a connection with the third country concerned;*** ***deleted***

Or. en

### *Justification*

*Several stakeholders such as UNHCR, IOM, ECRE, IRC, Caritas, Red Cross, Amnesty International and many more have voiced their concerns about linking resettlement with third countries cooperation in asylum and migration matters as this moves away from resettlement as a protection tool to provide assistance to the most vulnerable refugees. The rapporteur strongly believe that the humanitarian essence of resettlement must be safeguarded, and that resettlement must continue to be based on the needs of the most vulnerable refugees. Determining geographical priorities based on third countries cooperation in the area of migration and asylum and leveraging resettlement to reach foreign policy objectives would de facto jeopardize a humanitarian, needs-based and international solidarity and protection approach.*

## Amendment 48

### Proposal for a regulation

#### Article 4 – paragraph 1 – point d – point iii

*Text proposed by the Commission*

*Amendment*

**(iii) increasing the capacity for the reception and protection of persons in need of international protection staying in that country, including through the development of an effective asylum system; or** **deleted**

Or. en

#### *Justification*

*This point is covered in the suggested amendment to paragraph (d) in this Article.*

## Amendment 49

### Proposal for a regulation

#### Article 4 – paragraph 1 – point d – point iv

*Text proposed by the Commission*

*Amendment*

**(iv) increasing the rate of readmission of third-country nationals and stateless persons irregularly staying in the territory of the Member States such as through the conclusion and effective implementation of readmission agreements;** **deleted**

Or. en

#### *Justification*

*Several stakeholders such as UNHCR, IOM, ECRE, IRC, Caritas, Red Cross, Amnesty International and many more have voiced their concerns about linking resettlement with third countries cooperation in asylum and migration matters as this moves away from resettlement as a protection tool to provide assistance to the most vulnerable refugees. The rapporteur strongly believe that the humanitarian essence of resettlement must be safeguarded, and that resettlement must continue to be based on the needs of the most vulnerable refugees. Determining geographical priorities based on third countries cooperation in the area of migration and leveraging resettlement to reach foreign policy objectives would de facto jeopardize a humanitarian, needs-based and international protection approach.*

## Amendment 50

### Proposal for a regulation

#### Article 4 – paragraph 1 – point e

*Text proposed by the Commission*

(e) *the scale and content of commitments to resettlement undertaken by third countries.*

*Amendment*

*deleted*

Or. en

## Amendment 51

### Proposal for a regulation

#### Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

The following third-country nationals or stateless persons shall be eligible for targeted Union resettlement schemes established in accordance with Article 8:

*Amendment*

**Only** the following third-country nationals or stateless persons shall be eligible for targeted Union resettlement schemes established in accordance with Article 8:

Or. en

## Amendment 52

### Proposal for a regulation

#### Article 5 – paragraph 1 – point a – point i

*Text proposed by the Commission*

(a) (i) third-country nationals, who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, are outside the country of nationality or the part of that country in which they formerly habitually resided, and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that

*Amendment*

(a) (i) third-country nationals, who, owing to a well-founded fear of being persecuted for reasons of race, **gender, gender identity, gender expression,** religion, nationality, **sexual orientation,** political opinion or membership of a particular social group, are outside the country of nationality or the part of that country in which they formerly habitually resided, and are unable or, owing to such

country, or stateless persons, who, being outside of the country of former habitual residence or of the part of that country in which they formerly habitually resided, for the same reasons as mentioned above, are unable or, owing to such fear, unwilling to return to or stay in it, or, failing that,

fear, are unwilling to avail themselves of the protection of that country, or stateless persons, who, being outside of the country of former habitual residence or of the part of that country in which they formerly habitually resided, for the same reasons as mentioned above, are unable or, owing to such fear, unwilling to return to or stay in it, or, failing that,

Or. en

### Amendment 53

#### Proposal for a regulation

#### Article 5 – paragraph 1 – point b – introductory part

*Text proposed by the Commission*

*Amendment*

(b) third-country nationals and stateless persons who fall within at least one of the following categories:

(b) third-country nationals and stateless persons who ***meet the criteria in point (a) and who further*** fall within at least one of the following categories:

Or. en

### Amendment 54

#### Proposal for a regulation

#### Article 5 – paragraph 1 – point b – point i – indent 4

*Text proposed by the Commission*

*Amendment*

- persons with legal and/or physical protection needs;

- persons with legal and/or physical protection needs, ***including those facing a threat of refoulement;***

Or. en

*Justification*

*Alignment with wording in UNHCR Resettlement Submission criteria.*

## Amendment 55

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b – point i – indent 6

*Text proposed by the Commission*

*Amendment*

- *persons with socio-economic vulnerability;* *deleted*

Or. en

## Amendment 56

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b – point i – indent 6 a (new)

*Text proposed by the Commission*

*Amendment*

- *persons in protracted refugee situations for whom no other foreseeable alternative durable solutions are available;*

Or. en

## Amendment 57

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b – point ii – introductory part

*Text proposed by the Commission*

*Amendment*

(ii) family members of third-country nationals or stateless persons or Union citizens legally residing in a Member State:

(ii) *in cases where no other legal channels for entering the territory of the European Union exist, including under Council Directive 2003/86/EC<sup>1a</sup>, family members of third-country nationals or stateless persons or Union citizens legally residing in a Member State:*

---

<sup>1a</sup> *Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12–*

18).

Or. en

## Amendment 58

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b – point ii – indent 1

*Text proposed by the Commission*

- the spouse or unmarried partner in a stable relationship, ***where the law or practice of the Member State concerned treats unmarried couples in a way comparable to that of married couples under its law relating to third-country nationals or stateless persons;***

*Amendment*

- the spouse or unmarried partner in a stable relationship;

Or. en

## Amendment 59

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b – point ii – indent 2

*Text proposed by the Commission*

- the minor children of couples referred to in the first indent or of third-country nationals or stateless persons to be resettled, ***on the condition that they are unmarried***, regardless of whether they were born in or out of wedlock or adopted as defined under national law;

*Amendment*

- the minor children of couples referred to in the first indent or of third-country nationals or stateless persons to be resettled regardless of whether they were born in or out of wedlock or adopted as defined under national law;

Or. en

### *Justification*

*Although the rapporteur understands that the intention of this wording is to not support child marriage, it also risks to further punish victims of child marriage by refusing their resettlement.*

## Amendment 60

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b – point ii – indent 3

##### *Text proposed by the Commission*

- the father, mother or another adult responsible for the ***unmarried*** minor to be resettled, whether by law or by the practice of the Member State where the adult is present;

##### *Amendment*

- the father, mother or another adult responsible for the minor to be resettled, whether by law or by the practice of the Member State where the adult is present;

Or. en

##### *Justification*

*Although the rapporteur understands that the intention of this wording is to not support child marriage, it also risks to further punish victims of child marriage by refusing their resettlement.*

## Amendment 61

### Proposal for a regulation

#### Article 5 – paragraph 1 – point c

##### *Text proposed by the Commission*

(c) third-country nationals or stateless persons who ***do not fall within the scope of Article 1D of the 1951 Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees ("UNHCR")***;

##### *Amendment*

(c) third-country nationals or stateless persons who, ***meet the criteria in point (a) and (b) and who further, according to Article 1D Paragraph 2 of the 1951 Geneva Convention, are entitled to the benefits of that Convention***;

Or. en

##### *Justification*

*Article 1D of the 1951 Geneva Convention contains both an exclusion and an inclusion clause. It excludes from the scope of that convention those persons who are at present receiving protection or assistance from an organ or agency of the United Nations other than UNHCR. It follows from the clear wording of Article 1D of the Geneva Convention that only those persons who have actually availed themselves of the assistance provided by UNRWA come within the clause excluding refugee status set out therein, which must, as such, be*

*construed narrowly and cannot therefore also cover persons who are or have been eligible to receive protection or assistance from that agency. The second paragraph of Article 1D of the Geneva Convention includes persons for whom protection or assistances as referred to in the exclusion clause has ceased for any reason. The aim of Article 1D of the Geneva Convention is to avoid overlapping competencies between UNRWA and UNHCR, and, in conjunction with UNHCR's Statute, ensures the continuity of protection and assistance to Palestinian refugees as necessary. For the purpose of this Framework, reference is only made to Paragraph 2 of Article 1D, i.e. the inclusion clause.*

## **Amendment 62**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) third-country nationals or stateless persons who have not been recognised by the competent authorities of the country in which they are present or have taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those.*      *deleted*

Or. en

#### *Justification*

*This paragraph refers to Article 1E of the Geneva Convention, which is an exclusion clause. It is therefore not clear the objective of including it in the eligibility criteria of this Framework.*

## **Amendment 63**

### **Proposal for a regulation**

#### **Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that family unity *can be* maintained *between persons referred to in point (b)(ii).*

Member States shall ensure that family unity *is* maintained *in all resettlement practices.*

Or. en

## Amendment 64

### Proposal for a regulation

#### Article 6 – paragraph 1 – point a – introductory part

*Text proposed by the Commission*

*Amendment*

(a) persons for whom there are **reasonable grounds** for considering that:

(a) persons for whom there are **serious reasons** for considering that:

Or. en

#### *Justification*

*Alignment with wording in Article 1(F) of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees.*

## Amendment 65

### Proposal for a regulation

#### Article 6 – paragraph 1 – point a – point ii

*Text proposed by the Commission*

*Amendment*

(ii) they have committed a serious crime;

(ii) they have committed a serious **non-political** crime;

Or. en

#### *Justification*

*Alignment with wording in Article 1(F) of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees.*

## Amendment 66

### Proposal for a regulation

#### Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) **persons for whom there are reasonable grounds for considering that they are a danger to the community,**

**Deleted**

*public policy, security, public health or the international relations of the Member State examining the resettlement file, including where a second Member State has required the Member State examining the resettlement file to consult that second Member State during the examination in relation to specific third-country nationals or stateless persons or specific categories of third-country nationals or stateless persons, that second Member State has objected to their resettlement on these grounds;*

Or. en

#### *Justification*

*According to Article 78(1) TFEU, the Union's asylum policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. Since the term exclusion has a distinct meaning in the context of international refugee protection, which strictly relates to individuals who may be undeserving of international protection, the rapporteur has chosen to follow the exclusion clauses as set out in Article 1(F) of the Geneva Convention. Additional exclusion clauses such as this one blurs the lines between exclusion and ineligibility.*

#### **Amendment 67**

##### **Proposal for a regulation**

##### **Article 6 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) third-country nationals or stateless persons who have been recognised by the competent authorities of the country in which they are present or have taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those.*

Or. en

*Justification*

*Alignment with wording in Article 1(E) of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees.*

**Amendment 68**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) persons for whom an alert has been issued in the Schengen Information System or in a national database of a Member State for the purposes of refusing entry;**

**Deleted**

Or. en

*Justification*

*According to Article 78(1) TFEU, the Union's asylum policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. Since the term exclusion has a distinct meaning in the context of international refugee protection, which strictly relates to individuals who may be undeserving of international protection, the rapporteur has chosen to follow the exclusion clauses as set out in Article 1(F) of the Geneva Convention. Additional exclusion clauses such as this one blurs the lines between exclusion and ineligibility.*

**Amendment 69**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) persons who have irregularly stayed, irregularly entered, or attempted to irregularly enter the territory of the Member States during the five years prior to resettlement;**

**Deleted**

Or. en

## *Justification*

*According to Article 78(1) TFEU, the Union's asylum policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. Since the term exclusion has a distinct meaning in the context of international refugee protection, which strictly relates to individuals who may be undeserving of international protection, the rapporteur has chosen to follow the exclusion clauses as set out in Article 1(F) of the Geneva Convention. Additional exclusion clauses such as this one blurs the lines between exclusion and ineligibility. Furthermore, persons are often compelled to undertake irregular journeys because of their vulnerability and the lack of a foreseeable alternative durable solution. Excluding persons for that very reason runs a high risk of excluding people in dire need of protection. In addition, a person's protection situation can change under a period of five years, e.g. a war could outbreak in his/her country or the person could be forced into a marriage, such a broad exclusion hamper to take into account the new situation of the person and could lead to a denial of protection.*

### **Amendment 70**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point e**

##### *Text proposed by the Commission*

(e) persons who have already been resettled by another Member State in the implementation of this Regulation, the Conclusions of the Representatives of the Governments of the Member States meeting within the Council 11097/15 of 20 July 2015, ***the EU-Turkey Statement of 18 March 2016, the Commission Recommendation C(2015) 9490 of 15 December 2015***, or a national resettlement scheme; and

##### *Amendment*

(e) persons who have already been resettled by another Member State in the implementation of this Regulation, the Conclusions of the Representatives of the Governments of the Member States meeting within the Council 11097/15 of 20 July 2015, or a national resettlement scheme; and

Or. en

### **Amendment 71**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point f**

##### *Text proposed by the Commission*

(f) ***persons whom Member States have during the last five years prior to resettlement refused to resettle in***

##### *Amendment*

***Deleted***

*accordance with this paragraph.*

Or. en

*Justification*

*Member States might have very specific reasons for refusing to resettle a person, e.g. the person might have a medical condition that cannot be treated in the Member State for various reasons. This should not be a grounds for excluding vulnerable persons from all Member States.*

**Amendment 72**

**Proposal for a regulation  
Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. *Third-country nationals or stateless persons may be excluded from targeted Union resettlement schemes established in accordance with Article 8, where one of the grounds for exclusion referred to in points (a) or (b) of paragraph 1 applies prima facie.***

*deleted*

Or. en

**Amendment 73**

**Proposal for a regulation  
Article 7 – title**

*Text proposed by the Commission*

*Amendment*

***Annual*** Union resettlement plan

***Two-yearly*** Union resettlement plan

Or. en

**Amendment 74**

**Proposal for a regulation  
Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. ***On the basis of a proposal from the Commission, the Council shall adopt an annual Union resettlement plan in the year preceding that in which it is to be implemented.***

1. ***The Commission is empowered to adopt delegated acts every two years, in accordance with Article 14, supplementing this Regulation, in order to establish a Union resettlement plan, in accordance with the following paragraphs.***

Or. en

*Justification*

*Article 7 and Article 8 are closely connected as technical procedures before resettlement takes place. The rapporteur suggests to amend the Articles to better reflect this by suggesting delegated powers on both Articles. In addition to clarity, this change would make the technical procedures more transparent, and ensure Member States greater power in the targeted schemes which is deemed important since Member States will implement them.*

## **Amendment 75**

### **Proposal for a regulation**

#### **Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Union resettlement plans are built on consultations with the High-Level Resettlement Committee and based on UNHCRs Annual Projected Global Resettlement Needs.***

Or. en

## **Amendment 76**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The ***annual*** Union resettlement plan shall include:

2. The Union resettlement plan shall include:

**Amendment 77****Proposal for a regulation****Article 7 – paragraph 2 – point a***Text proposed by the Commission*

(a) *the maximum total* number of persons to be resettled;

*Amendment*

(a) *a target* number of persons to be resettled *reflecting at a minimum 25% of the Annual Projected Global Resettlement Needs*;

Or. en

*Justification*

*Europe has 23.8% of the world's GDP, yet EU Member States host only around 8% of the world's refugees. This places a disproportionate burden on developing countries, which host the vast majority. 22 European countries resettled 13,040 persons in 2015 (9,629 to 17 EU Member States), with Europe contributing, on average, approximately 10 per cent to global resettlement intakes over the past five years. By contrast, that same year, the U.S. resettled 69,933 refugees. In order for an EU Resettlement Framework to add value, it needs to increase both the quality and the quantity of resettlement to the Union. If we want to reduce the need for dangerous journeys, reduce loss of lives and reliance on smuggling networks, this will only become a reality when the number of places offered is credible and meaningful. Therefore, the rapporteur suggests to increase the number of resettlement places reflecting the EUs responsibility as a global region with the capacity to do so.*

**Amendment 78****Proposal for a regulation****Article 7 – paragraph 2 – point b***Text proposed by the Commission*

(b) details about the participation of the Member States in the *annual* Union resettlement plan and their contributions to the total number of persons to be resettled;

*Amendment*

(b) details about the participation of the Member States in the Union resettlement plan and their contributions to the total number of persons to be resettled;

Or. en

## Amendment 79

### Proposal for a regulation Article 7 – paragraph 2 – point c

*Text proposed by the Commission*

(c) overall geographical priorities.

*Amendment*

(c) overall geographical priorities  
***based on UNHCR's Projected Global Resettlement Needs document.***

Or. en

## Amendment 80

### Proposal for a regulation Article 7 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(c a) an unallocated emergency quota, as referred in Article 11a, to take into account urgent and emergency cases irrespective of the geographical priorities identified under point c.***

Or. en

### *Justification*

*Introducing a specific emergency quota within the Union resettlement plans, that is not linked to priority regions or populations, would serve to respond to emergency and urgent cases globally, for which there is currently a significant shortfall of places available.*

## Amendment 81

### Proposal for a regulation Article 8 – paragraph 1

*Text proposed by the Commission*

1. The Commission ***shall*** adopt ***implementing*** acts ***establishing*** targeted Union resettlement schemes consistent with the ***annual*** Union resettlement plan adopted pursuant to Article 7. ***Those***

*Amendment*

1. The Commission ***is empowered to*** adopt ***delegated*** acts ***in accordance with Article 14, supplementing this Regulation, in order to establish*** targeted Union resettlement schemes consistent with the

***implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).***

Union resettlement plan, adopted pursuant to Article 7, ***in accordance with paragraph 2.***

Or. en

### *Justification*

*Article 7 and Article 8 are closely connected as technical procedures before resettlement takes place. The rapporteur suggests to amend the Articles to better reflect this by suggesting delegated powers on both Articles. In addition to clarity, this change would make the technical procedures more transparent, and ensure MS greater power in the targeted schemes which is deemed important since MS will implement them.*

## **Amendment 82**

### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) the precise number of persons to be resettled from the ***maximum total*** number as set out in the ***annual*** Union resettlement plan provided for in point (a) of Article 7(2) and details about the participation of the Member States in the targeted Union resettlement scheme;

##### *Amendment*

(b) the precise number of persons to be resettled from the ***target*** number as set out in the Union resettlement plan provided for in point (a) of Article 7(2) and details about the participation of the Member States in the targeted Union resettlement scheme;

Or. en

## **Amendment 83**

### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point c**

##### *Text proposed by the Commission*

(c) the specification of the regions or third countries from which resettlement is to occur as referred to in Article 4;

##### *Amendment*

(c) the specification of the regions or third countries from which resettlement is to occur ***according to Article 7.2(c) and*** as referred to in Article 4;

Or. en

## Amendment 84

### Proposal for a regulation

#### Article 8 – paragraph 2 – point d

*Text proposed by the Commission*

(d) where necessary, local coordination and practical cooperation arrangements among Member States, supported by the [European Union Agency for Asylum] in accordance with Article 12(3), and with third countries, and **UNHCR or** other partners;

*Amendment*

(d) where necessary, local coordination and practical cooperation arrangements among Member States, supported by **UNHCR and, when requested by Member States,** the [European Union Agency for Asylum] in accordance with Article 12(3), and with third countries, and other partners;

Or. en

## Amendment 85

### Proposal for a regulation

#### Article 8 – paragraph 2 – point e

*Text proposed by the Commission*

(e) a description of the specific group or groups of third-country nationals or stateless persons to whom the targeted Union resettlement scheme shall apply;

*Amendment*

(e) a description of the specific group or groups of third-country nationals or stateless persons, **based on UNHCR's Projected Global Resettlement Needs publication and guided by resettlement submission categories as set out in point (b)(i) of Article 5,** to whom the targeted Union resettlement scheme shall apply;

Or. en

## Amendment 86

### Proposal for a regulation

#### Article 8 – paragraph 2 – point f

*Text proposed by the Commission*

(f) whether the ordinary procedure set

*Amendment*

(f) whether the ordinary procedure set

out in Article 10 or the expedited procedure set out in Article 11 shall be applied *specifying where necessary how the identification and assessment of third-country nationals or stateless persons shall be carried out and the timeframe for taking decisions on resettlement*;

out in Article 10 or the expedited procedure set out in Article 11 shall be applied;

Or. en

#### *Justification*

*Member States are responsible for implementing the schemes, and thus it should be Member States who specify how the identification and assessment should be carried out. The timeframe for taking a decision is already covered in point (g) of this Article.*

### **Amendment 87**

#### **Proposal for a regulation Article 9 – paragraph 1**

##### *Text proposed by the Commission*

*The resettlement **procedures laid down in Articles 10 and 11** shall apply to third-country nationals or stateless persons who have given their consent to be resettled **and have not subsequently withdrawn their consent, including refusing resettlement to a particular Member State.***

##### *Amendment*

Resettlement ***under this Regulation*** shall apply to third-country nationals or stateless persons who have given their consent to be resettled.

Or. en

#### *Justification*

*Listing exclusion grounds in this article is confusing, since exclusion grounds are dealt with in Article 6.*

### **Amendment 88**

#### **Proposal for a regulation Article 10 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

When implementing a targeted Union

##### *Amendment*

When implementing a targeted Union

resettlement scheme, Member States shall ***identify third-country nationals or stateless persons and*** assess whether those third-country nationals or stateless persons fall within the scope of a targeted Union resettlement scheme.

resettlement scheme, Member States shall ***primarily rely on identification and submission of cases by UNHCR. Other actors for identification may be Member States or relevant organisations.***

***Member States shall thereafter*** assess whether those third-country nationals or stateless persons fall within the scope of a targeted Union resettlement scheme.  
***Member States may request assistance by [The European Union Agency for Asylum].***

Or. en

## **Amendment 89**

### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***For the purpose of implementing the ordinary procedure, Member States may request that UNHCR, or where applicable, [the European Union Agency for Asylum] or relevant international bodies fully assess:***

***(a) that they fall within the scope of the targeted Union resettlement scheme; and***

***(b) that they fall under one of the Resettlement submission categories as set out in point (b)(i) of Article 5 and the reason behind the assessment.***

***Member States may also request that UNHCR fully assess whether third-country nationals or stateless persons referred to them by UNHCR qualify as refugees within the meaning of Article 1 of the 1951 Geneva Convention.***

Or. en

## *Justification*

*For the sake of clarity, Article 10.8, with some amendments, has been moved and merged into 10.1 which describes the procedure in detail.*

### **Amendment 90**

#### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***Member States may give preference inter alia to third-country nationals or stateless persons with:***

***Deleted***

***(a) family links with third-country nationals or stateless persons or Union citizens legally residing in a Member State;***

***(b) social or cultural links, or other characteristics that can facilitate integration in the participating Member State, provided that this is without discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, without prejudice to differences in treatment necessary for the assessment referred to in the first subparagraph;***

***(c) particular protection needs or vulnerabilities.***

Or. en

## *Justification*

*Preferential treatment of any particular class or group of refugees, for whatever reason, will come at the expense of appropriate treatment for other persons who, from an objective humanitarian perspective, are equally deserving. The international community has therefore laid down, in the Geneva Convention of 28 July 1951 Relating to the Status of Refugees, binding rules of international humanitarian law that delineate who, in what circumstances, is to be treated as a refugee and how they are to be cared for. All EU Member States are*

*signatories to that Convention. With this background, it is directly unsuitable to include "integration potential" in this Regulation.*

## **Amendment 91**

### **Proposal for a regulation Article 10 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. After identifying third-country nationals or stateless persons, Member States shall register the following information of those for whom they intend to conduct the resettlement procedure:**

*deleted*

**(a) the name, date of birth, gender, nationality and other personal details**

**(b) the fingerprints of all fingers and a facial image of every third-country national or stateless person of at least six years of age;**

**(c) the type and number of any identity or travel document of the third-country national; and**

**(d) the date of the registration, the place where the registration is made, and the authority making the registration.**

**Additional data necessary for the implementation of paragraphs 3 and 4 may also be collected at the time of registration.**

Or. en

#### *Justification*

*This paragraph is moved to after paragraph 3 and 4 because the assessment on eligibility criteria and exclusion causes is necessary before the registration of potential beneficiaries. Otherwise, there is a risk that cases which could never be eligible would be registered, creating both an unnecessary administrative burden on Member States and creating false expectations.*

## Amendment 92

### Proposal for a regulation

#### Article 10 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

Member States shall make that assessment on the basis of documentary evidence, including, where applicable, information from UNHCR on whether the third-country nationals or the stateless persons qualify as refugees or on the basis of a personal interview or a combination of both.

##### *Amendment*

Member States shall make that assessment ***in particular*** on the basis of documentary evidence, including, where applicable, information from UNHCR on whether the third-country nationals or the stateless persons qualify as refugees or on the basis of a personal interview or a combination of both.

Or. en

##### *Justification*

*An exhaustive list of how Member States shall make an assessment runs the risk of breaching the principle of free production of evidence and free sifting of evidence.*

## Amendment 93

### Proposal for a regulation

#### Article 10 – paragraph 4

##### *Text proposed by the Commission*

4. Member States shall take a decision on the resettlement of third-country nationals or stateless persons on the basis of the assessment referred to in paragraph 3 as soon as possible and not later than eight months from their registration. Member States may extend that time-limit ***of eight months*** by a period of not more than four months, where complex issues of fact or law are involved.

##### *Amendment*

4. Member States shall take a decision on the resettlement of third-country nationals or stateless persons on the basis of the assessment referred to in paragraph 3 as soon as possible and not later than eight months from their registration. Member States may extend that time-limit by a period of not more than four months, where complex issues of fact or law are involved.

Or. en

## Amendment 94

### Proposal for a regulation Article 10 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4 a.** *Where a positive decision is taken, Member States shall register the following information, where available, of those for whom they intend to conduct the resettlement procedure:*

**(a)** *the name, date of birth, gender, and nationality;*

**(b)** *the fingerprints of all fingers and a facial image of every third-country national or stateless person;*

**(c)** *the type and number of any identity or travel document of the third-country national; and*

**(d)** *the date of the registration, the place where the registration is made, and the authority making the registration.*

Or. en

### *Justification*

*This is original paragraph 2 (with some minor amendments) that we have moved to after paragraph 3 and 4 because the assessment of eligibility criteria and exclusion causes is necessary before the registration of potential beneficiaries. Otherwise, there is a risk that cases which could never be eligible would be registered, creating both an unnecessary administrative burden on Member States and creating false expectations.*

## Amendment 95

### Proposal for a regulation Article 10 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

Upon expiry of that period, Member States shall erase the data. Member States shall erase data relating to a person who has acquired citizenship of any Member State before the expiry of that period ***as soon as***

Upon expiry of that period, Member States shall erase the data. Member States shall erase data relating to a person who has acquired citizenship of any Member State

*the Member State becomes aware that the person concerned has acquired such citizenship.*

before the expiry of that period.

Or. en

## **Amendment 96**

### **Proposal for a regulation Article 10 – paragraph 6**

*Text proposed by the Commission*

6. Where a negative decision is taken, no resettlement of the person concerned shall occur.

*Amendment*

6. Where a negative decision is taken, no resettlement of the person concerned shall occur ***to the Member State that has made the decision. The reason for rejection shall be communicated to UNHCR or other organisations that made the submission for follow-up as appropriate.***

Or. en

### *Justification*

*UNHCR encourages States to communicate the reasons for rejection, which could be related to issues other than eligibility. Being informed about Member States' reasoning enables UNHCR to, for example, clarify open questions, consider re-submissions to another (including non-European) resettlement country, or for follow up on other protection-related issues, as necessary.*

## **Amendment 97**

### **Proposal for a regulation Article 10 – paragraph 7 – point a**

*Text proposed by the Commission*

(a) grant refugee status where the third-country national or the stateless person concerned qualifies as a refugee or subsidiary protection status where the third-country national or the stateless person concerned is eligible for subsidiary protection. The Member State shall notify

*Amendment*

(a) grant refugee status where the third-country national or the stateless person concerned qualifies as a refugee or subsidiary protection status where the third-country national or the stateless person concerned is eligible for subsidiary protection. The Member State shall notify

the third-country national or the stateless person concerned of that decision. The decision to grant refugee status or subsidiary protection status shall have the same effect as a decision to grant refugee status or to grant subsidiary protection status referred to in **Articles 13 and 19 of Regulation (EU) No XXX/XXX [Qualification Regulation]**, once the person concerned has entered the territory of a Member State;

the third-country national or the stateless person concerned of that decision **and inform him or her of the rights that such a status confers**. The decision to grant refugee status or subsidiary protection status shall have the same effect as a decision to grant refugee status or to grant subsidiary protection status referred to in Regulation (EU) No XXX/XXX [Qualification Regulation], once the person concerned has entered the territory of a Member State; **Member States may issue residence permits of permanent or unlimited validity on terms that are more favourable as referred in Article 13 of Council Directive 2003/109/EC<sup>1a</sup>**.

---

<sup>1a</sup> **Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 16, 23.1.2004, p. 44–53.**

Or. en

#### *Justification*

*The basis of resettlement as a durable solution is that states are expected to provide resettled persons with permanent residence. A one-year or three years or even five years residence cannot be seen as a durable solution. Therefore, it is vital that MS who wishes to do so are able to issue residencies that are more favourable than those suggested in Regulation (EU) No XXX/XXX [Qualification Regulation].*

#### **Amendment 98**

##### **Proposal for a regulation**

##### **Article 10 – paragraph 7 – point c**

###### *Text proposed by the Commission*

(c) offer a pre-departure orientation programme to third-country nationals or stateless persons, which may include information about their rights and obligations, language classes, and information about the Member State's social, cultural and political set-up.

###### *Amendment*

(c) offer a pre-departure orientation programme to third-country nationals or stateless persons, which may include information about their rights and obligations, language classes, and information about the Member State's social, cultural and political set-up. **These**

*programmes may be provided after entry.*

Or. en

## **Amendment 99**

### **Proposal for a regulation**

#### **Article 10 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. For the purpose of implementing the ordinary procedure, prior to identifying third-country nationals or stateless persons, Member States may request UNHCR, or where applicable, [the European Union Agency for Asylum] or relevant international bodies to refer to them third-country nationals or stateless persons in relation to whom those entities have fully assessed:**

*deleted*

**(a) whether they fall within the scope of the targeted Union resettlement scheme; and**

**(b) whether they fall under one of the vulnerability categories set out in point (b)(i) of Article 5.**

**Member States may also request UNHCR to fully assess whether third-country nationals or stateless persons referred to them by UNHCR qualify as refugees within the meaning of Article 1 of the 1951 Geneva Convention.**

**Member States may also request that inter alia the criteria set out in points (a) to (c) of paragraph 1 be taken into account.**

Or. en

#### *Justification*

*This paragraph have been moved to and merged with Article 10.1 since they both describe the procedure.*

## Amendment 100

### Proposal for a regulation Article 10 – paragraph 9

*Text proposed by the Commission*

*Amendment*

9. *The Commission shall be empowered to adopt delegated acts in accordance with the procedure laid down in Article 14 to supplement the elements referred to in paragraphs 1 to 4, in order to adapt the resettlement procedure to the circumstances in the third country from which resettlement takes place where necessary.*

*deleted*

Or. en

#### *Justification*

*It is not clear what could be the objective and scope of these delegated acts, specifically concerning the assessment and decision taking of a resettlement case, and why they could not be better reached by other means. Article 10 provides enough flexibility to Member States to adapt the procedure as necessary in order to successfully implement paragraphs 1 to 4.*

## Amendment 101

### Proposal for a regulation Article 11 – paragraph 1 – point 1

*Text proposed by the Commission*

*Amendment*

(1) *shall* not assess whether the third-country nationals or the stateless persons meet the requirements referred to in point (a)(i) of Article 5;

(1) *may* not assess whether the third-country nationals or the stateless persons meet the requirements referred to in point (a)(i) of Article 5;

Or. en

## Amendment 102

### Proposal for a regulation Article 11 – paragraph 1 – point 4

*Text proposed by the Commission*

(4) **shall** grant the third-country nationals or the stateless persons concerned subsidiary protection status.

*Amendment*

(4) **may** grant the third-country nationals or the stateless persons concerned subsidiary protection status ***if assessment for granting refugee status was not completed within the time limits in accordance with paragraph 3 of this Article.***

Or. en

### **Amendment 103**

#### **Proposal for a regulation Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 11 a***

##### ***Emergency procedure***

***Where the Commission delegated act adopting a Union resettlement plan provides for an emergency procedure, not linked to particular regions or population, for cases where immediacy of the security risks to certain persons or the severity of their medical condition necessitates their prompt removal from the threatening conditions within a very short time, by way of derogation from Article 10, Member States shall:***

- 1) commit to establish a fast-track procedure for urgent and emergency cases, if such a procedure is not already in existence;***
- 2) specify a specific number of places not linked to particular regions or populations that can benefit from this procedure;***
- 3) receive submissions of urgent or emergency resettlement cases from UNHCR and for whom immediacy of the security risks or the severity of the***

*medical condition necessitates their removal from the threatening conditions within a very short time;*

4) *expedite adjudication whether the refugees or the stateless persons meet the requirements and eligibility criteria established in this framework under Article 5, and;*

5) *aspire to take a decision within two weeks from submission of a case and ensure the immediate transfer of the third country national or stateless person.*

Or. en

#### *Justification*

*Introducing a specific emergency quota and procedure within the Union resettlement plans, that is not linked to priority regions or populations, would serve to respond to emergency and urgent cases globally, for which there is currently a significant shortfall of places available.*

#### **Amendment 104**

##### **Proposal for a regulation Article 12 – paragraph 1**

###### *Text proposed by the Commission*

1. To facilitate the implementation of the targeted Union resettlement schemes, Member States shall appoint national contact points and may decide to appoint liaison officers in third countries.

###### *Amendment*

1. To facilitate the implementation of the targeted Union resettlement schemes, Member States shall appoint national contact points and may decide to appoint liaison officers in third countries. ***Member States may be assisted by [The European Union Agency for Asylum], and, where appropriate, use existing structures for operational cooperation on resettlement.***

Or. en

#### **Amendment 105**

##### **Proposal for a regulation Article 12 – paragraph 3**

*Text proposed by the Commission*

3. To implement targeted Union resettlement schemes, and in particular to conduct pre-departure orientation programmes, fit-to-travel medical checks, travel arrangements and other practical arrangements, Member States may be assisted by partners in accordance with local coordination and practical cooperation arrangements for targeted Union resettlement schemes established in accordance with point (d) of Article 8(2).

*Amendment*

3. To implement targeted Union resettlement schemes, and in particular to conduct pre-departure orientation programmes, fit-to-travel medical checks, travel arrangements and other practical arrangements, Member States may be assisted by ***the International Organisation for Migration (IOM), and other*** partners in accordance with local coordination and practical cooperation arrangements for targeted Union resettlement schemes established in accordance with point (d) of Article 8(2).

Or. en

**Amendment 106**

**Proposal for a regulation  
Article 13 – paragraph 1**

*Text proposed by the Commission*

1. A High-Level Resettlement Committee shall be established, composed of representatives of the European Parliament, the Council, the Commission, the ***High Representative of the Union for Foreign Affairs and Security Policy, and the*** Member States. [The European Union Agency for Asylum,] ***UNHCR, and IOM may be invited.*** Representatives of Iceland, Liechtenstein, Norway, and Switzerland shall be invited to attend the meetings of the High-Level Resettlement Committee where they have indicated their intention to be associated with the implementation of the annual Union resettlement plan.

*Amendment*

1. A High-Level Resettlement Committee shall be established, composed of representatives of the European Parliament, the Council, the Commission, the Member States, ***UNHCR***, [The European Union Agency for Asylum], ***IOM and other relevant civil society organisations.*** Representatives of Iceland, Liechtenstein, Norway, and Switzerland shall be invited to attend the meetings of the High-Level Resettlement Committee where they have indicated their intention to be associated with the implementation of the annual Union resettlement plan.

***Following the annual tripartite consultations on resettlement (ATRC) and UNHCR's Projected Global Resettlement Needs publication, the High-Level Resettlement Committee shall meet to outline the main components of the Union***

*resettlement plan as well as the different targeted Union resettlement schemes.*

Or. en

## **Amendment 107**

### **Proposal for a regulation Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in **Article 10(9)** shall be conferred on the Commission for ***an indeterminate*** period of ***time from the*** date of entry into force ***of this Regulation***.

*Amendment*

2. The power to adopt delegated acts referred to in **Articles 7 and 8** shall be conferred on the Commission for **a** period of **4 years from ...** [date of entry into force of this Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 4th-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Or. en

### *Justification*

*The Commission proposal contains a delegation of power for an indefinite period of time. Opting for determined period of time (4 years) which can be tacitly extended, would allow for a reporting obligation, no later than 9 months before the end of the 4 years period, and both co – legislators can have an overview and an assessment on how the delegation of powers was working in practice.*

## **Amendment 108**

### **Proposal for a regulation Article 14 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power referred to in **Article 10(9)** may be revoked at any

*Amendment*

3. The delegation of power referred to in **Articles 7 and 8** may be revoked at any

time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

## **Amendment 109**

### **Proposal for a regulation Article 14 – paragraph 6**

#### *Text proposed by the Commission*

6. A delegated act adopted pursuant to **Article 10(9)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### *Amendment*

6. A delegated act adopted pursuant to **Articles 7 and 8** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

## **Amendment 110**

### **Proposal for a regulation Article 15**

#### *Text proposed by the Commission*

**Article 15**  
**Committee procedure**

#### *Amendment*

**deleted**

1. *The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

Or. en

## Amendment 111

### Proposal for a regulation Article 16 – paragraph 1

#### *Text proposed by the Commission*

Iceland, Liechtenstein, Norway, and Switzerland shall be invited to be associated with the implementation of the **annual** Union resettlement plan. The core elements of this Regulation, in particular those related to the resettlement procedure and to the rights and obligations of resettled persons, shall be duly taken into account in that association.

#### *Amendment*

Iceland, Liechtenstein, Norway, and Switzerland shall be invited to be associated with the implementation of the Union resettlement plan. The core elements of this Regulation, in particular those related to the resettlement procedure and to the rights and obligations of resettled persons, shall be duly taken into account in that association.

Or. en

## Amendment 112

### Proposal for a regulation Article 17 – paragraph 1 – point 2 – point a Regulation (EU) No 516/2014 Article 2 – point a

#### *Text proposed by the Commission*

(a) 'resettlement' means the admission of third-country nationals **or** stateless persons in need of international protection from a **third country to which or within** which they have **been displaced to the territory of one of the Member States** with a view to granting them international

#### *Amendment*

(a) 'resettlement' means the **selection**, admission **and transfer** of third-country nationals **and** stateless persons in need of international protection from a **State in** which they have **sought protection to a Member State** with a view to granting them international protection **and providing**

protection;

*them with a durable solution;*

Or. en

*Justification*

*Amended to align with Article 2 of this Framework.*

**Amendment 113**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point 2 – point b**

Regulation (EU) No 516/2014

Article 2 – point ab

*Text proposed by the Commission*

(ab) 'targeted Union resettlement scheme' means a targeted Union resettlement scheme established in accordance with Article **15(2)** of [Regulation (EU) No XXX/XXX (Resettlement Framework Regulation)].

*Amendment*

(ab) 'targeted Union resettlement scheme' means a targeted Union resettlement scheme established in accordance with Article **8** of [Regulation (EU) No XXX/XXX (Resettlement Framework Regulation)].

Or. en

**Amendment 114**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point 3**

Regulation (EU) No 516/2014

Article 17 – paragraph 1

*Text proposed by the Commission*

1. In addition to their allocation calculated in accordance with point (a) of Article 15(1), **Member States shall receive for each resettled person in accordance with a targeted Union resettlement scheme** a lump sum of EUR **10,000**.

*Amendment*

1. **Member States shall**, in addition to their allocation calculated in accordance with point (a) of Article 15(1), **receive every two years an additional amount as set out in point (b) of Article 15(2) based on** a lump sum of EUR **6 000** for each resettled person. **The lump sum shall be increased to EUR 10,000 for each person resettled in accordance with a targeted resettlement scheme.**

*Justification*

*Although there should be some incentive for MS to participate in the Union Resettlement Framework, national efforts in the field of resettlement should not be discouraged. With this amendment, the rapporteur tries to find a balance between these two objectives.*

**Amendment 115****Proposal for a regulation  
Article 18 – paragraph 1***Text proposed by the Commission*

1. By **31 December 2018** the Commission shall report to the European Parliament and the Council on the application of this Regulation in the Member States.

*Amendment*

1. By ... [**one year after entry into force**], the Commission shall report to the European Parliament and the Council on the application of this Regulation in the Member States.

Or. en

**Amendment 116****Proposal for a regulation  
Article 18 – paragraph 2***Text proposed by the Commission*

2. Member States shall provide the Commission and [the European Union Agency for Asylum] with the necessary information for drawing up its report for the purpose of paragraph 1 in addition to the information provided to [the European Union Agency for Asylum] on the number of third-country nationals and stateless persons effectively resettled **on a weekly basis** as laid down in Article 22(3) of [Regulation (EU) No XXX/XXX (Dublin Regulation)].

*Amendment*

2. Member States shall provide the Commission and [the European Union Agency for Asylum] with the necessary information for drawing up its report for the purpose of paragraph 1 in addition to the information provided to [the European Union Agency for Asylum] on the number of third-country nationals and stateless persons effectively resettled as laid down in Article 22(3) of [Regulation (EU) No XXX/XXX (Dublin Regulation)].

Or. en



## EXPLANATORY STATEMENT

Every day 34,000 men, women and children are forced to leave their homes due to conflict, persecution, violence and human rights violations. This figure has risen steadily year on year, resulting in more than 65 million people fleeing for their lives, split two to one between internally displaced people and refugees. An estimated 12.4 million people were displaced in 2015 alone. With ever-rising numbers and no pauses in the conflicts and violence responsible, there is an urgent need for more effective, permanent solutions on a global scale.

### **The Geneva Convention: An international law instrument in the aftermath of 2nd WW**

Following the Second World War, many countries realised that there was a deep need to promote and further establish international law instruments. One of the objectives was to create an international instrument that would ensure that people in need of protection would be granted refuge. In the Geneva Convention of 28 July 1951 Relating to the Status of Refugees, the international community has laid down binding rules of international humanitarian law that delineate who, in what circumstances, is to be treated as a refugee and how they are to be cared for. All EU Member States are signatories to that Convention. Although the European Union as such is not a signatory to the Convention, Article 63(1) EC expressly provides that the common policy on asylum must be adopted in accordance with the 1951 Convention and the 1967 Protocol.

United Nations High Commission for Refugees (UNHCR) was created in 1950, during the aftermath of the Second World War, to help millions of people who had fled or lost their homes. UNHCR serves as the ‘guardian’ of the 1951 Convention and its 1967 Protocol. The UNHCR is a central worldwide actor providing support to countries hosting refugees and assisting States in their policy responses. In order for the European Union to reinforce its work on refugee protection and resettlement, it is critical to build upon the work of UNHCR.

### **Resettlement: one safe and legal pathway for international protection**

The Common European Asylum System, currently under revision, addresses different elements such as increased responsibility sharing for welcoming refugees, reception conditions, common procedures and rules for qualification. However, there is a gap when it comes to addressing the need for safe and legal arrivals to the EU.

Increased and more effective safe and legal routes into the EU have been called for in numerous European Parliament resolutions over the years, as well as by the European Commission, the Council of Europe’s Commissioner for Human Rights, the UN High Commissioner for Refugees, the UN Special Rapporteur on the human rights of migrants, the UN High Commissioner for Human Rights, and many civil society actors. A UN Summit on refugees and migrants, and a refugee summit convened by President Obama in September 2016, also called for safe and legal pathways, including resettlement.

While resettlement shares some similarities with migration pathways, it is a distinct pathway. Resettlement must therefore be recognised as complementary to, and not a replacement of, other legal routes to international protection, including humanitarian visas, extended family reunification, and humanitarian admission programmes.

UNHCR is mandated by its Statute and the UN General Assembly Resolutions to undertake resettlement as one out of three durable solutions. The official definition of “resettlement” in the UNHCR Resettlement Handbook is as follows:

*Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with*

*permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family or dependants with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.*

Resettlement is, by design, a tool to provide protection and a durable solution to refugees. It is with this background that the UN High Commissioner for Refugees, the International Organisation for Migration, the European Council on Refugees and Exiles, the International Rescue Committee, Caritas, the Red Cross, Amnesty International and many more stakeholders, mean that linking resettlement with third countries cooperation in migration matters is not a sustainable choice. It moves away from resettlement as a protection tool for the most vulnerable refugees. Resettlement must continue to be based on the needs of the most vulnerable refugees. It is worth noting that UNHCR already views resettlement as the last alternative, meaning that when they assess a case other durable solutions have already been reviewed. Determining geographical priorities based on third countries cooperation in the area of migration and leveraging resettlement to reach foreign policy objectives would therefore de facto jeopardize a humanitarian, needs-based and international protection approach. Similarly, it is essential that the Union framework align with UNHCR when it comes to eligibility criteria used in resettlement programmes.

### **A Union Framework that complements international structures for resettlement**

In order to ensure that the EU framework reinforces global resettlement efforts, as well as upholds international law, resettlement must be underpinned by protection considerations for the persons concerned. A European Union Resettlement Framework should be based on humanitarian needs, contribute to global resettlement needs and alleviate protracted refugee situations. For this reason, the Framework must be aligned with already existing international resettlement structures in order to be complementary to existing efforts, to be able to further increase EU member states participation in resettlement, and most importantly, to actually function on the ground. This will be ensured in the following ways:

- The role of UNHCR as the main institution that refers resettlement cases to Member States is reiterated (Article 10). This does not mean that Member States or other relevant organisations cannot do referrals; it is only stating how resettlement already works on the ground. However, it puts in place safeguards and it avoids duplication of procedures or structures.
- Geographical priorities (Article 4 and 7) should be based on the Global Projected Resettlement Needs publication that UNHCR releases every year. This is where we can find the most thorough assessment of where the needs for resettlement are most urgent in the world, and it should clearly guide the Union Resettlement Framework.
- The role of the High-Level Resettlement Committee should be more clearly aligned with existing structures. Following the Annual Tripartite Consultations on Resettlement (ATRC) the High-Level Resettlement Committee shall meet to outline the main components of the resettlement plan as well as the different resettlement schemes. The membership of the high-level resettlement committee has been broadened in order to ensure more transparency and quality.

### **A Union Framework that increases numbers**

Europe has 23.8% of the world's GDP (OECD data, 2014), yet EU Member States host only around 8% of the world's refugees. This places a disproportionate burden on developing

countries, which host the vast majority. 22 European countries resettled 13,040 persons in 2015 (9,629 to 17 EU Member States), with Europe contributing, on average, approximately 10 per cent to global resettlement intakes over the past five years. By contrast, that same year, the U.S. resettled 69,933 refugees.

EU Member States have displayed an unwillingness to create adequate legal and safe pathways of entry into the region. As a result, people on the move continue to be left with no other option but to turn to smugglers and embark on dangerous irregular journeys. If we want to reduce the need for dangerous journeys, reduce loss of lives and reliance on smuggling networks, this will only become a reality when the number of places offered is credible and meaningful. The Union Resettlement Framework should target to resettle at a minimum 25% of the Annual Projected Global Resettlement Needs. In 2017 this would mean approximately 250,000 people.

### **A Union Framework that supports national programmes**

The EU Member States that have running and successful resettlement programmes should be encouraged to continue and to expand, share their experience and pool resources. The EU Member States that are just starting their first resettlement programmes should be given all support necessary for their first experience to be rewarding and positive. The EU Member States that have little or no experience of resettlement need to find a robust structure that can help them get started, which includes an exchange of best practices with other Member States, and operational and technical support including from [The European Union Asylum Agency]. If the Union Resettlement Framework enforces common procedures, eligibility criteria or exclusion grounds also on national programmes, it runs the risk of discouraging national efforts in the field of resettlement.

At the same time it is clear we need to build incentive for Member States to participate in the Union Resettlement Framework. As a balance between these two objectives, it is suggested that Member States keep the EUR 6,000 per resettled person that they receive from AMIF, and keep the raised number of EUR 10,000 per resettled person when Member States choose to resettle under the Union Framework.

### **A Union Framework that provides a durable solution**

The basis of resettlement as a durable solution is that receiving States are expected to provide resettled persons with permanent residence. A one-year or three years residence cannot be seen as a durable solution by anyone. Therefore, it is vital that Member States are able to issue residence permits that are more favourable than those suggested in [the Qualification Regulation]. On this point, it is suggested that Member States may issue residence permits of permanent or unlimited validity on terms that are more favourable as referred to in Article 13 of Council Directive 2003/109/EC, as amended by Directive 2011/51/EU [the Long Term Residence Directive].

### **A Common European Asylum System must have several safe and legal pathways**

Our common asylum system cannot continue to exclusively focus on making it as hard as possible for people fleeing to reach the territory of the European Union. Safe and legal pathways, together with good reception and integration structures, is absolutely vital for a functioning European asylum system. The right to asylum and international law must be respected. It is not a choice that Member States can opt-out of. A robust Union Resettlement Framework that ensures added quality and quantity to already existing European resettlement efforts is one fundamental part of such a system – but must be coupled with other legal pathways as well. The European Union must step up our common efforts and prove that our

continent and our Union can take our fair share of the global responsibility.