A light gray outline map of the world is in the background. A red square is placed in the center of Europe, with a thin black line extending from it to the top of the page.

The Relocation of Refugees in the European Union

Implementation of Solidarity and Fear

SENADA ŠELO ŠABIĆ

October 2017

- The relocation mechanism is an *ad hoc* decision of the EU to assist frontline states Greece and Italy in coping with a large number of refugees
- In July 2015, a decision to relocate 40.000 refugees is taken. In September 2015 it is decided to relocate an additional 120.000 refugees
- Hungary, Slovakia, the Czech Republic and Romania vote against, with Finland abstaining
- Hungary and Slovakia challenge the decision on relocation at the European Court of Justice; the case is dismissed in September 2017
- In the course of two years, 29.401 refugees are relocated

Timeline

- 20 April 2015 ○ EU foreign ministers meet in Luxembourg and approve an *ad hoc* 10-point plan to prevent future deadly disasters at sea, confront human traffickers and organize emergency relocation between Member States (MSs) on a voluntary basis
- 23 April 2015 ○ A special summit of EU leaders is held in Brussels to address migration and stop tragedies in the Mediterranean
- 29 April 2015 ○ Resolution of the European Parliament is passed, calling on EU Member States to adequately address migration via the Mediterranean and fulfill their responsibility and solidarity towards frontline MSs that receive the highest numbers of refugees
- 13 May 2015 ○ European Commission (EC) delivers *A European Agenda on Migration, COM (2015) 240*, and a Draft Amending Budget No 5 to the General Budget 2015, *Responding to Migratory Pressures, COM (2015) 241*
- 22 June 2015 ○ EU Naval Force (EU NAVFOR) Operation Sophia is launched as part of the EU's approach to manage irregular migration and disrupt traffickers and smugglers' networks
- 26 June 2015 ○ EU Member States agree to relocate 40.000 refugees from Italy and Greece; distribution quotas are not yet agreed
- 10 August 2015 ○ The EU approves a EUR 2.4 billion budget over 6 years to assist EU countries with the largest number of refugees¹
- 22 September 2015 ○ The Council agrees to relocate an additional 120.000 refugees; details for relocation to be worked out
- 9 October 2015 ○ The first hotspot center opens in Lampedusa, Italy
- 15 October 2015 ○ EU-Turkey joint action plan is agreed
- 16 October 2015 ○ The first Greek hotspot center opens on Lesbos, Greece
- 25 October 2015 ○ Meeting on the Western Balkans Migration Route: Leaders Agree on a 17-point plan of action
- 4 November 2015 ○ The first refugees are relocated – six asylum-seeker families are relocated from Greece to Luxembourg

1. European Commission. Press Release Database: Managing migration and financing a safer and more secure Europe: €2.4 billion to support Member States. 10 August 2015
http://europa.eu/rapid/press-release_MEX-15-5484_en.htm

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- 15 December 2015 ○ The EC proposes a temporary suspension of Sweden's obligations under the EU relocation mechanism due to the sharp increase of asylum applications
 - 20 March 2016 ○ The EU and Turkey agree to a deal to tackle the migrant crisis. Under the deal, Turkey would take back migrants arriving to Greece who do not apply for asylum or whose claims are rejected
 - 7 June 2016 ○ The EC announces the *New Migration Partnership Framework* - reinforced cooperation with third countries to better manage migration
 - 3 February 2017 ○ EU leaders agree to boost cooperation with Libya to stem the flow of migrants
 - 8 June 2017 ○ Ministers adopt Council conclusions to reaffirm that children in migration have the right to be protected
 - 30 June 2017 ○ EU ambassadors confirm an agreement between the Maltese presidency and the European Parliament reached on 29 June on the political issues of a proposal for an Entry-Exit System and a proposal amending the Schengen Border Code in relation to the Entry-Exit System
 - 4 July 2017 ○ The EC proposes an Action Plan to support Italy, reduce pressure and increase solidarity due to arrivals via the Central Mediterranean Route
 - 6 September 2017 ○ The European Court of Justice dismisses complaints by Hungary and Slovakia about the EU migration policy, upholding Brussels' right to force Member States to take in asylum seekers

Introduction

Just a day before a regular meeting of EU foreign ministers in late April 2015, a tragic incident occurred in the Mediterranean. Nearly 800 people drowned when an overcrowded fishing boat capsized off the coast of Libya on its way to Europe. The meeting was overshadowed by the scenes of bodies floating on the sea.² The sense that something had to be done became paramount. The big question: 'what?' was, however, not answered.

The European Commission (EC) did not want to let this momentum pass – something had to be done. Migration had become a problem of the first priority in the European Union (EU). The will or ability to receive migrants had been steeply declining, almost on the same scale as the migration pressure was increasing. European nations had come to fear migration. While it has been tolerable and in some cases even encouraged before, in the spirit of globalization and demands for economic development, in the course of the last decade migration has become increasingly perceived as a threat to security, identity and the economic wellbeing of Europe. The anti-immigration agenda has become a dividing ideological line in political battles across nations.

Since the spring of 2011, war has been waging in Syria, causing massive displacement. People moved to safer parts of the country and abroad. For several years, millions of refugees were accommodated in neighboring countries. However, in 2015, with little prospect of the war ending and with new arrivals of refugees, Syrians increasingly started making their way to Europe. Initially they used a land route from Turkey to Bulgaria and further to the north of Europe. When Bulgaria erected a fence on a part of the border and started pushing back refugees, they found a new route – across the Aegean Sea to Greek islands. Migration from Africa to the shores of Italy was also sharply rising.

It is in this atmosphere that a debate on relocation and a broader discussion on migration took place in the spring and early summer of 2015. The April tragedy was a trigger for policy solutions that would alleviate a part of the burden of the extraordinary refugee arrivals to frontline states – Greece and Italy. It was time to test frequently proclaimed but rarely applied the principle of solidarity.

The European Commission's proposal

*A European Agenda on Migration*³ is a 22-page document starting with an explanation of the context and detailing a list of measures, immediate and long-term ones, that the EC proposes the Member States should undertake to effectively respond to the migration challenge.

Immediate steps require protecting and helping those in need. Long-term steps seek to address the root causes of migration in third countries, as well as building up European capacities to safeguard its own needs and wellbeing while remaining true to the values of human rights and liberty.

Immediate responses to migratory pressures would include strengthening the presence at sea; establishing better information sharing to combat smuggling; developing a European response to mass influxes; building relocation and resettlement mechanisms, and intervening in third countries.

Four pillars to manage migration better were identified as follows:⁴

- A strong common asylum policy;
- The fight against smuggling and trafficking, and the prevention of irregular migration;
- Securing the external borders and saving lives;
- A new policy on legal migration.

2. A lead for this introduction comes from an article by Ulrich Fichtner et al. "The EU's Shipwrecked Refugee Plan", Spiegel, 23 June 2015 <http://www.spiegel.de/international/europe/how-eu-promises-to-introduce-refugee-quotas-failed-a-1040226.html>

3. A European Agenda on Migration, COM (2015) 240 https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

4. Source: Draft Amending Budget No 5 to the General Budget 2015, COM(2015) 241 http://ec.europa.eu/budget/library/biblio/documents/2015/DAB/dab5_2015_en.pdf

A refugee relocation scheme

The Agenda introduced a relocation scheme as a measure to ease part of the burden from front-line states Greece and Italy, which have experienced increasing migratory pressure.⁵ Relocation means the distribution among Member States of persons in clear need of international protection.⁶ The EC came up with the distribution key based on “objective, quantifiable and verifiable criteria that reflect the capacity of the Member States to absorb and integrate refugees”.⁷ Four elements were taken into account:

- The size of the population (40%)
- Total GDP (40%)
- The number of asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010-2014 (10%)
- The unemployment rate (10%).⁸

Refugees that qualify for relocation would be persons from countries with at least a 75% asylum recognition rate such as Syria, Eritrea, Iraq, Central African Republic, Swaziland, Yemen and Bahrain. Priority regions are identified as North Africa, the Middle East, and the Horn of Africa.

In July 2015, the Council agreed to relocate 40.000 refugees from Italy (24.000) and Greece (16.000). In the midst of the largest refugee crisis in Europe since the end of the Second World War,⁹ to relocate 40.000 persons seemed like a drop in the ocean. Further assistance was necessary. In September, the Council adopted a decision to relocate an additional 120.000 people from Italy and

Greece.¹⁰ The total number was later revised to 98.255 as it became evident that a fewer number of people were eligible than anticipated.¹¹

The decision was adopted by majority vote; Hungary, Slovakia, the Czech Republic and Romania voted against, and Finland abstained. The decision was compulsory, however, meaning that all EU MSs, including the opposing and absentee states, would still have to implement it. The plan foresaw that the four opposing countries would together receive 6.200 refugees.

The UK opted out, but promised to contribute GDP 1 billion¹² in aid for Syria and to take in 20.000 refugees from camps in Turkey and North Africa within the resettlement scheme.¹³ Denmark also opted out from relocation, but agreed to participate in resettlement and aid assistance programs with third countries outside the EU.

To share the financial burden, it was decided that a Member State would receive EUR 6.000 for each relocated individual from the EU budget. At the same time, Italy and Greece would receive EUR 500 for transportation costs of these persons to recipient states.¹⁴

As of 27 September 2017, the situation looked as following:

5. The Agenda also includes resettlement as a different scheme to address migration. Resettlement is a transfer of refugees from a third country to a Member States in cooperation with the UNHCR. Originally, in the Agenda, both programmes – relocation and resettlement – were envisaged to include 20.000 people each, 40.000 in total. The EC would contribute to the resettlement scheme EUR 50 million for 2015 and 2016

6. Annex to COM (2015) 240, p. 19.

7. Ibid.

8. Ibid.

9. “Europe is facing the worst refugee crisis since World War II – and there’s no end in sight.” Reuters, 28 August 2015 <http://www.businessinsider.com/r-migrant-tragedies-on-land-and-sea-claim-hundreds-of-lives-2015-8>

10. The initial proposal was to relocate 50.400 from Greece, 15.600 from Italy and 54.000 from Hungary. However, at the last moment Hungary declined to be considered a frontline state. Subsequently, it was decided that 54.000 refugees would be proportionally relocated from Italy and Greece. Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece. European Council 12098/15, 22 September 2015

<http://data.consilium.europa.eu/doc/document/ST-12098-2015-INIT/en/pdf>. 54.000 places, however, were later made available for legally admitting Syrians from Turkey as part of the EU-Turkey deal of 18 March 2016.

11. Lizzie Dearden, EU plan to relocate 160.000 refugees from Italy and Greece by September failing despite record deaths at sea. The Independent, 16 May 2017

<http://www.independent.co.uk/news/world/europe/eu-refugee-quotas-160000-italy-greece-failing-european-commissioner-legal-cases-obligations-a7739396.html>

12. United Kingdom Government. Press release: PM dedicates £1bn in aid money for Syrian refugees and host countries. 4 April 2017 <https://www.gov.uk/government/news/pm-dedicates-1bn-in-aid-money-for-syrian-refugees-and-host-countries>

13. Anoosh Chakelian, What you need to know about the EU refugee quota plan. New Statesman, 23 September 2015 <http://www.newstatesman.com/world/europe/2015/09/what-you-need-know-about-eu-refugee-quota-plan>

14. European Commission. Refugee Crisis: European Commission takes decisive action - Questions and answers. 9 September 2015 http://europa.eu/rapid/press-release_MEMO-15-5597_en.htm

Country	Commitment Legally Foreseen*	Places Formally Pledged**	Number of Relocated Refugees	Percentage of relocated persons in relation to legally foreseen
Austria	1953	50	15	0,8%
Belgium	3812	1530	997	26,2%
Bulgaria	1302	1070	50	3,8%
Croatia	968	316	78	8,1%
Cyprus	320	205	143	44,7%
Czech Republic	2691	50	12	0,4%
Denmark	0	0	0	
Estonia	329	396	141	42,9%
Finland	2078	2128	1975	95,0%
France	19714	6940	4468	22,7%
Germany	27536	13250	8479	30,8%
Greece	0	0	0	
Hungary	1294	0	0	0,0%
Ireland	600	1152	552	92,0%
Italy	0	0	0	
Latvia	481	627	321	66,7%
Lithuania	671	1160	382	56,9%
Luxembourg	557	545	430	77,2%
Malta	131	205	148	113,0%
Netherlands	5947	2825	2442	41,1%
Poland	6182	100	0	0,0%
Portugal	2951	3218	1496	50,7%
Romania	4180	2182	728	17,4%
Slovakia	902	60	16	1,8%
Slovenia	567	579	217	38,3%
Spain	9323	2500	1279	13,7%
Sweden	3766	3777	2276	60,4%
United Kingdom	0	0	0	
Norway	0	1500	1509	
Switzerland	0	1530	1237	
Lichtenstein	0	10	10	
Total	98255	47905	29401	29,9%***

The table is adapted from a regular update on relocation 'Member States' Support to Emergency Relocation Mechanism'

*Legally foreseen indicates the number of refugees that the Commission expect MSs to take; the figure is calculated according to the pre-defined formula explained above

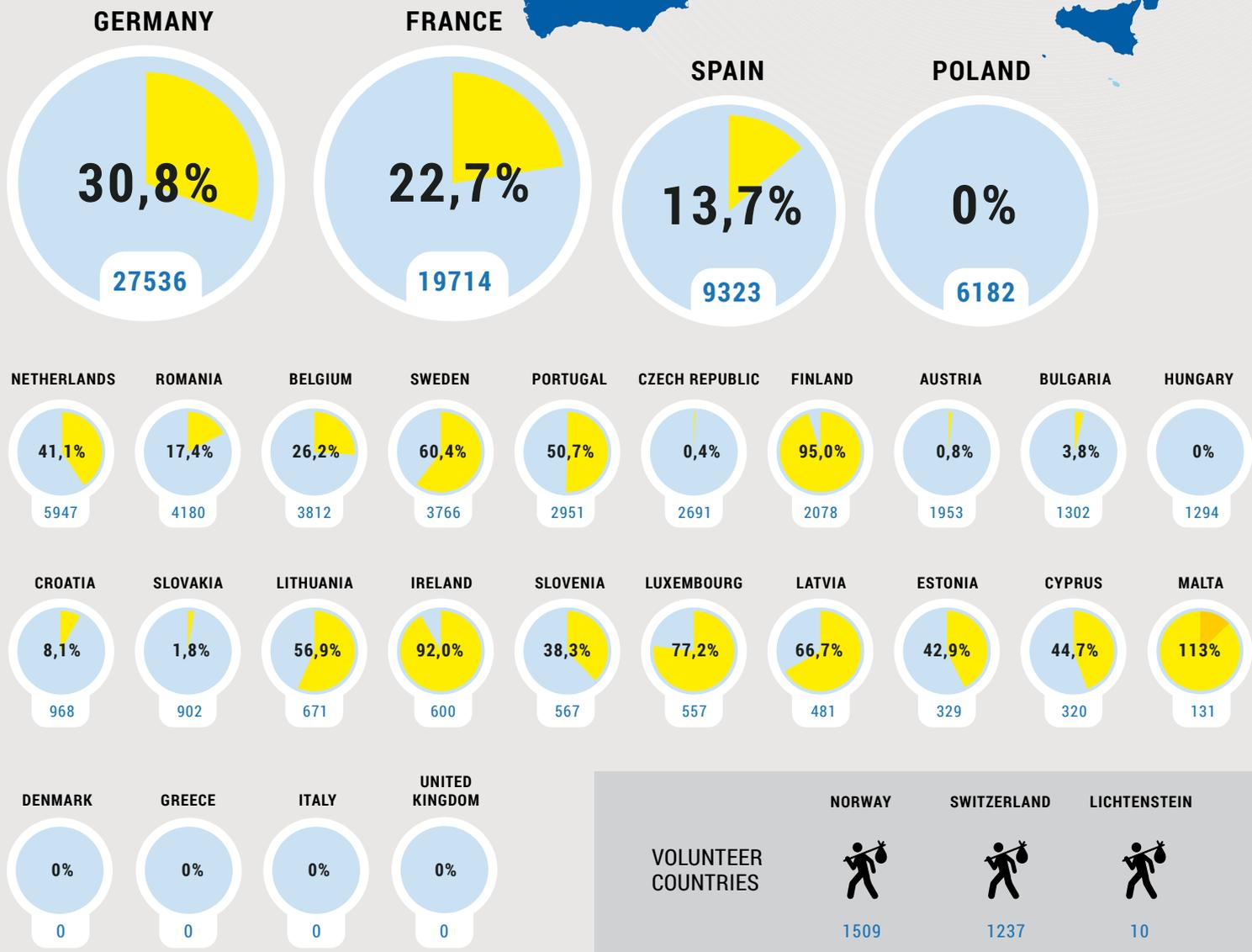
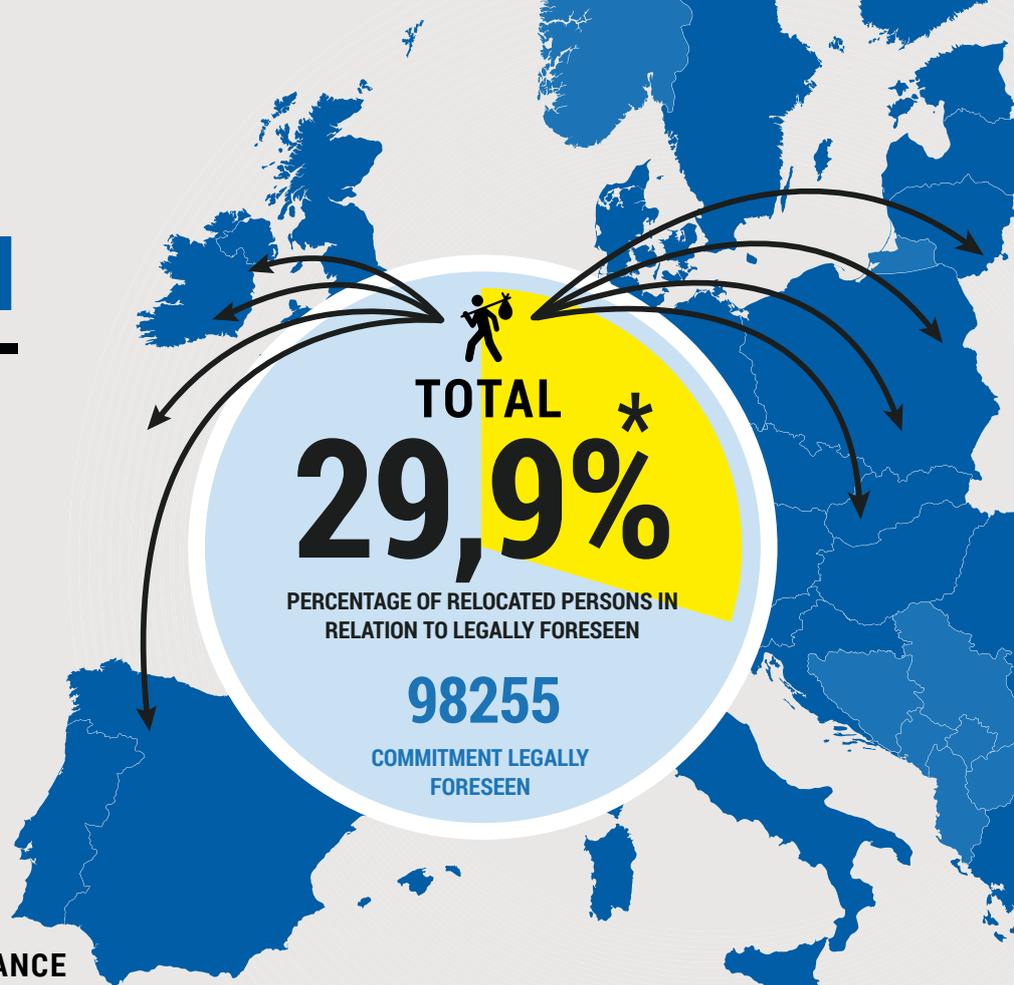
**Formally pledged indicates a number of refugees EU MSs and several other European states vowed to relocate

***or rather: 27,1% in EU (without volunteers)

REFUGEE RELOCATION

IN EUROPEAN COUNTRIES

- PERCENTAGE OF RELOCATED PERSONS IN RELATION TO LEGALLY FORESEEN
- COMMITMENT LEGALLY FORESEEN



VOLUNTEER COUNTRIES

● **NORWAY** 1509

● **SWITZERLAND** 1237

● **LICHTENSTEIN** 10

* OR RATHER: 27,1% IN EU (WITHOUT VOLUNTEERS) / 27.9.2017.

How relocation worked: a few examples

Finland

Finland abstained from voting on the EU relocation plan explaining that it believed that any refugee plan should be voluntary and not compulsory. Despite this fact, however, Finland assumed responsibility for implementing the EU decisions. It has been among a few countries with a high record of relocation. By September 2017, Finland had almost met the target. It relocated 1.975 refugees from Italy and Greece out of 2.078 refugees legally foreseen and out of 2.128 formally pledged. It is worthwhile to note that Finland is in the minority club of countries who pledged more places than the Commission expected. It is, also, after Malta, the only other MS that is meeting a pledged target. Norway, Switzerland and Lichtenstein, which participate in the relocation as non-EU MSs, also belong to this category.

Even though parts of the Finnish society demonstrate negative attitudes towards refugees, there have been numerous volunteers involved in the relocation and integration of refugees.¹⁵

Germany

Germany was asked to accept 27.536 refugees while it formally pledged 12.250 places. By September 2017, Germany had relocated 8.479 refugees through the relocation program, leaving 19.057 places yet to be filled. Outside the relocation scheme, Germany received more refugees than any other European country since the beginning of the refugee crisis in 2015, about one-third of all claims for asylum according to the EC.¹⁶ In this situation, its officials have increasingly asked for a fairer distribution of refugees across Europe. The relative low relocation rate could therefore be explained by the fact that Germany

caters to a high number of refugees already on its territory. In addition, it has to administer requests from those refugees who continue to arrive on its territory via different channels. The task of administering their asylum requests has been formidable. The process of identifying refugees in Italy and Greece as eligible for relocation also turns out to be quite demanding.

Hungary

The Hungarian prime minister Victor Orban has been a loud and staunch opponent to any refugee deal that would allow the entry of refugees into Europe. In September 2016, Orban called for a referendum on the relocation scheme. The result was that over 90% out of 43.7% of voters supported Orban's position, but the referendum was not valid according to the Hungarian law where turnout must be at least 50%. However, Orban did not accept the insufficient turnout as a defeat and celebrated victory.¹⁷ According to the EC calculation, Hungary was foreseen to relocate 1.294 refugees, but by September 2017 had not relocated a single refugee. Hungary and Slovakia have challenged the relocation decision at the Court of Justice of the EU asking for its annulment. In a decision on 6 September 2017 the Court dismissed the case brought by these two countries. The Court found that the relocation decision was appropriate for the situation that was created by a large refugee influx in frontline states and that it contributes to enabling Greece and Italy to deal with the impact of the crisis, and that it was proportionate.¹⁸

Slovenia

By September 2017, Slovenia had relocated 217 refugees from Greece and Italy out of 567 legally foreseen, leaving 350 places to be filled. At a session on 10 March 2016, the Slovenian government adopted a decision to relocate 567

15. Resettlement and Humanitarian Admission Programmes in Europe: what works? – National Report of Finland

16. Ian Traynor, Germany presses for quota system for EU migrant distribution. The Guardian, 29 April 2015
<https://www.theguardian.com/world/2015/apr/29/germany-quota-system-eu-migrant-distribution>

17. Alba Prifi and Kimberly Hutcherson, Hungary voters reject EU migrant-resettlement plan, but low turnout invalidates result. CNN, 5 October 2016
<http://edition.cnn.com/2016/10/02/europe/hungary-migrant-referendum/index.html>

18. Court of Justice of the EU, 6 September 2017.
<https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-07/cp170088en.pdf>

persons and resettle 20 from third countries.¹⁹ Slovenian authorities seek to primarily relocate families and unaccompanied minors and, in general, refugees who express a will to live in Slovenia, expecting that it would be easier to integrate such persons.²⁰ Although slow in overall figures, when compared with Croatia, Slovenia has a better record in relocating refugees.

Croatia

By the end of August 2017, Croatia relocated 78 refugees from Greece and Italy out of 968 initially foreseen for Croatia. Although not a vocal supporter of the relocation scheme, Croatia voted for both decisions in July and September 2015. In July 2015, when it was agreed that 40.000 persons would be relocated, the Croatian government decided to accept up to 550 persons (150 through relocation and 400 through resettlement).²¹ Interestingly, most of the 78 relocated refugees are no longer to be found in Croatia, despite having been informed by Croatian authorities that they could not receive protection in any other country except the country of relocation.²² Yet, they seem to have decided to take the risk of residing somewhere else in Europe undocumented, rather than receiving asylum in Croatia.²³ Among those who stayed are several families. Does it mean that receiving families carries a higher likelihood that refugees would stay in a country of relocation? If yes, then it can be expected that the Croatian government in the future will be inclined to seek to relocate families rather than individuals. The low number of relocated persons, according to Croatian authorities, is due to the fact that they cannot find refugees willing to relocate to Croatia.²⁴

19. Reliefweb, 10 March 2016. <https://reliefweb.int/report/slovenia/government-approves-plan-relocate-567-persons-italy-and-greece>

20. <http://www.sloveniatimes.com/567-refugees-to-be-relocated-to-slovenia-from-italy-and-greece>

21. Decision on relocation and resettlement. Government of Croatia, 16 July 2015 http://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_78_1507.html

22. An interview with an activist held on 16 August 2017.

23. Croatia is not isolated in this situation. There are reports that many relocated refugees are leaving their host countries to seek a better future in the richer parts of Europe. For example, see Katie Mansfield, Refugees REFUSE to live in eastern Europe: EU relocation programme is a farce. Express, 28 November 2016. <http://www.express.co.uk/news/world/737356/eu-migrant-relocation-refugees-refuse-live-eastern-europe-lithuania>

24. Vedran Pavlić, Group of refugees moving to Croatia. Total Croatia News, 11 April 2017. <http://www.total-croatia-news.com/lifestyle/18103-group-of-refugees-moving-to-croatia>

Concluding remarks

The implementation of the relocation plan did not meet the goal in the initially planned two-year period, from September 2015. A total of 29.401 refugees were relocated by 27 September 2017. There are different reasons for this²⁵, but they can generally be grouped in two major categories, namely technical obstacles and perception obstacles.

Technical obstacles include various elements of identification, registration, fingerprinting and selection procedures in Greece and Italy. In recipient countries the technical obstacles relate to reception, accommodation and integration procedures. A few among them are:

- A low investment in the necessary admission capacities in frontline countries Greece and Italy
- Logistical and administrative barriers
- Ill-preparedness for a sudden and massive arrival of migrants
- Too few fully operational hotspots in frontline countries (3 out of 11 planned hotspots are operational)
- Lack of will to establish a permanent mechanism.

Due to a high number of refugees arriving, Sweden asked for the suspension of the relocation quota due to strained capacities. This meant that refugees foreseen for Sweden would have to be relocated to other MSs. An EC official commented that a worry was not that this decision took place, but that "a domino effect could collapse the whole process which is already proving a nightmare to implement."²⁶ Despite a long list of necessary improvements that need to be implemented to remove technical obstacles, these are an easier task than alleviating fears.

25. John Henley, EU refugee relocation scheme is inadequate and will continue to fail. The Guardian, 4 March 2016. <https://www.theguardian.com/world/2016/mar/04/eu-refugee-relocation-scheme-inadequate-will-continue-to-fail>

26. Jacopo Barigazzi, 5 reasons relocating refugees is a nightmare. Politico, 9 November 2015. <http://www.politico.eu/article/5-reasons-relocating-refugees-is-a-nightmare-migration-crisis-malta-summit/>

Perception obstacles relate to fears. The political sensitivity of the migration issue is felt across Europe and an anti-refugee sentiment “has undermined many countries’ commitment to solving the crisis.”²⁷ Economic and security threats posed by immigrants are echoed throughout Europe. In a cacophony of different voices, there is little room for calm, rational and responsible decision-making.

Some countries are profiling refugees. Slovakia accepts only single women with children and people with travel documents, while, for example, Bulgaria does not want to admit Eritreans.²⁸

Poland and Hungary remain the only countries that have not relocated a single person. The Czech Republic did not admit any new person since mid-2016, while Austria in the late summer of 2017 accepted its first refugees.

Refugees themselves are also slowing down the relocation process. “Humanitarian workers say many migrants know little about how the relocation is supposed to work, or are even reluctant to be relocated. Some fear they will be stuck in the countries where they arrive; others are reluctant to be relocated to certain EU countries.”²⁹

The relocation mechanism, despite difficulties, is set to continue in the near future. The Commission believes that the agreed quota should be fulfilled with the understanding that this is a small figure in comparison to long-term migration pressure on Europe. Certain MSs’ reluctance to relocate and refugees’ reluctance to be relocated to certain MSs remains a considerable challenge. However, the viability of the mechanism as such will be probably questioned as it has not delivered satisfactory results. As designed in 2015, it has been an *ad hoc* attempt to address the extraordinary number of arrivals in Europe. As the migration challenge remains, so does a question how to tackle it. Lessons learned through implementing the relocation mechanism should not be neglected in the search for solutions.

27. Maia de la Baume, Why the EU’s refugee relocation policy is a flop. Politico, 6 January 2016. <http://www.politico.eu/article/why-eu-refugee-relocation-policy-has-been-a-flop-frontex-easo-med/>

28. European Commission, Thirteenth report on relocation and resettlement, 13 June 2017, COM (2017) 333.

29. de la Baume, 2016

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Imprint

Published by:
Friedrich-Ebert-Stiftung, Regional Office for Croatia and Slovenia, Praška 8, HR 10000 Zagreb, Croatia

For the Publisher:
Dr. Max Brändle, E-mail: max.braendle@fes.hr
Web: www.fes.hr

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ISBN 978-953-7043-62-9