

## Relocation, Resettlement and Burden Sharing in the EU migration crisis: the figures

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The European Commission presented its reports on the implementation<sup>1</sup> of the three main mechanisms that constitute the provisional emergency-led system European Union (EU) established in the last six months for dealing with the pressure of the refugees crisis: relocation, Resettlement and the EU/Turkey Agreement on the 1:1 resettlement system. Such a system is mainly founded on a burden - sharing approach, which is adopted both at domestic and at external level. The domestic burden - sharing concerns those intra EU mechanisms aiming at achieving a balance in the efforts made by Member States (MSs) in receiving asylum seekers and temporary protection seekers. The external burden sharing concerns those activities and agreements EU promotes in order to share costs and responsibilities of managing this international public policy with third countries.

**Relocation system** is to be classified as domestic burden sharing mechanism. It has been adopted by the Justice and Home Affairs Council in July and in September 2015 and it should realise a transfer of 160,000 asylum seekers from Italy and Greece<sup>2</sup>, were they arrive and were they must be identified, to the other MSs, where they will have asylum applications processed and were they will have the right to reside, if these applications are successful<sup>3</sup>. The Council Decisions establishing the relocation procedure are legally founded on Article 78.3 TFEU<sup>4</sup> and this legal basis has the effects to skip the ordinary decision making procedure and to introduce a temporary redistribution system.

The final text did not achieve unanimity: Hungary, Czech Republic, Slovakia and Romania voted against, Finland abstained and the UK, Ireland and Denmark did not participate in this Decision.<sup>5</sup> Moreover, it was very different from the Commission Proposal<sup>6</sup>. The main differences are connected with two main points. The first concerns the distribution of the relocated people among MSs. According the Commission proposal, the number of relocated people each State should receive would be done on the basis of “a mandatory distribution key” based on a system of weighted criteria, which considers the following variables: a) the size of the population (40% weighting) as it reflects the capacity to absorb a certain number

<sup>1</sup> Strasbourg, 12.4.2016 COM(2016) 222 final

<sup>2</sup> In July the Council agreed for the relocation of 40.000 asylum seekers (Council of the EU, 11131/15, 22 July 2015) and in September the Council agreed on the relocation of other 120.000 asylum seekers: Council of the EU, 12098/15, 22 September 2015.

<sup>3</sup> The UK, Ireland and Denmark do not participate in this Decision

<sup>4</sup> “In the event of one or more Member States being confronted with an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.”

<sup>5</sup> Carrera S. and Guild E., *Can the new refugee relocation system work? Perils in the Dublin logic and flawed reception conditions in the EU*, CEPS Policy brief, No. 334, October 2015: 3

<sup>6</sup> COM(2015) 451

of refugees; b) total GDP (40% weighting) as it is indicative of the capacity of an economy to absorb and integrate refugees; c) average number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010-2014 (10%) as it reflects the efforts made by MSs in the recent past; d) unemployment rate (10%) as an indicator reflecting the capacity to integrate refugees. The final text adopted by the Council did not adopt these criteria, but at the point 25 it stated “ a clear and workable system is envisaged based on a threshold of the average rate at Union level of decisions granting international protection in the procedures at first instance, as defined by Eurostat, out of the total number at Union level of decisions on applications for international protection taken at first instance, based on the latest available statistics. On the one hand, this threshold would have to ensure, to the maximum extent possible, that all applicants in clear need of international protection would be in a position to fully and swiftly enjoy their protection rights in the Member State of relocation. On the other hand, it would have to prevent, to the maximum extent possible, applicants who are likely to receive a negative decision on their application from being relocated to another Member State, and therefore from prolonging unduly their stay in the Union. A threshold of 75 %, based on the latest available updated Eurostat quarterly data for decisions at first instance, should be used in this Decision.”. Furthermore, at its point 34, it established that specific attention shall be given to “the specific qualifications and characteristics of the applicants concerned, such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation.”

The division of relocated people among MSs, as it resulted from the application of these decisions, was agreed by the Council and annexed to the Decision adopted in September 2015<sup>7</sup>. The second relevant difference between the final decision and the Commission’s proposal is related to the level of obligation this system realises for MSs. Commission proposed to charge an amount of 0,002% of GDP to those MSs that declare a temporary inability to take part in the relocation system giving duly justified reasons. The final Decision adopted the possibility to declare a temporary inability, but it did not make reference to any financial penalty. Moreover, the Council Decision established that the relocation should take place over two years, but it did not define a mandatory calendar and let each Member State the responsibility to organise the time-table for transfer. Article 5 states that MSs, at regular intervals, and at least every three months, indicate the number of applicants who can be relocated to their territory by submitting a formal pledges to the Commission. Based on this information, Italy and Greece are requested to identify individual applicants who could be relocated to the other Member States.

2) **Resettlement mechanism** has been adopted by the Council in July 2015<sup>8</sup> in order to provide asylum seekers with legal and safe pathways to enter the EU. The agreed scheme intended to transfer 22 504 displaced persons in clear need of international protection from third State in which they have sought protection to a EU Member State<sup>9</sup> that has agreed to admit them. It should be considered as a external burden -sharing by which EU aims at performing international solidarity. In the Council conclusions a list of priority regions for

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<sup>7</sup> Council of the EU, 12098/15, 22 September 2015

<sup>8</sup> Council of the EU, 11130/15, 22 July 2015

<sup>9</sup> Norway, Iceland, Liechtenstein, and Switzerland decided to participate at the resettlement agreement.

resettlement is provided: North Africa, the Middle East and the Horn of Africa, focusing in particular on the countries where the Regional Development and Protection Programmes are implemented.

In the same Decision, Council agreed on the number of asylum seekers each Member State<sup>10</sup> commits to admitting over a period of two years.

3) **EU/Turkey 1:1 system** has been established in March 2016<sup>11</sup>. In October 2015 the EU and Turkey signed a joint action plan<sup>12</sup> with the aim to cooperating in managing the flows of Syrian refugees. In the framework of this joint action plan, an agreement has been signed on 18 March 2016 that aims at returning to Turkey all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016. Agreement claims the migrants arriving in the Greek islands will be registered and any application for asylum will be processed individually by the Greek authorities. Migrants not applying for asylum or whose application has been found unfounded or inadmissible will be returned to Turkey. It consists in a resettlement mechanism based on a “one to one” formula in which for every Syrian national returned from the Greek islands another will be resettled to the EU directly from Turkey. In order to implement the project, EU will disburse 3 billion euros for financing the Facility for Refugees in Turkey and, once these resources are about to be used to the full, it will mobilise additional funding for the Facility of an additional 3 billion euro up to the end of 2018. This new agreement between EU and Turkey is directly connected with the resettlement and relocation agreements among Member states as they results from the Council Decisions taken in July and in September 2015. As stressed in the text of the Agreement with Turkey, *“the resettlement under this mechanism will take place, in the first instance, by honouring the commitments taken by Member States in the conclusions of Representatives of the Governments of Member States meeting within the Council on 20 July 2015, of which 18.000 places for resettlement remain”*. Moreover European Council welcomed the proposal by the European Commission to amend the relocation decision of 22 September 2015 to allow for any resettlement commitment undertaken in the framework of this EU-Turkey mechanism to be offset from non-allocated places under the decision.

It needs to analyse some data in order to assess the effective state of the play.

### **Relocation: state of play**

Table 1 shows the number of the relocated persons in each Member State (MS)<sup>13</sup> from Italy, table 2 shows the number of the relocated persons in each Member State (MS)<sup>14</sup> from Greece

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<sup>10</sup>Norway Iceland, Liechtenstein, and Switzerland participate at this resettlement mechanism by agreeing to accept respectively, 3500, 50, 20 and 519 resettled people

<sup>11</sup> See at : <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

<sup>12</sup> See at : [http://europa.eu/rapid/press-release\\_MEMO-15-5860\\_it.htm](http://europa.eu/rapid/press-release_MEMO-15-5860_it.htm)

<sup>13</sup> Source: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160518/factsheet\\_relocation\\_and\\_resettlement\\_-\\_state\\_of\\_play\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160518/factsheet_relocation_and_resettlement_-_state_of_play_en.pdf)

<sup>14</sup> Source: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160518/factsheet\\_relocation\\_and\\_resettlement\\_-\\_state\\_of\\_play\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160518/factsheet_relocation_and_resettlement_-_state_of_play_en.pdf)

and table 3 displays aggregated data from both the countries compared with the number of relocated people as it was agreed in the Council Decision of September 2015<sup>15</sup>, the difference between the agreed and the effective number and the percentage of compliance for each countries. From the data analysis emerges member states are not fully complying with their obligations as required by the EU Decision 12098/2015.

Data show six MSs - Austria, Croatia, Czech Republic, Hungary, Poland and Slovakia- have not yet received any relocated asylum seeker formal pledge neither for relocation from Italy nor from Greece. In March 2016, the Council adopted a decision<sup>16</sup> temporarily suspending the relocation of 30% of applicants allocated to Austria under the second relocation mechanism. But, as stressed by the Commission<sup>17</sup>, Austria should be relocating (and submitting pledges for) the remaining allocations.

### **Resettlement state of play**

Based on the Commission report<sup>18</sup>, table 4 show the data on the reallocated people. Until 13 May 2016 6155 people were resettled in the framework of the scheme as it was agreed. This number represents the 34,55% of the total number agreed in the decision and it includes the three associated countries that joined the mechanism. The total asylum seekers settled only by EU MSs are 5403 and they represent 30,3 of the total number as it has been agreed in July 2015<sup>19</sup>. Asylum seekers were resettled in eleven MSs.

### **EU/Turkey 1:1 system state of play**

The EU/Turkey resettlement agreement is expected to have heavy influence on the relocation mechanism among MMs and on the selection of external countries for resettlement. EU Commission stressed that *“While under the Conclusions of 20 July 2015 Member States have agreed on a rather broad spectrum of priority regions for resettlement, it is expected that following the EU-Turkey statement of 18 March 2016, most of the approximately 16,800 remaining places for resettlement in the framework of this scheme should take place from Turkey.”*<sup>20</sup>. Even if only 177 persons were resettled under the agreement with Turkey (see tab. 7), EU is planning to foster this mechanism to detriment of the other two mechanism. Commission proposed to make the 54,000 places initially foreseen for relocation, available for the purpose of admitting Syrians from Turkey to the EU through resettlement, humanitarian admission or other legal pathways<sup>21</sup>. According to this proposal, Member States would be able to subtract from the number of applicants to be relocated the number of Syrians legally admitted to their territory from Turkey under national or multilateral resettlement schemes.

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<sup>15</sup> Source: Council of the EU, 12098/15, 22 September 2015.

<sup>16</sup> Council of the EU, 6715/16, 8 March 2016

<sup>17</sup> Strasbourg, 12.4.2016 COM(2016) 222 final

<sup>18</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160518/factsheet_relocation_and_resettlement_-_state_of_play_en.pdf)

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<sup>19</sup> Council document 11130/15

<sup>20</sup> “Second report on relocation and resettlement”, COM(2016) 222 final

<sup>21</sup> 20 COM(2016) 171 final.

These numbers would be in addition to the commitments carried out under the resettlement Conclusions of 20 July 2015, but would be subtracting from the number of relocated as it was agreed in September 2015. It is relevant to note that a total of 325 persons who entered irregularly after 20 March and did not apply for asylum after 20 March have been returned from Greece to Turkey, in the framework of the 1:1 system and, in total, 1,292 migrants have been returned under the bilateral readmission agreement between Greece and Turkey in 2016<sup>22</sup>. There is an evident lack of implementation of the “one for one” mechanism and the Commission highlighted the need “to ensure that the number and rate of resettlements of Syrians from Turkey to the EU matches those of returns of Syrians from Greece to Turkey” and stressed that “Member States need to plan their resettlement pledges with this in mind”<sup>23</sup>

### **Comparative Data Analysis**

The Tables 5 and 6 made possible a comparative analysis of the Resettlement and Relocation compliance and performances among MSs. Table 5 shows the percentage of compliance with the agreed relocated persons shared among MSs, excluded those MSs that has not yet resettled any person. Table 6 shows the resettlement percentage of compliance with the agreed scheme, excluded those MSs that has not yet reallocated any person.

Resettlement mechanism has an higher rate of compliance compared with the relocation: 6155 asylum seekers had been resettled on 17815 indicated by the Council Decision with a percentage of 34,55% of compliance. 1497 people had been relocated from Italy and Greece to other MMs on 67025 indicated by the Council decision in September 2015, with a percentage of 2,2 % as compliance rate.

UK, Austria, Ireland and Denmark have the highest rate of resettlement. UK, Austria and Denmark don't have any commitment in the relocation system. Malta, Luxemburg, Portugal and Finland are the best performers for the relocation mechanism, but Malta, Luxemburg and Portugal don't have any commitment in the resettlement system. Finland is the best performer in term of participation at the three mechanisms. It has resettled 47,4% of its assignment, it has relocated 20,1% of its assignment and it has resettled 11 persons in the framework of the EU-Turkey agreement.

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<sup>22</sup> Source, European Commission, COM(2016) 231 final

<sup>23</sup> 20 COM(2016) 171 final:7

## TABLES

Tab. 1

MSs	Relocated from IT (by 13 May 2016)	Allocation from IT as stated in September 2015	Difference	%
<b>Austria</b>	x	462	462	-
<b>Belgium</b>	24	579	555	4,5
<b>Bulgaria</b>	x	201	201	-
<b>Croatia</b>	x	134	134	-
<b>Cyprus</b>	x	35	35	-
<b>Czech Republic</b>	x	376	376	-
<b>Denmark</b>	x	x		
<b>Estonia</b>	x	47		-
<b>Finland</b>	148	304	156	48,7
<b>France</b>	137	3064		4
<b>Germany</b>	20	4027		0,5
<b>Greece</b>				
<b>Hungary</b>	x	306		-
<b>Ireland</b>	x	x		
<b>Italy</b>	x	x		
<b>Latvia</b>	2	66	64	3
<b>Lithuania</b>	x	98		-
<b>Luxembourg</b>	x	56		-
<b>Malta</b>	15	17	2	88
<b>Netherlands</b>	50	922	872	5,42
<b>Poland</b>	x	1201		-
<b>Portugal</b>	122	388	266	31,4
<b>Romania</b>	6	585	579	1
<b>Slovenia</b>	x	190		-
<b>Slovakia</b>	x	80		-
<b>Spain</b>	18	1896	1878	0,9
<b>Sweden</b>	39	567	528	6,8
<b>Switzerland</b>	10			
<b>UK</b>	x			
<b>TOTAL</b>	591	15601	15.010	3,78



Tab. 2

MSs	Relocated from GR (2)	Allocation from GR as stated in September 2015	DIFFERENCE	%
<b>Austria</b>	x	1491	1491	-
<b>Belgium</b>	x	1869	1869	-
<b>Bulgaria</b>	4	1651	1647	0,2
<b>Croatia</b>	x	434	434	-
<b>Cyprus</b>	6	112	106	5,3
<b>Czech Republic</b>	4	1215	1211	0,3
<b>Denmark</b>	x	x		-
<b>Estonia</b>	19	152	133	12,5
<b>Finland</b>	111	982	871	11,3
<b>France</b>	362	9898	9536	3,6
<b>Germany</b>	37	13009	12972	0,28
<b>Greece</b>				
<b>Hungary</b>	x	988	988	-
<b>Ireland</b>	10	x	-10	
<b>Italy</b>	x	x		
<b>Latvia</b>	21	215	194	9,7
<b>Lithuania</b>	6	318	312	1,8
<b>Luxembourg</b>	30	181	151	16,5
<b>Malta</b>	11	54	43	20,3
<b>Netherlands</b>	142	2978	2836	4,7
<b>Poland</b>	x	3881	3881	-
<b>Portugal</b>	89	1254	1165	7,0
<b>Romania</b>	29	1890	1861	1,5
<b>Slovenia</b>	28	612	584	4,5
<b>Slovakia</b>	x	257	257	-
<b>Spain</b>	x	6127	6127	-
<b>Sweden</b>	x	1830	1830	-
<b>UK</b>				
<b>TOTAL</b>	909	51398	50489	1,7

Tab. 3

MSs	Tot Relocated	TOT agreed relocation	%
Austria	0	1953	-
Belgium	24	2472	0,97
Bulgaria	4	1852	0,2
Croatia	0	568	-
Cyprus	6	147	4,08
Czech Republic	0	1591	-
Denmark			
Estonia	19	199	9,5
Finland	259	1286	20,1
France	499	12962	3,8
Germany	57	17036	0,33
Greece			
Hungary	0	1296	-
Ireland	10	0	
Italy			
Latvia	24	281	8,5
Lithuania	6	416	1,44
Luxembourg	30	237	12,65
Malta	36	71	50,7
Netherlands	192	3900	4,9
Poland	0	5082	-
Portugal	211	1642	12,8
Romania	35	2475	1,4
Slovenia	28	802	3,5
Slovakia	0	337	-
Spain	18	8023	0,22
Sweden	39	2397	1,62
UK			
<b>TOTAL</b>	<b>1497</b>	<b>67025</b>	<b>2,2</b>

Tab. 4

MSs	Resettled under the 20 July scheme (by 13 May 2016) (1)	Resettlement as it agreed on July 2015 (2)	%
Austria	1443	1900	75
Belgium	321	1100	29,1
Bulgaria	0	50	-
Croatia	52	150	34,6
Cyprus	0	69	-
Czech Rep.	52	400	13



Denmark	481	1000	48
Estonia	0	20	-
Finland	139	293	47,4
France	221	2375	9,31
Germany	0	1000	-
Greece	0	354	-
Hungary	0	x	-
Ireland	263	520	50,5
Italy	266	1989	13
Latvia	0	50	-
Lithuania	0	70	-
Luxembourg	0	30	-
Malta	0	14	-
Netherlands	301	1000	30
Poland	0	900	-
Portugal	0	191	-
Romania	0	80	-
Slovenia	0	100	-
Slovakia	0	20	-
Spain	0	1449	-
Sweden	0	491	-
UK	1864	2200	84,7
Norway*	323		
Liechtenstein*	20		
Switzerland*	413		
<b>TOTAL</b>	<b>6155</b>	<b>17815</b>	<b>34,55</b>

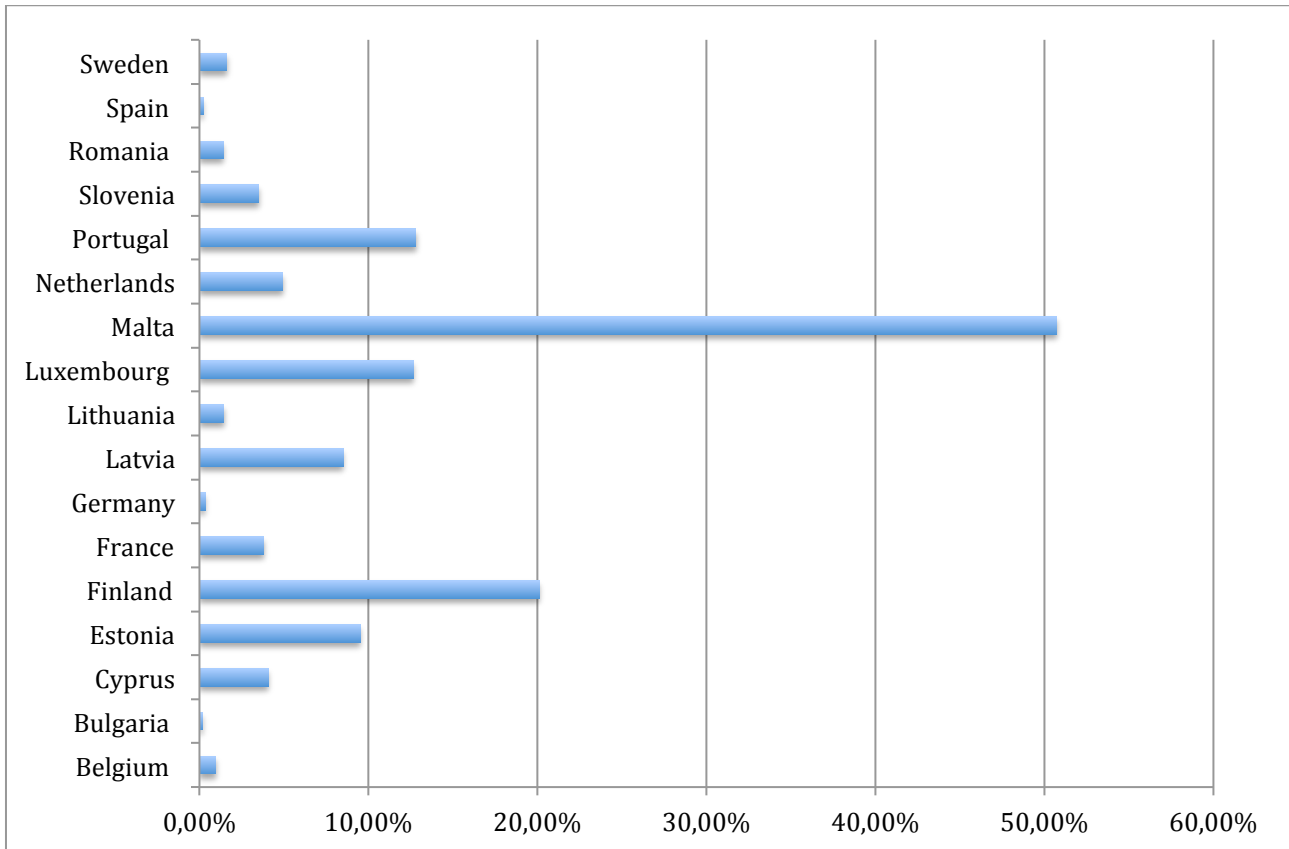
\* Associated countries

(1) Source: European Commission Factsheet: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160412/factsheet\\_relocation\\_resettlement\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160412/factsheet_relocation_resettlement_en.pdf)

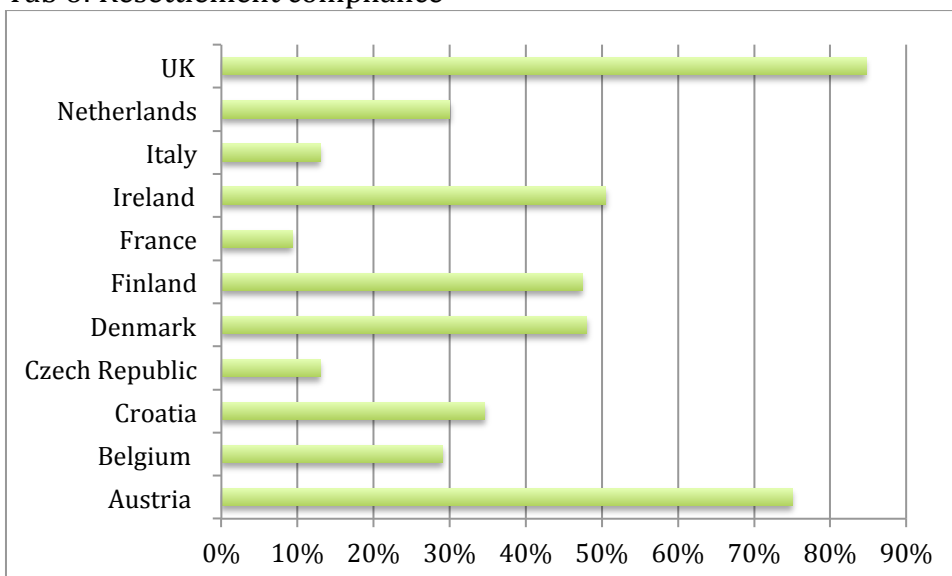
(2) Source: Council of the EU, 11130/15, 22 July 2015

(3) Source: European Commission Factsheet: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160412/factsheet\\_relocation\\_resettlement\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160412/factsheet_relocation_resettlement_en.pdf)

Tab. 5: Relocation compliance per MSs



Tab 6: Resettlement compliance



Tab. 7: Resettlement from Turkey under the EU/Turkey deal

MSs	Resettlement of Syrian refugees from Turkey from 4 April 2016 to 27 April <sup>24</sup>
<b>Austria</b>	
Belgium	x
Bulgaria	x
Croatia	x
Cyprus	x
Czech Republic	x
Denmark	x
Estonia	x
Finland	11
France	x
Germany	54
Greece	x
Hungary	x
Ireland	x
Italy	x
Latvia	x
Lithuania	5
Luxembourg	x
Malta	x
Netherlands	52
Poland	x
Portugal	x
Romania	x
Slovenia	x
Slovakia	x
Spain	x
Sweden	55
UK	
<b>TOTAL</b>	<b>177</b>

<sup>24</sup> Source: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_eu-turkey\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_eu-turkey_en.pdf)  
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