



European  
Commission

# MANAGING THE REFUGEE CRISIS BALANCING RESPONSIBILITY AND SOLIDARITY ON MIGRATION AND ASYLUM

In managing asylum and migration policy comprehensively, responsibility and solidarity must go hand in hand. The European Commission has a number of immediate and long-term actions to strike the necessary balance between taking responsibility and ensuring solidarity of Member States.

## COMPLYING WITH THE COMMON EUROPEAN ASYLUM SYSTEM (CEAS) AND ASSUMING RESPONSIBILITY

- The European Union's asylum standards are among the highest in the world and the Commission, as Guardian of the Treaties enforces their implementation. The Commission is committed to assisting Member States to properly apply the EU's common asylum rules and to manage the refugee crisis. The Commission and European Asylum Support Office (EASO) have provided operational guidance for Member States to assist them with the implementation of asylum legislation and regularly meets with the Member States. In cases where Member States do not comply with the common asylum rules, the Commission enforces their application through infringement proceedings.
- On 27 May 2015, the Commission published guidelines for Member States setting out a best practice approach for fingerprinting newly arrived applicants for international protection. Currently, Member States apply the existing legislation under varying conditions, using either detention, coercion or neither to ensure fingerprinting. As a result, the Commission services put forward a common approach for the process of fingerprinting.
- EU legislation includes specific provisions to fight against abuses, for example by allowing swift processing of asylum applications likely to be unfounded, including for people originating from countries considered as 'safe'. In September 2015, the Commission proposed a Regulation establishing an EU common list of safe countries of origin. A European list would allow for swifter processing of individual asylum applications of persons originating from 'safe' countries and for faster returns if it is

## PUTTING SOLIDARITY INTO PRACTICE

- **Funding:** The European Commission is providing over **€8.4 billion** under the Asylum, Migration and Integration Fund (AMIF), and the Internal Security Fund (ISF) to address migration and security challenges in Europe. For 2016, the Commission proposed an increase in the EU budget for dealing with the refugee crisis, and has foreseen emergency financial assistance for Member States of €133 million under the AMIF and €55.9 million under the ISF.
- **Relocation:** In September 2015, the Council adopted two Decisions establishing a temporary emergency relocation mechanism to relocate 160,000 persons in clear need of international protection from Italy and Greece.
- **Resettlement:** Following the Commission's Recommendation, Member States adopted in July 2015 a plan to resettle **22,504** displaced persons from outside the EU who are in clear need of international protection, through multilateral and national schemes. The priority areas for resettlement are the Middle East, North Africa and the Horn of Africa. According to information communicated by Member States, **3,358** people had been resettled by the end of 2015. The Commission will soon bring forward a horizontal resettlement initiative to ensure a collective approach to resettlement as a central tool in the EU's assistance to countries hosting large numbers of refugee populations.
- **Hotspots:** Under the European Agenda on Migration, the Commission has sent migration management support teams to provide assistance to national authorities at Hotspots in Greece and Italy. Five hotspot areas have been identified by the Greek authorities in the Aegean islands of Lesbos, Chios, Samos, Leros and Kos. Currently one hotspot is fully operational (in Lesbos). Six hotspot areas have been

confirmed that they have no right of asylum. Applicants will have the right to challenge the presumption of safety in light of their individual circumstances, and should receive protection if the conditions are met. The Commission proposed to include Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo\*, Montenegro, Serbia and Turkey in the EU common list of safe countries of origin. The proposal must now be adopted by the European Parliament and Council. The Commission has also called for a stronger and more coherent use by Member States of the provisions allowing the return of asylum seekers to safe third countries.

- As guardian of the Treaties, the Commission is responsible for monitoring the full and correct implementation of the instruments of the Common European Asylum System. Since 23 September 2015, the Commission has adopted a total of 58 infringement decisions related to the EU asylum acquis. There are currently 70 open infringement procedures that include one or more violations of the instruments in the table below.

identified by the Italian authorities in Lampedusa, Pozzallo, Porto Empedocle/Villa Sikanìa, Trapani, Augusta and Taranto. Two hotspots are fully operational (in Lampedusa and Pozzallo), and a third one (Trapani) is reaching completion.

- The European Asylum Support Office (EASO), Frontex and Europol are working on the ground with national authorities to swiftly interview, identify, register and fingerprint incoming migrants. Those claiming asylum are immediately channelled into an asylum procedure where EASO support teams help to process asylum cases as quickly as possible. For those clearly not in need of protection, Frontex is helping Member States by coordinating the return of irregular migrants. Europol and Eurojust are assisting the host Member State with investigations to dismantle the smuggling and trafficking networks. Dedicated EU Regional Taskforces (EURTFs) have been set up in Catania (Sicily, Italy) and in Piraeus (Greece) to coordinate the implementation of the Hotspot approach.
- EU Civil Protection Mechanism:** The Civil Protection Mechanism has been used to provide humanitarian assistance to five countries dealing with emergency situations due to the unprecedented flow of refugees across their territory. Four requests are still active, from Serbia, Slovenia, Croatia, and Greece. A total of 15 countries have made offers of assistance, providing items such tents, sleeping bags and bedding, personal protective items, heating and lighting equipment, and electricity generators. The Commission recently increased its funding and now covers 85% of the transport costs of this aid, but there are requests for assistance from Member States which remain outstanding.

A full published list of open and closed cases can be found here: [http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements\\_by\\_policy\\_asylum\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements_by_policy_asylum_en.htm)

### Open infringement cases within the Common European Asylum System

Asylum Procedures Directive 2005/85/ EC and 2013/32/EU (recast)	Reception Conditions Directive 2003/9/EC and 2013/33/EU (recast)	Qualification Directive 2004/83/ EC and 2011/95/ EU	Dublin III Regulation 604/2013	Eurodac regulation 603/2013	Directive 2011/51/EU amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection
<p><b>8 bad application or non-conformity cases:</b> Greece Italy (3 cases) Cyprus (2 cases) Hungary (2 cases)</p> <p><b>18 non-communication cases:</b> Belgium, Bulgaria, Czech Republic, Germany, Estonia, Greece, Spain, France, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Poland, Romania, Sweden, Slovenia</p>	<p><b>7 bad application or non-conformity cases</b> Greece, France Italy (2 cases) Cyprus (2 cases) Hungary</p> <p><b>19 non-communication cases:</b> Belgium, Bulgaria, Czech Republic, Germany, Estonia, Greece, Spain, France, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Austria, Poland, Romania, Sweden, Slovenia</p>	<p><b>1 bad application or non-conformity case:</b> Italy</p> <p><b>13 non-communication cases:</b> Slovenia, Cyprus, Bulgaria, Portugal, Poland, Malta, Italy, Hungary, France, Finland, Spain, Lithuania, Romania</p>	<p><b>1 case:</b> Italy</p>	<p><b>4 cases:</b> Greece Croatia Italy Cyprus</p>	<p><b>7 non-communication cases:</b> Germany Greece France Italy Latvia Slovenia Austria</p>