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From:	Presidency
To:	Delegations
No. prev. doc.:	10199/17
Subject:	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 (First reading)

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JHA Counsellors examined new Presidency compromise proposals on 19 June.

Taking into account comments made by delegations on this occasion, this document contains compromise proposals suggested by the Presidency in relation to all articles and the recitals.

Suggested modifications are indicated as follows:

- new text compared to the Commission proposal is in **bold**;
- new text compared to the previous version of this document is in **bold underlined**;
- deleted text is marked with [...].

Comments made by delegations on the Commission proposal text and on the Presidency compromise proposals, orally and in writing, **as well as explanations given by the Presidency, appear in the footnotes of the Annex.**

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing a Union Resettlement and Humanitarian Admission Framework and amending  
Regulation (EU) No 516/2014 of the European Parliament and the Council<sup>1</sup>**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(d) and (g) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

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<sup>1</sup> Without prejudice to Ireland's right to opt in post-adoption as set out in Article 4 of Protocol 21 of the TFEU, Ireland has not opted into this proposal under Article 3 of Protocol 21 of the TFEU and as such does not have voting rights. **AT:** reservation on the proposal. **BG, CZ, DE, ES, FI, HU, IE, IT, PL, SE, SI, SK:** scrutiny reservation on the proposal. **HU, SI:** parliamentary reservation.

<sup>2</sup> OJ C , , p. .

Having regard to the opinion of the Committee of the Regions<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Justice and Home Affairs Council Conclusions of 10 October 2014 acknowledged that "while taking into account the efforts carried out by Member States affected by migratory flows, all Member States should give their contribution to [resettlement] in a fair and balanced manner."<sup>4</sup>
- (2) In its Communication on a European Agenda on Migration<sup>5</sup> of 13 May 2015 the Commission set out the need for a common approach to granting protection to displaced persons in need of protection through resettlement.
- (3) On 8 June 2015 the Commission addressed a Recommendation on a European Resettlement Scheme<sup>6</sup> to the Member States, based on an equitable distribution key. It was followed by Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 to resettle, through multilateral and national schemes, 22 504 persons in clear need of international protection<sup>7</sup>. The resettlement places were distributed between Member States and Dublin Associated States according to the commitments set out in the Annex to the Conclusions.

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<sup>3</sup> OJ C , , p. .

<sup>4</sup> Council Conclusions on "Taking action to better manage migratory flows", Justice and Home Affairs Council meeting, 10 October 2014.

<sup>5</sup> COM(2015) 240 final.

<sup>6</sup> C(2015) 3560 final.

<sup>7</sup> 11097/15.

- (4) On 15 December 2015, the Commission addressed a Recommendation for a Voluntary Humanitarian Admission Scheme with Turkey<sup>8</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.
- (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 States and Turkey reached a common understanding on Standard Operating Procedures guiding the implementation of this resettlement scheme.
- (6) On 6 April 2016, the Commission adopted a Communication Towards a Reform of the Common European Asylum System and enhancing legal avenues to Europe<sup>9</sup> in which it announced it would set out a proposal for a structured resettlement system framing the Union's policy on resettlement and providing a common approach to safe and legal arrival in the Union for persons in need of international protection.
- (7) On 12 April 2016, the European Parliament adopted a resolution on the Situation in the Mediterranean and the need for a holistic EU approach to Migration<sup>10</sup> underlining the need for a permanent Union-wide resettlement programme, providing resettlement for a meaningful number of refugees, having regard to the overall number of refugees seeking protection in the Union.

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<sup>8</sup> C(2015) 9490.

<sup>9</sup> COM(2016) 197 final.

<sup>10</sup> 2015/2095(INI).

- (8) Building on the existing initiatives, a stable and reliable Union Resettlement **and Humanitarian Admission** Framework should be established for the [...] **admission** of [...] **third-country nationals or stateless persons in need of international protection from a third country to which they have been forcibly displaced, to the territory of the Member States** [...] to be implemented in accordance with [...] **a Union Resettlement and Humanitarian Admission Plan** [...] which **should** effectively [...] **reflect** Member States' concrete commitments.
- (9) Such a framework is a necessary part of a well-managed migration policy to reduce divergences among national resettlement practices and procedures [...]; **to** provide for **a durable solution as well as a** [...] legal and safe arrival to the territory of the Member States [...] **for** third-country nationals and stateless persons [...] **from a third country to which they have been forcibly displaced, to the territory of the Member States;** to help reduce **in the long term** the risk of a large-scale irregular inflow of third-country nationals [...] **or** stateless persons to the territory of the Member States and thereby reducing the pressure of spontaneous arrivals on the Member States' asylum systems[...]; **to** be an expression of solidarity with countries in regions to which [...] a large number of persons in need of international protection has been **forcibly** displaced by helping to alleviate the pressure on those countries[...]; **to** help achieve Union's foreign policy objectives by increasing the Union's leverage vis-à-vis third countries, and **to** effectively contribute to global resettlement **and humanitarian admission** initiatives through speaking with one voice in international fora and with third countries.

- (10) In order to help reduce **in the long term** the risk of a large-scale irregular inflow of third-country nationals and stateless persons to the territory of the Member States, **to** show solidarity with countries in regions to which [...] a large number of persons in need of international protection has been displaced by helping to alleviate the pressure on those countries, and **to** help achieve the Union's foreign policy objectives, the regions or third countries from which resettlement **or humanitarian admission** 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>11</sup>.
- (11) In order to reduce divergences among the national resettlement practices and procedures, **a** common [...] procedure[...] and common eligibility criteria and [...] grounds **for refusal** for the selection should be laid down, as well as [...] common **principles regarding the** [...] status to be granted to [...] **admitted** persons.
- (12) The common [...] **admission** procedure[...] should build on the existing resettlement **and humanitarian admission** 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. [...]
- (13) [...] **The admission** procedure consists of the following stages: identification **of the persons for whom a Member State intends to conduct an admission procedure**, registration, assessment, **conclusion on admission** and, **in case of resettlement**, decision **on granting international protection or, in case of humanitarian admission, decision on granting international protection or humanitarian status under national law**.
- (13a) A positive conclusion on admission means that a person in relation to whom the admission procedure has been carried out for the purpose of resettlement or humanitarian admission by a Member State has been accepted by that Member State for admission. A negative conclusion on admission means that such person has not been accepted by that Member State for admission.**

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<sup>11</sup> COM(2016) 377 final.

- (14) [...] **If a person is granted international protection,** a full assessment of the international protection needs of third-country nationals or stateless persons **should be carried out.**
- (15) [...]
- (16) The [...] **admission** procedure should be concluded as soon as possible in order to discourage persons **forcibly displaced to a third country** in need of international protection **from**[...] **using** [...] irregular ways to enter the [...] 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. [...] **Member States should make every effort to ensure the entry to their territory of a third-country national or stateless person not later than twelve months from the date of the conclusion on their admission.**
- (17) Any personal data collected for the purpose of the [...] **admission** procedure should be stored for [...] **ten** years from the date of **registration for the** [...] **admission procedure.** Given that third-country nationals or stateless persons who have already been [...] **granted international protection or admitted** by one Member State, or who during the last [...] **three** years **prior to admission have been** refused [...] **admission** to a Member State, should be [...] **refused** [...] **admission** to another Member State[...] **under this Regulation,** that **ten-year** period should be considered a necessary period for the storage of personal details, including fingerprints and facial images. **In the case of persons who have not been admitted, the data should be stored for a period of five years from the date of registration for admission.**
- (18) [...]
- (19) There is no subjective right to be resettled **or an obligation on Member States to admit a person.**
- (20) [...]

- (21) In order to ensure uniform conditions for the implementation of the Union Resettlement **and Humanitarian Admission** Framework, implementing powers should be conferred on the Council for establishing the [...] **two-year** Union [...] **Resettlement and Humanitarian Admission** [...] **Plan**, fixing the maximum total number of persons to be [...] **admitted and indicating, where relevant, what part of that number should be dedicated to emergency admission**, the details about the participation of the Member States in the plan and their contributions to the **maximum** total number of persons to be [...] **admitted**, as well as overall geographical priorities.
- (22) [...] **Those implementing** powers should be exercised on a proposal from the Commission on the maximum total number of persons to be [...] **admitted** and overall geographical priorities **reflecting indications on a voluntary basis made by Member States prior to the proposal at the High-Level Resettlement and Humanitarian Admission Committee**. The Commission should make its proposal **for the Plan** simultaneously with its proposal on the draft Union annual budget **in the year preceding the two-year period in which the Plan is to be implemented. The Commission should make its proposal for an amendment to the Plan simultaneously with a corresponding proposal on the draft amending budget, where necessary.** The Council should aim to adopt the proposal within two months. [...]
- (23) [...]
- (24) [...]

(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 **or as of the moment when the resettled person was granted international protection, if granted later**, including the rules to discourage secondary movement of beneficiaries of international protection.<sup>12</sup>

**(25a) In case of humanitarian admission, a Member State may reach a conclusion on the admission of a third country national or stateless person to its territory based on an initial evaluation and grant that person a humanitarian status under national law.**

**(25b) In case of humanitarian admission a Member State may grant a humanitarian status under national law instead of international protection. Such a status under national law should provide for rights and obligations equivalent to those of Articles 22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX [Qualification Regulation] for beneficiaries of subsidiary protection. Such a status should be withdrawn only in case of new circumstances or new evidence arise concerning the person's eligibility following the decision on granting the status.**

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<sup>12</sup> **NL reservation:** important that this is stipulated in the entire document. Refugees benefiting from subsidiary protection status will be able to start proceedings to obtain a refugee status. Current CEAS proposals do not forbid resettled refugees to start an asylum procedure once in the receiving MS. This would go against and annihilate one of the biggest advantages of resettlement as such, which is that the entire procedure is passed through abroad and immediately upon arrival a permit is given and the resettled refugee can start his/her new life; without having to await lengthy (and costly) legal proceedings. This would make resettlement less appealing.

- (26) [In line with the Commission proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)<sup>13</sup>, in order to comprehensively reflect the efforts of each Member State, the number of persons effectively resettled to a Member State should be added to the number of applications for international protection for the purpose of calculating the corrective allocation mechanism 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 **and Humanitarian Admission** 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 [...] **that** Framework.
- (28) [The European Union Agency for Asylum] should assist Member States in the implementation of Union Resettlement **and Humanitarian Admission** Framework in accordance with its mandate.
- (29) A High-Level Resettlement **and Humanitarian Admission** Committee should be established to allow for broad consultations with all stakeholders on the implementation of the Union Resettlement **and Humanitarian Admission** Framework. **The Commission should invite Member States to indicate on a voluntary basis at the meeting of that Committee the details of their participation, including the type of admission and the regions or countries from which admission shall take place, and their contributions to the maximum total number of persons to be admitted under that Plan.**

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<sup>13</sup> COM(2016) 270 final.

- (30) Resettlement **and humanitarian admission** efforts by the Member States under this Regulation should be supported by appropriate funding from the Union's **general** budget. To enable a proper and sustainable functioning of the [...] **Resettlement and Humanitarian Admission** [...] **Plan**, [...] Regulation (EU) No 516/2014 of the European Parliament and of the Council<sup>14</sup> **should be amended**.
- (31) This Regulation does not affect the ability of the Member States to adopt or implement national resettlement schemes[...] for example where they contribute an additional number of [...] **admission** places to [...] the maximum **total** number of persons to be [...] **admitted** under the [...] Union [...] **Resettlement and Humanitarian Admission** [...] **P**lan.
- (32) Complementarity with ongoing resettlement and humanitarian admission initiatives undertaken in the Union framework should be ensured.
- (33) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and should therefore be applied in a manner consistent with these rights and principles, including as regards the rights of the child, the right to respect for family life and the general principle of non-discrimination.
- (34) Any processing of personal data by the authorities of the Member States within the framework of this Regulation should be conducted in accordance with Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

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<sup>14</sup> Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.05.2014, p. 168).

- (35) Any processing of personal data by [the European Union Agency for Asylum] within the framework of this Regulation should be conducted in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council,<sup>15</sup> as well as [Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation)<sup>16</sup>] and it should respect the principles of necessity and proportionality.
- (36) The application of this Regulation should be reviewed simultaneously with the review of Regulation (EU) No 516/2014 establishing the Asylum, Migration and Integration Fund.
- (37) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Regulation]

*OR*

- (37) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.]

*OR*

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<sup>15</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

<sup>16</sup> OJ L [...], [...], p. [...].

(37) [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(37a) In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified (, by letter of ...) its wish to take part in the adoption and application of this Regulation.]

*OR*

(37) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified (, by letter of ...) its wish to take part in the adoption and application of this Regulation.

(37a) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.]

(38) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application,

HAVE ADOPTED THIS REGULATION:

*Article 1*  
**Subject matter**<sup>17</sup>

1. This Regulation:<sup>18</sup>
- [...] establishes a Union Resettlement **and Humanitarian Admission**<sup>19</sup> Framework for the admission of third-country nationals [...] **or** stateless persons to the territory of the Member States with a view to:
    - (a) in case of resettlement**, granting them international protection as defined in Article 2(1) of Regulation (EU) XXX/XXX [Qualification Regulation] (“international protection”) **or**,
    - (b) in case of humanitarian admission, granting them in accordance with this Regulation**:
      - (i) international protection, or**
      - (ii) a humanitarian [...] status under national law<sup>20</sup> [...] that provides for rights and obligations equivalent to those of Articles 22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX [Qualification Regulation] for beneficiaries of subsidiary protection. [...]**

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<sup>17</sup> **AT:** A horizontal approach should be followed, including the articles in the other proposals that make a reference to resettlement, which should be voluntary. **BE:** supports AT on the horizontal approach (especially links with Eurodac).

<sup>18</sup> **DE:** supports the idea of a Union Resettlement Framework but the legal form (Regulation) is questionable. A Directive would be the appropriate legal form or enhanced cooperation (Art. 326 TFEU). Participation in the resettlement scheme is voluntary and pledges might presumably decrease if MS are too much constricted. In addition, well-functioning national resettlement programmes might be impeded if there is no funding for those in the future. DE advocates to fund also national programs (AMIF). **HU:** the legal basis and the choice of instrument are not appropriate.

<sup>19</sup> **BG, EL, ES, FI, SE:** scrutiny reservation. **FR, BE:** in favour of differentiation between resettlement and humanitarian admission but not in favour of a common procedure for humanitarian admission.

<sup>20</sup> **ES, SK:** reservation. **BG, PL, PT, SE, SI:** scrutiny reservation.

- [...] lays down rules on the admission<sup>21</sup> [...] of third-country nationals [...] or stateless persons to the territory of the Member States for the purpose of implementing this Regulation. Admission shall take place through resettlement or humanitarian admission.
- 2. This [...] Regulation does not establish a right for third-country nationals or stateless persons to be [...] admitted to the territory of the Member States [...].
  - 2a. This Regulation does not impose an obligation on Member States to admit a [...] person.
  - 2b. **Member States shall contribute to the Union Resettlement and Humanitarian Admission Plan set out under Article 7, on a voluntary basis.** The indications made by the Member States in the High Level Resettlement and Humanitarian Admission Committee in relation to the details of their participation, **including the type of admission and the regions or countries from which admission shall take place,** and of their contribution to the maximum total number of persons to be admitted under [...] **that** Plan [...] shall be voluntary<sup>22</sup>.

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<sup>21</sup> **EL:** scrutiny reservation as to the use of the word "admission".

<sup>22</sup> **AT, BG, CZ, LT, NL, RO:** not only indications should be voluntary, but also the participation. Member States cannot be bound to other contributions than explicitly indicated. **FR:** scrutiny reservation.

Article 2  
[...] Definitions<sup>23</sup>

For the purposes of this Regulation **the following definitions apply:**

- (1) 'resettlement'<sup>24</sup> means the admission, **following a referral from the United Nations High Commissioner for Refugees ('UNHCR')<sup>25</sup>**, of third-country nationals or stateless persons **who are eligible under** [...] Article 5 (1) [...] **and who [...] have not been refused [...] admission in accordance with Article 6 [...],** from a third country to which [...] they have been **forcibly displaced,** to the territory of the Member States, [...] **and who are granted<sup>26</sup> international protection<sup>27</sup>**[...];

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<sup>23</sup> **ES, PL:** reservation on the article; renumber the current para as (1) and add one more para as follows: "(2) '*Resettled person*' means a person subject to the process of resettlement whereby, on a request from the United Nations High Commissioner for Refugees ('UNHCR') based on a person's need for international protection, third-country nationals are transferred from a third country and established in a Member State where they are permitted to reside with one of the following statuses:  
(i) '*refugee status*' within the meaning of point (e) of Article 2 of Directive 2011/95/EU;  
(ii) '*subsidiary protection status*' within the meaning of point (g) of Article 2 of Directive 2011/95/EU." Delete text in Art 2 (q) of Dublin Regulation and make reference to it here; this proposal is the right place to define the aspects of resettlement. **CZ, FR, SE, SK:** scrutiny reservation on the article. **BE, NL:** suggest drafting as follows: *For the purposes of this Regulation, the following definitions apply: (a) 'resettlement' means, upon referral from the UNHCR the transfer of third country nationals and stateless persons in need of international protection from a third country to which they have been displaced to the territory of a Member State that has agreed to admit them, with a view to granting them a status provided in the Qualification Regulation or an equivalent status ; (b) 'humanitarian admission' means the admission of third-country nationals or stateless persons who are considered to be in need of international protection from a third country to which or within which they have been displaced; (c) 'emergency resettlement' means resettlement of individual emergency cases submitted by UNHCR to ensure security of refugees who are in immediate life-threatening situations.*"

<sup>24</sup> **IE:** reservation on the definition.

<sup>25</sup> **AT, SK:** reservation. Referral from the UNHCR shouldn't be compulsory.

<sup>26</sup> **SK:** better to keep "with a view to granting them" as in the original proposal.

<sup>27</sup> **DE:** add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification regulation*".

- (2) 'humanitarian admission' means the admission, following, where requested by [...]a Member State [...], a referral from the UNHCR, [the European Union Agency for Asylum] or another relevant international body, of third-country nationals or stateless persons [...], from a third country to which<sup>28</sup> they have been forcibly displaced, to the territory of the Member States and who[...], at least [...], on the basis of an initial evaluation:
- (a) are eligible under Article 5 (1a);
  - (b) have not been refused admission under Article 6 and
  - (c) are granted in accordance with point aa) of Article 10 (7) of this Regulation international protection or a [...] humanitarian status under national law that [...] provides for rights and obligations equivalent to those of Articles 22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX [Qualification Regulation] for beneficiaries of subsidiary protection [...].<sup>29</sup>
- (3) 'emergency admission'<sup>30</sup> means the admission through resettlement or humanitarian admission<sup>31</sup> of persons with urgent legal or physical protection needs or with immediate medical needs.

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<sup>28</sup> **BE, NL:** add "or within which". Would like to keep flexibility on having IDPs as part of humanitarian admissions.

<sup>29</sup> **BE:** Humanitarian admissions should be left to the discretion of Member States. Delete from "to the territory" until the end and add "*through national procedures and not being resettled within the meaning of this Regulation*". **SK:** scrutiny reservation. **DE:** add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification Regulation*". **IT:** Add an additional sentence: "*Such admission by Member States may also take place under national admission schemes, insofar as the latter are compatible with the objective of this Regulation*". This addition is aiming at making clear that international protection will be granted to admitted individuals

<sup>30</sup> **AT:** this term should be defined further. **BG, EL:** scrutiny reservation

<sup>31</sup> **BE, NL:** emergency admission should be only limited to "resettlement".

Article 3

**Union Resettlement and Humanitarian Admission Framework**

[...]

[...]

The Union Resettlement **and Humanitarian Admission** Framework shall:<sup>32</sup>

- a) provide for the legal and safe arrival of third-country nationals [...] **or** stateless persons [...] **who are eligible for and have not been refused admission in accordance with this Regulation** to the territory of the Member States<sup>33</sup>;
- aa) **contribute to international resettlement and humanitarian admission initiatives;**
- ab) **contribute to alleviating the pressure on third countries in regions to which a large number of persons in need of international protection have been forcibly displaced;**
- b) contribute, **in the long term**, to [...] **reducing** the risk of a large-scale irregular inflow of third-country nationals [...] **or** stateless persons in need of international protection to the territory of the Member States.
- c) [...]

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<sup>32</sup> **CZ, FR, NL:** Would welcome slightly more balance in the wording between the humanitarian protection element and the strategic use of this framework. Perhaps adding a first paragraph (a) "*provide for international protection and a solution to eligible third country nationals and stateless persons who cannot return to their country of origin nor integrate in the country to which they have been displaced*". This could stipulate the protection as well as the strategic element (relieving pressure in the region).

<sup>33</sup> **FR:** modify this sentence as follows: "provide for *a durable solution, as well as* a the legal and safe arrival, *for* of third-country nationals and stateless persons in need of international protection to the territory of the Member States". **PRES:** concerns raised here, were addressed in the recital 9 as it should not be regulated in the operative part of the text.

*Article 4*

**Determination of regions or third countries from which Union resettlement  
or humanitarian admission is to occur<sup>34</sup>**

1. **In order to determine** [...] the regions or third countries from which **Union resettlement or humanitarian admission** shall occur [...], in accordance with [...] Article 7 [...], the following factors shall be taken into consideration:
  - a) **taking into account the UNHCR Projected Global Resettlement Needs**, the number of persons in need of international protection displaced to [...] a third country [...]<sup>35</sup>;
  - b) complementarity with financial and technical assistance provided to third countries to which [...] persons in need of international protection have been **forcibly** displaced;<sup>36</sup>
  - c) the Union's overall relations with the third country or countries from which **Union resettlement or humanitarian admission** occurs [...];[...]
  - ca) **the scale and content of commitments to resettlement or humanitarian admission undertaken by third countries.**<sup>37</sup>
  - d) [...]<sup>38</sup>
  
2. **In addition to the factors referred to in paragraph 1, the following factors may be taken into consideration:**

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<sup>34</sup> **EL, FR, SE:** scrutiny reservation on the article. **IT:** in favour of establishing some criteria on the "overall geographic priorities".

<sup>35</sup> **EL:** scrutiny reservation on the deletion in conjunction with the new point a) in para 2.

<sup>36</sup> **DE:** does this mean that the different types of support shall be provided as a package? Or does this mean that states which benefit from one might not benefit from another type of support? Maybe further initiatives - like the EIP - could also be considered. **COM:** It could mean either – it would depend on the circumstances at stake.

<sup>37</sup> **IT:** we should specify which third countries are we referring to here. We should rather refer to other States, "international community" or simply "other countries".

<sup>38</sup> **EL:** scrutiny reservation on the moving point d). If the effective cooperation of the third country remains an optional factor, how and in which cases could this be considered?

- a) **the risk of onward movement<sup>39</sup> of persons in need of international protection from a region or third country to the territory of the Member States; [...]<sup>40</sup>**
- b) a third country's effective cooperation with the Union in the area of migration and asylum, including:
- (i) reducing the number of third-country nationals [...] **or** stateless persons irregularly crossing the border into the territory of the Member States coming from that third country;
  - (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;]<sup>41</sup> [...]
  - (iii) **maintaining or** 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; [...]<sup>42</sup>
  - (iv) increasing the rate of readmission of third-country nationals [...] **or** stateless persons irregularly staying in the territory of the Member States such as through the conclusion and effective implementation of readmission agreements **and the effective and timely identification and issuance of travel documents [...].**
- e) [...]

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<sup>39</sup> **IT:** replace "onward movement" with "-uncontrolled and irregular flows".

<sup>40</sup> **EL:** scrutiny reservation. **PRES:** this point has been added as the risk of onward movement to the Union could also be taken into account when determining the regions or countries from which admission takes place.

<sup>41</sup> **PRES:** the paragraph has been put in [ ] brackets due to the link with the Asylum Procedures Regulation.

<sup>42</sup> **FR:** move this from (4) (d) (iii) to a new (4) (bb). Will read as follows: "**(bb) the preservation or the increase of reception and protection capacities of third countries where persons in need of international protection have been displaced, in particular by setting up an efficient asylum system**".

Article 5

Eligibility for [...] admission [...]<sup>43</sup>

1. [...] For the purpose of resettlement, [...] the following third-country nationals or stateless persons shall be eligible **for admission [...], provided that they fall within at least one of the categories referred to in points (a) and (b) of paragraph 1b:**
- (a) [...] 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 [...] and are unable or, owing to such 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 [...] for the same reasons as mentioned above, are unable or, owing to such fear, unwilling to return to [...] it; or, failing that,
- (ab)** [...] third-country nationals [...] who are outside the country of nationality [...] or stateless persons [...] who are outside of the country of former habitual residence [...] and in respect of whom substantial grounds have been shown for believing that they, if returned to [...] their country of origin or former habitual residence, would face a real risk of suffering serious harm **as defined in Article 16 of Regulation (EU) XXX/XXX (Qualification Regulation)**, and are unable[...] or, owing to such risk, [...] unwilling to avail themselves of the protection of that country; [...]
- (b) [...]

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<sup>43</sup> **HU, PT, SE:** scrutiny reservation on the article. **FR, ES:** reservation on the article. **CZ, SI:** reservation, the cumulative nature of the criteria is not clear. **NL, FR:** suggest redrafting this article (see footnote 49 in a previous version of this doc. 5332/17).

1a. [...] For the purpose of humanitarian admission<sup>44</sup>, the following third-country nationals or stateless persons shall be eligible for admission [...] provided that, at least on the basis of an initial evaluation, they fall within at least one of the categories referred to in points (a) and (b) of paragraph 1b and are:

- (a) 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 and are unable or, owing to such 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 for the same reasons as mentioned above, are unable or, owing to such fear, unwilling to return to it; or, failing that,
- (b) third-country nationals who are outside the country of nationality or stateless persons who are outside of the country of former habitual residence, and in respect of whom substantial grounds have been shown for believing that they, if returned to their country of origin or former habitual residence, would face a real risk of suffering serious harm as defined in Article 16 of Regulation (EU) XXX/XXX (Qualification Regulation), and are unable or, owing to such risk, unwilling to avail themselves of the protection of that country.

1b. Categories of persons referred to in paragraphs 1 and 1a are:

- (a) vulnerable persons<sup>45</sup>:
- persons with legal or physical protection needs;

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<sup>44</sup> DE, FR, PT, SE: scrutiny reservation

<sup>45</sup> EL: scrutiny reservation. BE: in favour of using same wording of UNHCR's resettlement criteria.

- women and girls at risk;
- **minors** [...] [...], including unaccompanied [...] **minors**;
- **survivors** of violence [...] or torture, including on the basis of gender;
- [...] <sup>46</sup>
- persons with medical needs, **in particular where life-saving treatment [...] is unavailable in the country to which they have been forcibly displaced; [...]** <sup>47</sup>
- **persons with** [...] disabilities <sup>48</sup>; or
- **persons who lack a foreseeable alternative durable solution** <sup>49</sup>.
- [...]

[...] **(b)** [...] without prejudice to Council Directive 2003/86/EC on the right to family reunification, or to national law concerning family reunification, the following family members of third-country nationals or stateless persons or of Union citizens **who are** legally residing in a Member State [...].<sup>50</sup>

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<sup>46</sup> *moved to 1st indent.*

<sup>47</sup> **PRES:** this is in line with the UNHCR Resettlement handbook (vide pg. 37)

<sup>48</sup> **PL:** replace "disabilities" with "special needs resulting from disabilities".

<sup>49</sup> **PRES:** this was added since a number of Member States have asked to have an exact replica of the UNHCR resettlement submission categories (vide pg. 37 of UNHCR Resettlement handbook).

<sup>50</sup> **EL:** concerns regarding this subparagraph underlining the need for further clarification regarding the way that the resettlement framework and Directives 2004/38 / EC and 2003/86 / EC can complement each other. -It is also noted that the definition of family members is not the same in all three points in 5 b (ii), i.e.

a) Family members of beneficiaries of international protection who reside in a MS

b) Family members of third-country nationals residing in a MS and

c) EU citizens' family members residing in another MS.

- 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;
- 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;
- the father, mother or another adult responsible for [...] **an** unmarried minor to be resettled, whether by law or by the practice of the Member State where the adult is present;
- the sibling or siblings of the third-country nationals or stateless persons to be [...] **admitted**<sup>51</sup>;
- **the child or parent on whom** third-country nationals or stateless persons to be [...] **admitted** [...] are dependent [...] for assistance as a result of pregnancy, a new-born child, serious illness, severe disability or old age. [...] **This applies** provided that family ties existed in the country of origin, that the child or parent is able to take care of the dependent person, and that the persons concerned expressed their desire in writing.<sup>52</sup>

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<sup>51</sup> **CZ, SK:** redraft as follows: "the- sibling or siblings *who are minors* of the third-country nationals or stateless persons to be resettled;"

<sup>52</sup> **PRES:** the term "dependent for assistance" could include both physical and financial assistance. As explained on previous occasions, the term "persons concerned" refers to both the "*sponsor*" and the dependent person, both of whom need to give their consent in writing. **NL:** scrutiny reservation.

(c) [...]

(d) [...]

Member States shall, **as far as possible**<sup>53</sup>, ensure that family unity [...] **is** maintained between persons referred to in point [...] **b).**

#### Article 6

#### Grounds for [...] **refusing admission**<sup>54</sup>

1. The following third-country nationals or stateless persons shall be **refused admission under this Regulation** [...] <sup>55</sup>:
  - (-a) **persons falling within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees, unless the Member State examining the resettlement file ascertains that the persons concerned were forced to leave their area of operation due to a situation where their personal safety was at serious risk and such organs or agencies were unable to ensure their [...] living conditions in accordance with their mandate;**
  - (-aa) **persons recognised by the competent authorities of the country in which they have taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or equivalent rights and obligations;**

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<sup>53</sup> **PRES:** wording amended to cater for those limited scenarios where not all family members are in need of international protection.

<sup>54</sup> **DE, FR, SE:** scrutiny reservation. **BE, ES, FI, SE, SK:** replace "exclusion" with "ineligibility" in the title.

<sup>55</sup> **LU, NL:** following redrafting is suggested: "The following third-country nationals or stateless persons shall be ~~excluded from~~ **ineligible for** targeted Union resettlement schemes established in accordance with Article 78:"

- (a) persons for whom there are reasonable grounds for considering<sup>56</sup> that:
- (i) they have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
  - (ii) they have committed a serious crime;
  - (iii) they have been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;

**This point also applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein[...];**

- (b) persons for whom there are reasonable grounds for considering that they are a danger to the community, public policy, security, public health or the international relations of the Member State examining the resettlement file,;

**This point also applies [...] when a [...] Member State [...] which has [...] required the Member State examining the [...] admission file to [...] consult [...] it [...] during the examination in relation to specific third-country nationals or stateless persons, or specific categories of third-country nationals or stateless persons, [...] has objected to their [...] admission on [...] any of those grounds [...]<sup>57</sup>;**

- (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;

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<sup>56</sup> **NL:** concerned about the differing wording from the corresponding article in the Qualification Directive. **PRES:** since here we are referring to refusal from admission and not from international protection we can apply a lower threshold (i.e. "reasonable grounds" instead of "serious reasons").

<sup>57</sup> **IT:** scrutiny reservation.

- (d) persons who have irregularly stayed, irregularly entered, or attempted to irregularly enter the territory of the Member States during the [...] **three** years prior to [...] **registration for admission**;<sup>58</sup>
- (e) persons **who have been granted international protection by Member States** or who have already been [...] **admitted** 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, **if that person [...] has been granted international protection**<sup>59</sup>; [...]
- (f) persons whom Member States have during the last [...] **three** years prior to [...] **admission** refused to [...] **admit**<sup>60</sup> in accordance with **points (a), (b), (c) and (e)** of this paragraph [...]; [...]
2. Third-country nationals or stateless persons may be [...] **refused admission** [...] where:

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<sup>58</sup> **BE:** in specific cases the situation may have changed and therefore, some flexibility should be introduced after assessment on a case by case basis. **IT:** (d), (e) and (f) require a very close exchange of information between MS. How will this take place in practice? **LV** (supported by **ES**): exchange of information is very important; the consultation between MS should be consultation under Visa Code or another type of consultation system? How will a MS know that another MS refused/resettled a person? **IT, NL, SK:** Member States should extract this information primarily from EURODAC. A reference to it would be advisable. **FI, SE:** if there will not be a possibility to reconsider cases within such a long time frame it may limit UNHCR's ability to find protection and solutions for refugees who are in most need. However, a five-year rule may be necessary in rejected cases due to security reasons, but not as a general rule.

<sup>59</sup> **DE:** add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification Regulation*". **NL:** add "*or a humanitarian status under national law*".

<sup>60</sup> **NL:** use "accept" instead of "admit".

- (a) one of the grounds for [...] **refusing admission** referred to in points (a) or (b) of paragraph 1 [...] applies [...] **on the basis of an initial evaluation** [...];<sup>61</sup>
- (b) persons who during the last [...] **three** years prior to admission have not given or have withdrawn their consent to be admitted to a particular Member State in accordance with Article 6a [...] ; [...]
- (ba) persons who have committed one or more crimes outside the scope of point (a) of paragraph 1 which would be punishable by imprisonment had they been committed in the Member State examining the admission file;

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<sup>61</sup> AT (supported by BE, CZ, FI): make this a "shall" clause. Add one more para as follows: *"(3) Third-country nationals or stateless persons may be excluded from targeted Union resettlement schemes established in accordance with Article 8, where there are other duly justified circumstances to be excluded from Resettlement to a Member State."* DE: replace "may" with "shall"; delete "established in accordance with Article 8". NL (supported by FI, FR, SK): replace "excluded" with "considered ineligible". NL also proposes to add before paragraph (2) the following sentence: *"In case of substantial exceptional individual circumstances or a significant change in the circumstances of an individual case Member States may deviate from invoking point (d) or (f)".* This allows for flexibility based in individual cases.

Add the following para (3): *"Third-country nationals or stateless persons may be considered ineligible for resettlement or humanitarian admission on other reasonable grounds pertaining to the individual circumstances of the case. Participating States shall not be required to give the reasons for not accepting to resettle or admit a third country national or a stateless person on their territory."* (also supported by FI, BG). BE: add a third paragraph: *"Third-country nationals or stateless persons may be considered ineligible for admission on other reasonable grounds related to the personal situation of the person concerned, provided that this is without discrimination based on any grounds 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."* This would allow for the deletion of art. 6(2)(ba)-(bb).

- (bb) persons in relation to whom there are clear indications that there is a lack of integration prospects in the Member State examining the admission file, such as where a person refuses to participate in a pre-departure orientation programme referred to in point (c) of Article 10 (7), provided that this is without discrimination based on any grounds 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<sup>62</sup>.

*Article 6a*  
**Consent**<sup>63</sup>

The [...] **admission** procedure [...] laid down in Articles 10 [...] shall apply to third-country nationals or stateless persons who have given their consent to be [...] **admitted** and have not subsequently withdrawn their consent, including refusing [...] **admission** to a particular Member State.

**Failure to provide [...] the data or information essential to conduct the procedures as laid down in Article[...] 10 [...] or failure to attend a personal interview [...] shall be considered as an implicit withdrawal of consent, unless the third-country national or stateless person can demonstrate that his or her failure was due to circumstances beyond his or her control**<sup>64</sup>.

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<sup>62</sup> **PRES:** Member States should have the possibility to exclude persons in relation to whom there are clear indications that there is a lack of integration prospects. Lack of integration can be perceived in many different forms, for example the person states clearly that he doesn't want to attend languages classes or doesn't show interest in the Member State where he would be admitted. Delegations are reminded that this is in any case a "may" clause. **AT, FR, LU, SI:** scrutiny reservation.

<sup>63</sup> **SI:** scrutiny reservation.

<sup>64</sup> **CZ:** This part should be transferred to Article 6 as it deals with the reasons for exclusion.  
**DE:** scrutiny reservation.

Article 7

[...] Union [...] Resettlement and Humanitarian Admission [...] Plan<sup>65</sup>

1. On the basis of a proposal from the Commission, the Council shall adopt a [...] **two-year Union [...] Resettlement and Humanitarian Admission [...] Plan** in the year preceding [...] **the two-year period** in which it is to be implemented.
2. The [...] Union [...] Resettlement and Humanitarian Admission [...] Plan shall include:
  - (a) the maximum total number of persons to be [...] **admitted, indicating, where relevant, what part of that number shall be dedicated to [...] emergency admission [...]**;
  - (b) details about the participation<sup>66</sup> of the Member States [...] and their contributions to the **maximum** total number of persons to be [...] **admitted and [...] the part of the total dedicated to emergency admission in accordance with point (a), [...] reflecting the indications made by Member States at [...] the High Level Resettlement and Humanitarian Admission Committee set out in Article 13 (3a)<sup>67</sup>**;
  - (ba) [...]<sup>68</sup>;
  - (c) overall geographical priorities.<sup>69</sup>

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<sup>65</sup> **AT, LT:** reservation. **BG, CZ, FI, FR, HU, IE, NL, PL, SE:** scrutiny reservation. **SE:** important that the planning for EU resettlement is aligned to the extent possible with that of UNHCR. It is also important to strengthen the predictability component of the Framework.

<sup>66</sup> **SK:** "details about the participation" is a very vague terminology and should be specified. **AT, HU, RO, SK:** add "voluntary" before "participation".

<sup>67</sup> **PRES:** the new wording has been added to emphasize the fact that the COM proposal shall reflect the discussions in the High Level Committee. **AT:** scrutiny reservation. **CZ:** instead of "reflecting the indications" suggest to replace it by "respecting the contributions".

<sup>68</sup> **PRES:** The paragraph has been deleted as it has been indicated that a more suitable approach to respond to an unforeseen humanitarian crisis falling outside the overall geographical priorities of the Plan would be to change the Resettlement and Humanitarian Admission Plan by the Council.

<sup>69</sup> **BG, HU, SK:** add a last sentence after letter (c) under para (2) drafted as follows: "*The annual Union resettlement plan serves as a recommendation.*"

- 2a. The Union Resettlement and Humanitarian Admission Plan may, where necessary, include:
- (a) the specification of the regions or third countries from which resettlement or humanitarian admission is to occur as referred to in Article 4;
  - (b) a description of the specific group or groups of third-country nationals or stateless persons to whom the Union Resettlement and Humanitarian Admission Plan shall apply;
  - (c) local coordination and practical cooperation arrangements among Member States, supported by [European Union Agency for Asylum] in accordance with Article 12, with third countries, UNHCR or other relevant partners.
- 2b. Emergency admission shall be applied [...] irrespective of the overall geographical priorities as referred to in point (c) of paragraph 2 [...]<sup>70</sup>.
- 2c. Where required by new circumstances, such as an unforeseen humanitarian crisis falling outside the overall geographical priorities of the Union Resettlement and Humanitarian Admission Plan, the Council, on a proposal from the Commission, shall, where appropriate, amend the Plan by adding or replacing regions or third countries from which admission is to occur as referred to in Article 4.

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<sup>70</sup> **PRES:** a number of Member States have asked for the possibility to resettle outside the geographical priority areas in order to carry out emergency admission. Such admission shall count towards the total number of admitted persons that a Member State would have indicated for a Plan through the High Level Committee. **AT:** scrutiny reservation. **IT:** add a new sentence after 2a: "*Member States shall retain the right not to participate to the emergency admission*". Modify accordingly para 2 (a): "*the maximum total number of persons to be admitted, including, where relevant, the number dedicated to emergency admission*".

Article 8

[...] Union [...] Resettlement and Humanitarian Admission [...] Schemes

[...]

Article 9

Consent

[...]

Article 10<sup>71</sup>

[...] Admission procedure

- 1.** In case of resettlement, [...] for the purpose of [...] implementing the Union Resettlement and Humanitarian Admission Plan [...] Member States [...] shall<sup>72</sup> [...] request UNHCR [...] to refer to them third-country nationals or stateless persons in relation to whom [...] it has [...] assessed whether they [...]:
- (a) [...] fall within the scope of the [...] Union [...] Resettlement and Humanitarian Admission [...] Plan[...]; [...]
  - (b) [...] fall under one of the vulnerability categories set out in point (a) [...] of Article 5 (1b); [...] or have family links in accordance with point (b) of Article 5 (1b);

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<sup>71</sup> **CZ, DE, FR, IE, SE, SI:** scrutiny reservation. **IE, FI:** the Article does not set out the potential for security assessments within the procedure, this would be considered essential. **PRES:** the Article sets out that Member States shall assess whether the third-country nationals or the stateless persons fall within the scope of the Union Resettlement and Humanitarian Admission Plan, meet the eligibility criteria set out in Article 5 and whether they are not excluded from admission in accordance with Article 6. Therefore, it gives a basis for carrying out the security checks, as this is one of the exclusion criteria.

<sup>72</sup> **SK:** reservation. Prefer to keep "may" instead of "shall". Don't agree on the compulsory role of the UNHCR.

- (c) [...] qualify as refugees within the meaning of Article 1 of the 1951 Geneva Convention.<sup>73</sup>

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

**-1a. In case of humanitarian admission, for the purpose of implementing the Union Resettlement and Humanitarian Admission Plan, Member States may<sup>74</sup>:**

- (a) [...] request UNHCR, [the European Union Agency for Asylum] or another relevant international body to refer to them third-country nationals or stateless persons in relation to whom those entities have [...] assessed whether they fall within the scope of the Union Resettlement and Humanitarian Admission Plan [...];
- (b) request UNHCR to also [...] assess whether third-country nationals or stateless persons referred to them by UNHCR;
- (i) qualify as refugees within the meaning of Article 1 of the 1951 Geneva Convention;**
- (ii) fall under one of the vulnerability categories set out in point (a) of Article 5 (1b) or have family links in accordance with point (b) of Article 5 (1b).**

**[...] Member States may also request that *inter alia* the criteria set out in points (a), (b) and [...] (c) of paragraph 1 be taken into account<sup>75</sup>.**

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<sup>73</sup> **NL:** consult with UNHCR the inclusion and wording of this paragraph as there are ongoing developments at the international level.

<sup>74</sup> **FR:** scrutiny reservation

<sup>75</sup> **CZ:** no clear wording: request whom?. Replace it with: "inter alia take into account the criteria set out in points (a) to (c) of paragraph 1". **PRES:** there is no need to have a reference to UNHCR, EASO or any other relevant body because it is already implied. The same applies in the case of UNHCR for resettlement.

1. When implementing **the Union Resettlement and Humanitarian Admission Plan**<sup>76</sup> [...], [...] Member States may give preference *inter alia* to third-country nationals or stateless persons with<sup>77</sup>:
  - (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<sup>78</sup>;
  - (c) particular protection needs or vulnerabilities.
2. [...] Member States shall register the following information of those **who fall within the scope of a Union Resettlement and Humanitarian Admission Plan and** for whom they intend to conduct the [...] **admission** procedure:
  - (a) the name, date of birth, gender, nationality; [...]
  - (b) [...]
  - (c) the type and number of any identity or travel document of the third-country national **or stateless person**; and

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<sup>76</sup> **LU:** need to reinforce the role of UNHCR. **BG, FR:** role of UNHCR should be explicitly put here. The sentence should read as follows: "When implementing a targeted Union resettlement scheme *plan*, Member States, *with the help of the UNHCR*, 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 *the* Union resettlement scheme *plan*.

<sup>77</sup> **EL:** need to ensure that it will not be possible to reject persons who comply with eligibility but not covered by a), b) and c).

<sup>78</sup> **NL:** These features will not be sufficiently known at the time of identification. In most cases, this kind of information comes to light during the resettlement interview.

- (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 [...].<sup>79</sup>

**2a. Member States shall also register the data of the persons referred to in paragraph 2 of this Article in accordance with Article 12c of Regulation (EU) XXX/XXX [Eurodac Regulation].**<sup>80</sup>

3. Member States shall assess whether the third-country nationals or the stateless persons **for whom they intend to conduct the admission** [...] meet the eligibility criteria set out in Article 5, and whether they are not [...] **refused** [...] **admission** in accordance with Article 6 [...].

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.

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<sup>79</sup> **IE, IT:** the order of paragraph 2 and 3 should be inverted. The assessment on eligibility criteria and exclusion causes is necessary before the registration of potential beneficiaries. Otherwise, we risk to register cases which could never be eligible, increasing the administrative burden and creating false expectations. **PT:** doubts with the order in this article. Only when you have a favourable decision then you can register this information.

<sup>80</sup> **NL:** reservation. **IE, PT:** scrutiny reservation.

4. Member States shall [...] **reach a conclusion** on the [...] **admission** of third-country nationals or stateless persons on the basis of the assessment referred to in paragraph 3<sup>81</sup> as soon as possible and not later than eight months from their registration<sup>82</sup>. 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<sup>83</sup>.
5. Member States shall store the data referred to in paragraphs 2 to 4 for [...] **ten**<sup>84</sup> years from the date of **registration for [...] admission. In the case of persons who have not been [...] admitted,**<sup>85</sup> [...] **such data [...] shall be stored for a period of five years from the date of registration.**

Upon expiry of **the applicable [...] period, the** Member States shall erase the data. Member States shall erase **the** data relating to a person who has acquired citizenship of any Member State before the expiry of that period as soon as [...] Member States becomes aware that the person concerned has acquired such citizenship<sup>86</sup>.

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<sup>81</sup> **IT:** replace by "paragraph 2" in line with suggested change of order of paragraph 2 and 3.

<sup>82</sup> **CZ:** what does it mean? registration in the MS or by UNHCR in the country of departure?  
**IE, IT, SE:** replace "registration" by "referral". The resettlement procedure starts from the referral. What if the registration is delayed by the MS? **PRES:** the current text gives more flexibility to MSs as they decide when to start the registration process. If this is changed to referrals then MSs would lose that flexibility.

<sup>83</sup> **AT, BG:** delete the following sentence with the binding deadlines "(...) ~~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.~~" **BG:** scrutiny reservation, external factors have impact in the process even in time limits, more analysis is needed.

<sup>84</sup> **SI:** scrutiny reservation on deadlines.

<sup>85</sup> **NL:** use "accepted" instead of "admitted". **IT:** replace by "*In the case of persons for whom a negative conclusion/determination has been reached/taken*".

<sup>86</sup> **ES:** reservation about storage of data. Difficult to know when acquires citizenship. **FR:** scrutiny reservation, as it is unclear whether such a provision is required by EU law.

5a. [...] <sup>87</sup>

6. [...] **If the conclusion referred to in paragraph 4 is negative [...], no [...] admission** of the person concerned shall occur <sup>88</sup> [...].

7. [...] **If the conclusion referred to in paragraph 4 is [...] positive [...], the Member State <sup>89</sup> [...] prior or after entry of the person concerned on its territory:**

- (a) **shall take a decision to** <sup>90</sup> 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. <sup>91</sup> [...]

[...] **That** [...] decision [...] shall have the same effect as a decision [...] **granting** refugee status or [...] subsidiary protection status referred to in Articles 13 [...] **or** 19 of Regulation (EU) No XXX/XXX [Qualification Regulation], once the person concerned has entered the territory of a Member State <sup>92</sup>.

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<sup>87</sup> *Moved to 2a.*

<sup>88</sup> **NL:** UNHCR should notify the conclusion to the person. **CZ, NL:** suggest addition: "*The person will be notified by the referring entity. The Member States will register the outcome in [Eurodac]*". Registering also the negative outcomes is important to be able to detect secondary movements and illegal entry into the EU. **ES:** reservation.

<sup>89</sup> **FR, NL, PT:** UNHCR should notify the conclusion to the person. **SE:** scrutiny reservation.

<sup>90</sup> **AT:** scrutiny reservation.

<sup>91</sup> **IE:** add "*The Member State can as well grant a comparable national status*". **BE, DE, IE:** add "*or any other status which offers similar rights and benefits under national law as international protection under the terms of the Qualification Regulation*".

<sup>92</sup> **IE:** scrutiny reservation. The assessment under the ordinary procedure will already have taken place prior to arrival. This should not give rise to the possibility of a legal remedy once the person has entered the territory of the MS. **LV:** scrutiny reservation. **SE:** scrutiny reservation. The basis of resettlement as a durable solution is that states are expected to provide resettled persons with permanent residence. In favour of promoting a system that enables the issuance of permanent residence permits. **PRES:** the proposed re-wording does not preclude the possibility of such a notification being done by UNHCR if delegated to do so by Member States.

**The Member States<sup>93</sup> shall notify the third-country nationals or [...] stateless persons concerned of [...] [...] such decision.<sup>94</sup> Where the decision was taken prior to entry, the notification may take place once the person concerned has entered the territory of a Member State;**

- (aa) **may, in case [...] of humanitarian admission, [...] grant [...] international protection or a humanitarian status under national law that provides for rights and obligations [...] equivalent to those of Articles 22 to 28 and 30 to 38 of Regulation (EU) XXX/XXX [Qualification Regulation] for beneficiaries of subsidiary protection, [...]<sup>95</sup> This decision shall take effect once the person concerned has entered the territory of a Member State;**
- (ab) **shall make every effort to ensure entry to its territory not later than twelve months from the date of the conclusion;**
- (b) **shall, where necessary, offer to make travel arrangements, including fit-to-travel medical checks, and provide transfer to their territory free of charge<sup>96</sup>. [...] That offer shall include, where necessary, the facilitation of exit procedures in the third country from where the third-country national or the stateless person is admitted [...];**

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<sup>93</sup> **NL:** use "referring entity" instead of "Member States".

<sup>94</sup> **AT:** delete this sentence. **NL:** use "conclusion" instead of "decision" in order to emphasize that there is only a conclusion and not a decision with legal effect until arrival on EU territory.

<sup>95</sup> **ES:** reservation. **NL, SE:** scrutiny reservation. **CZ:** needs to be in line with the Qualification Regulation. We must avoid the mixing of statuses (from QR and national status).

<sup>96</sup> **AT, BE:** delete "free of charge", if they have money and can contribute.

- (c) **shall, when considered feasible**, offer a pre-departure orientation programme<sup>97</sup> to third-country nationals or stateless persons, which may include information about their rights and obligations, language classes<sup>98</sup>, and information about the Member State's social, cultural and political set-up<sup>99</sup>.

8. [...]

9. [...]

#### *Article 11*

#### ***Expedited procedure***

[...]

#### *Article 12<sup>100</sup>*

#### **Operational cooperation**

1. To facilitate the implementation of the [...] Union [...] **Resettlement and Humanitarian Admission [...] Plan [...]**, Member States shall appoint national contact points and may decide to appoint liaison officers in third countries.

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<sup>97</sup> **SE:** delete "pre-departure", programmes after entry should also be possible. As cultural orientation in some cases may not be possible to carry out pre-departure

<sup>98</sup> **HR, HU:** delete "language classes".

<sup>99</sup> **SE, DE:** add "***Generally this programme should be offered previous to departure within available resources***". **LV:** scrutiny reservation on the whole point c). **SI:** need more flexibility. Orientation programmes can be offered when they arrive to the MS. **PRES:** the wording "when considered feasible" provides for orientation programmes not to be offered if Member States do not have the necessary resources. The current wording does not state when an orientation programme should be offered. Therefore, nothing precludes the possibility for a Member State to offer such a program upon or after arrival.

<sup>100</sup> **SE:** scrutiny reservation, need to coordinate with EUAA Regulation. Underlining the importance of that the EUAA will not duplicate the work carried out by UNHCR and IOM.

2. [The European Union Agency for Asylum] may support **Member States upon their request in accordance with Article [...] 10 ([...]-1a), or where provided for in a [...] Union Resettlement and Humanitarian Admission [...] Plan in accordance with point (c) of Article 7 (2a). This support may include, [...]** coordinating technical cooperation between [...] **Member States**, assisting [...] **Member States** in the implementation of [...] Union [...] **Resettlement and Humanitarian Admission [...] Plan [...]**, and facilitating the sharing of infrastructure **and cooperation with third countries** in accordance with [Regulation (EU) No XXX/XXX (EU Asylum Agency Regulation)<sup>101</sup>].<sup>102</sup>
3. To implement **the [...] Union [...] Resettlement and Humanitarian Admission [...] Plan [...]**, and in particular **to notify the third-country nationals or stateless persons concerned of the decision taken by Member States in accordance with point (a) of Article 10 (7)**, to conduct pre-departure orientation programmes, fit-to-travel medical checks, travel arrangements and other practical arrangements, Member States may be assisted by **relevant** partners in accordance with local coordination and practical cooperation arrangements for [...] **a Union [...] Resettlement and Humanitarian Admission [...]Plan** established in accordance with point (c[...]) of Article 7[...] (2a).

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<sup>101</sup> OJ L [...], [...], p. [...].

<sup>102</sup> **BG:** scrutiny reservation.

Article 13<sup>103</sup>

**High-Level Resettlement and Humanitarian Admission Committee**

1. A High-Level Resettlement [...] **and Humanitarian Admission 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<sup>104</sup>, [...] IOM, **and other relevant organisations** may be invited. Representatives of Iceland, Liechtenstein, Norway, and Switzerland shall be invited to attend the meetings of the High-Level Resettlement **and Humanitarian Admission** Committee where they have indicated their intention to be associated with the implementation of the [...] Union [...] **Resettlement and Humanitarian Admission** [...] Plan.
2. The High-Level Resettlement **and Humanitarian Admission** Committee shall be chaired by the Commission. It shall meet whenever necessary at the invitation of the Commission or at a request of a Member State and shall meet at least once a year.
3. The Commission shall consult the High-Level Resettlement **and Humanitarian Admission** Committee on issues related to the implementation of the Union Resettlement **and Humanitarian Admission** Framework<sup>105</sup>.

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<sup>103</sup> **CZ, DE, HU, SE:** scrutiny reservation. **ES:** the tasks of the Committee are only listed in a recital and not in the body of the text. Would like to have more explained functions. **HU:** need more clearer role for the Committee.

<sup>104</sup> **DE, SE:** EUAA and UNHCR should regularly be invited. **ES:** UNHCR should be full member. **NL, SE:** also notes the existing EU Resettlement and Relocation Forum, in which UNHCR, IOM and EUAA generally take part. On an international level this is provided for by the ATRC to which all resettlement states and organisations participate.

<sup>105</sup> **AT, CZ:** against creating additional layers. The Committee should be responsible for political issues.

3a. The Commission shall invite Member States to indicate prior to its proposal at the meeting of the High-Level Resettlement and Humanitarian Admission Committee<sup>106</sup> the details of their participation and of their contribution on a voluntary basis to the maximum total number of persons to be [...] admitted [...] including the type of admission and the regions or countries from which admission shall take place, under the Union Resettlement and Humanitarian Admission Plan in accordance with points (b) and (c) of Article 7(2) [...] <sup>107</sup>

[...]

**3b.** The Commission, on its own initiative or following a recommendation by one or more Member States, shall convene a meeting of the High Level Resettlement and Humanitarian Admission Committee, to discuss the possible admission of persons pursuant to point (c) of Article 7(2) [...] to respond to new circumstances, such as an unforeseen humanitarian crisis falling outside the overall geographical priorities of the Plan<sup>108</sup>.

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<sup>106</sup> **RO:** need to make clear that a Member State is consulted with regard to its intention to participate in the scheme. Add, from here "*if they choose to participate in the Union Resettlement and Humanitarian Admission Plan and in the Union Resettlement and Humanitarian Admission Schemes respectively*, the details (...)"

<sup>107</sup> **AT, SK:** the text does not clearly regulate the process of finding the maximum number of persons to be resettled. Member States should first indicate the number of persons to be resettled. The maximum number should then be based on this contributions. This should not happen in the reverse order. **CZ, FR:** scrutiny reservation. **IT:** add: "*...and to indicate whether their participation will take the form of resettlement or humanitarian admission*". **PRES:** Member States are to indicate their level of participation, if any, and the number of persons they are going to admit in relation to the Plan ~~and the Schemes~~. Member States do not need to indicate here whether admission will be done through resettlement or humanitarian admission, since it will be up to the individual Member State to take this procedural decision.

<sup>108</sup> **AT, CZ, NL, SE, SI:** scrutiny reservation. **IE:** reservation.

*Article 14*

**Exercise of the delegation**

[...]

*Article 15*

**Committee procedure**

[...]

*Article 16*

**Association with Iceland, Liechtenstein, Norway, and Switzerland**

Iceland, Liechtenstein, Norway, and Switzerland shall be invited to be associated with the implementation of the [...] Union [...] **Resettlement and Humanitarian Admission** [...] Plan. The core elements of this Regulation, in particular those related to the [...] procedure **laid down in Article 10** [...] and to the rights and obligations of [...] **admitted** persons, shall be duly taken into account in that association.

*Article 17*

**Amendments to Regulation (EU) No 516/2014<sup>109</sup>**

Regulation (EU) No 516/2014 is amended as follows:

- (1) in Article 1, point (d) of paragraph 2 is deleted.
- (2) Article 2 is amended as follows:
  - a) point (a) is replaced by the following:

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<sup>109</sup> **SE:** scrutiny reservation. **SI:** reservation.

[(a) 'resettlement' means the admission of third-country nationals or stateless persons in need of international protection from a third country to which [...] they have been displaced to the territory of one of the Member States with a view to granting them international protection'];<sup>110</sup>

**ab) point (b) is replaced by the following:**

**(b) 'humanitarian admission' means [insert definition from Article 2 of this Regulation];]**

b) the following point[...] (aa) [...] is inserted<sup>111</sup>:

'(aa) 'Union Resettlement **and Humanitarian Admission** Framework' means the Union Resettlement **and Humanitarian Admission** Framework established in accordance with [Regulation (EU) No XXX/XXX (Resettlement [...] Regulation)];

(ab) [...]

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<sup>110</sup> **FR:** In conformity with our working proposal in Article 2 it should read as follows: "points (a) and (b) is are replaced by the following: *(a) 'resettlement' means upon referral from the UNHCR the transfer of third country nationals and stateless persons in need of international protection from a third country to which they have been displaced to the territory of a Member State that has agreed to admit them , with a view of granting them a status provided in the Qualification Regulation or an equivalent status; (b) 'other forms of humanitarian admission' 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 through a process other than resettlement within the meaning of this Regulation, based on national procedures.*"

<sup>111</sup> **FR:** Consistent with the proposal to delete reference to the targeted scheme, draft as follows: " (b) the following points (~~aba~~) and (~~abb~~) are inserted: '~~(aba)~~ 'Union Resettlement Framework' means the Union Resettlement Framework established in accordance with [Regulation (EU) No XXX/XXX (Resettlement Framework Regulation)]; (~~abb~~) '~~targeted bi-~~annual Union ~~resettlement scheme~~*plan for resettlement and other forms of humanitarian admission'* means a ~~targeted bi-~~annual Union ~~resettlement scheme~~*plan* established in accordance with Article ~~157~~(2) of [Regulation (EU) No XXX/XXX (Resettlement Framework Regulation)]'.

(3) Article 17 is replaced by the following:

'Article 17

Resources for the Union Resettlement **and Humanitarian Admission** Framework

1. In addition to their allocation calculated in accordance with point (a) of Article 15(1), Member States shall receive for each [...] person **admitted** in accordance with [...] **Regulation (EU) XXX/XXX [Resettlement Regulation]** a lump sum of EUR 10,000 **and, within the limits of the resources available, a lump sum of EUR 6,000 for each resettled person in accordance with national resettlement schemes if that person was granted international protection.**<sup>112</sup>
2. The amounts referred to in paragraph 1 shall be allocated to the Member States<sup>113</sup> in the individual financing decisions approving their revised national programme in accordance with the procedure laid down in Article 14 of Regulation (EU) 514/2014.

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<sup>112</sup> **AT:** scrutiny reservation. **DE:** Secondary movements need to be taken into account when giving the money. Add "*funding shall only be provided if the resettled person still lives in the particular resettlement country after a period of 36 months.*" **FI:** it would be reasonable to support the national programs similarly as the admissions in accordance with the EU Framework. Delete the words "within the limits of the resources available". **FR:** Drafting suggestion: "1. In addition to their allocation calculated in accordance with point (a) of Article 15(1), *Member States shall 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 person benefitting from resettlement or another form of humanitarian admission.*  
*1a. The lump sum referred to in paragraph 1 shall be increased to EUR 10 000* receive for each resettled person *benefitting from resettlement or another form of humanitarian admission* in accordance with a *targeted bi-annual* Union resettlement ~~scheme~~ *plan for resettlement and other forms of humanitarian admission* a lump sum of EUR 10,000.  
*1b. Where appropriate, Member States may also be eligible for lump sums for family members of persons referred to in paragraph 1a, provided that those family members have benefitted from resettlement or another form of humanitarian admission in accordance with this Regulation.*"

<sup>113</sup> **FR:** add "at least every two years". This would allow for a better visibility and would facilitate the financial organisation.

3. Each Member States to whom an amount referred to in paragraph 1 has been allocated shall include in the annual accounts provided for in Article 39 of **Regulation (EU) 514/2014**<sup>114</sup> the number of persons qualifying for the amount. Transfers of this amount to other actions under the national programme shall not be possible unless explicitly approved by the Commission through a revision of the national programme.<sup>115</sup>
4. Member States shall keep the information necessary to allow the proper identification of [...] **those persons resettled under a national resettlement scheme or admitted in accordance with Regulation (EU) XXX/XXX [Resettlement Regulation]**, and of the date of their resettlement **or admission**<sup>116</sup>.
5. Allocations made before [date of entry into force of [Regulation (EU) No XXX/XXX (Resettlement Framework Regulation)]] shall not be affected.'

**(3bis) the term 'other humanitarian admission programmes' is replaced by the term 'humanitarian admission'.**

- (4) the term 'Union Resettlement Programme' is replaced by the term 'Union Resettlement **and Humanitarian Admission** Framework'.
- (5) Annex III is deleted.

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<sup>114</sup> OJ L 150, 20.5.2014, p. 112.

<sup>115</sup> **AT:** prefers a separate payment for resettlement. Suggests the following text: "3. Each Member States to whom an amount referred to in paragraph 1 has been allocated shall ~~include in the annual accounts provided for in Article 39~~ *submit* the number of persons qualifying for the amount *together with the other necessary information for the annual accounts, but the Resettlement - payment is no part of the regular annual accounts regarding the annual programs of the member states. Regarding Resettlement, there will be a separate payment from the European Commission to the Member States.* ~~Transfers of this amount to other actions under the national programme shall not be possible unless explicitly approved by the Commission through a revision of the national programme".~~

<sup>116</sup> **AT:** scrutiny reservation.

*Article 18*

**Evaluation and Review**

1. By [...] **two years after the entry into force of this Regulation** the Commission shall report to the European Parliament and the Council on the application of this Regulation in the Member States.
2. [Member States shall provide the Commission and [the European Union Agency for Asylum]<sup>117</sup> 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 [...] **or** stateless persons effectively **admitted** [...] as laid down in Article 22(3) of [Regulation (EU) No XXX/XXX (Dublin Regulation)].<sup>118</sup>
3. The European Parliament and the Council shall, on the basis of the proposal of the Commission, taking into account the report referred to in paragraph 1, review this Regulation **within two years of the submission of the report by the Commission** [...].

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<sup>117</sup> **CZ:** delete reference to EUAA. According to para 1 the Commission has the obligation to report on the application and not EUAA.

<sup>118</sup> **CZ, PL:** scrutiny reservation. Alternatively the whole paragraph should be deleted due to duplicity with the Dublin Regulation proposal. **ES:** scrutiny reservation. **HU:** reservation because of the reference to Dublin Regulation.

*Article 19*

**Entry into force**

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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