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NOTE

From:	Presidency
To:	Representatives of the Governments of the Member States
Subject:	Standard Operating Procedures implementing the mechanism for resettlement from Turkey to the EU as set out in the EU-Turkey Statement of 18 March 2016 - Endorsement

1. According to the EU-Turkey Statement of 18 March, for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN vulnerability criteria. The EU-Turkey Statement provides that a mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as UNHCR, to ensure the implementation of the above principle.
2. In order to establish such a mechanism, the Commission presented the draft Standard Operating Procedures (SOPs), which were examined by the JHA Counsellors on 21 and 23 March as well as on 1, 4 and 27 April. Norway, Iceland, Switzerland and Liechtenstein as well as UNHCR and EASO took part in these discussions. The Turkish counterparts were extensively consulted in the course of the process.
3. The draft SOPs were discussed by the Representatives of the Governments of the Member States and Norway, Iceland, Switzerland and Liechtenstein, meeting in the margins of COREPER on 6 April 2016. The result of these deliberations served as a basis for further discussions with Turkey.

4. The text as annexed to this Note represents the result of these discussions with Turkey. This text was examined by JHA Counsellors at their meeting on 27 April who confirmed their general agreement on it.
 5. The Representatives of the Governments of the Member States and Norway, Iceland, Switzerland and Liechtenstein are hereby invited to endorse the draft SOPs annexed to this Note.
 6. Once endorsed by the Representatives of the Governments of the Member States and Norway, Iceland, Switzerland and Liechtenstein meeting in the margins of COREPER, the Standard Operating Procedures will be formalised by way of an exchange of letters between the Commission and the Turkish authorities.
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Implementation of the EU-Turkey 1:1 scheme - resettlement part

Fast-track Standard Operating Procedures ¹

Volume and speed of the procedure:

While the procedure should not take longer than necessary, volume and speed of the procedure should be commensurate with the number of Syrians returned from Greece to Turkey.²

Eligibility

- Target group: Syrian nationals who have been displaced by the conflict in Syria and who are prima facie in need of international protection, without having a profile that could bring them under the scope of the exclusion clauses, as set out in EU or international law, registered by the Turkish authorities through the commissions set up by the Directorate General of Migration Management (DGMM) benefitting from temporary protection status prior to 29 November 2015. Newborns of parents registered prior to that date and limited urgent cases with physical protection needs or medical needs or disabilities could be included regardless of their date of registration;

¹ The fast-track SOP will apply as of the date of their endorsement. Resettlement initiated prior to this date with a view to departures as of 4 April will need to be organised under national procedures.

² For the purpose of ensuring parallelism between return and resettlement, the number departures should correspond to the number of Syrians returned from Greece to Turkey. The discontinuation of a return procedure should not impact the continuation of an on-going resettlement procedure.

- Selection criteria:
 - Falling within one of the following UNHCR resettlement submission categories:
 - women and girls at risk;
 - survivors of violence and/or torture;
 - refugees with legal and/or physical protection needs;
 - refugees with medical needs or disabilities;
 - children and adolescents at risk; and/or
 - Members of the nuclear family³ of a person legally resident in a Participating State
- Families with complex⁴ or unclear profiles are not eligible;
- The person does not constitute a threat to public policy, internal security and public health;
- A candidate who has refused admission to a particular Member State is no longer eligible;
- Priority will be given to eligible persons who have not previously entered or tried to enter the EU irregularly;
- Only when a case is rejected in order to preserve proportion to overall numbers between the different individual submission categories, in particular as regards members of the nuclear family of a person legally resident in a Participating State, it may be submitted to another Participating State.

³ Members of the nuclear family include the spouse, the minor child and the dependant adult child.

⁴ Complex profiles include: a) underaged spouses; and b) a further spouse, where the family member already has a spouse living with him or her.

Procedure

Step 1 – Initial referral by Turkey

- DGMM shares, as soon as possible, while taking into account that the speed of the procedure should be commensurate with the number of Syrians returned from Greece to Turkey, with UNHCR, a list of persons falling within the target group, in accordance with the applicable data protection legislation in Turkey, aiming at presenting cases proportional to overall numbers with regard to the individual submission categories, in particular as regards members of the nuclear family of a person legally resident in a Participating State, including at least the names of the persons having family links with a member of the nuclear family in a Participating State communicated by that Participating State in advance on their initiative to DGMM. When composing the list, DGMM should ensure that family unity can be maintained.
- The number of persons on the list should be commensurate with the number of Syrians returned from Greece to Turkey.⁵ The list should contain information concerning:
 - Identity data (name, date of birth, nationality, spouse, children/dependants, identity documents), and registration number;
 - Date of registration with the Turkish authorities;
 - UNHCR resettlement submission category;

⁵ Account should be taken of the fact that some candidates on the list of DGMM might be unselected by UNHCR or rejected by a Participating State in the course of the procedure. Therefore, the number of persons referred should be superior to the number of Syrians returned from Greece to Turkey.

- Syrians are granted temporary protection after their security checks are completed by the Turkish security authorities. At the moment of referral the candidates are not known to the Turkish authorities as constituting a security risk (on the basis of national security checks) or having attempted to enter the EU irregularly from Turkey or having committed a serious crime in Turkey;
- Indication of links with a member of the nuclear family in one of the Participating States (where applicable);
- Place of residence / contact details.

Step 2 – Assessment by UNHCR

- UNHCR contacts the persons on the list received from DGMM by phone to enquire about their whereabouts, family composition and willingness to participate in the scheme, and explain the procedure to the candidates, including the fact that the destination country will not be decided on the basis of the candidate's choice; and, unless a person has links with a member of the nuclear family within a Participating State, assess whether the persons fall within one of the UNHCR resettlement submission categories.
- Should those individuals be willing to participate in the scheme, UNHCR calls them for a face-to-face interview, where their personal information is collected, their documents, where available, are examined and information is recorded on whether the persons fall evidently within one of the UNHCR resettlement submission categories;⁶
- UNHCR aims at presenting cases proportional to overall numbers with regard to the individual submission categories, in particular as regards members of the nuclear family of a person legally resident in a Participating State, to the Participating State, possibly in cooperation with EASO, and matches the cases with the Participating States proportionately to the number of places pledged; a person with family links within a Participating State shall be referred to that State;

⁶ The assessment undertaken by UNHCR does not include a Refugee Status Determination.

- As soon as possible from the initial referral by Turkey UNHCR refers selected cases to the liaison officers or national contact points of Participating States using a standard form developed for the scheme and attaching all available supportive documentation (with the consent of the candidate). DGMM will be informed about the cases selected and the processing status, where made available to UNHCR by Participating States, in accordance with UNHCR's Data Protection Policy and the established practice with the Turkish authorities in the context of global resettlement standards.

Step 3 – Assessment by Participating States

- The Participating State reviews the files received from UNHCR and performs necessary identity, medical and security checks, including checks of the SIS and national databases as well as whether a person has entered or attempted to enter the EU irregularly. For this purpose, the Participating State may take fingerprints in Turkey, where possible in the Embassy/Consulate, and store, compare and transfer these fingerprints to the competent national authorities in the participating State, in accordance with national law of Participating States. The Participating State assesses the case on the basis of documentary evidence or interviewing;
- The Participating State explains to the candidate that the residence permit status to be granted is only valid on the territory of the Participating State granting it and that the candidate will not be allowed to reside on that basis in another EU Member State. The candidate is also informed about his or her duty to comply with the laws of the Participating State of destination;
- The Participating State takes a decision on the cases referred as soon as possible, while taking into account that the speed of the procedure should be commensurate with the number of Syrians returned from Greece to Turkey as of receiving the file from UNHCR and informs the candidate through UNHCR. DGMM will be informed about rejected cases together with the reasons for rejection where necessary for the implementation of these Standard Operating Procedures in accordance with applicable data protection standards.

- While the Participating States retain the right to decide on and reject candidates in individual cases, the Participating State should reject a candidate only in case he or she does not meet the eligibility criteria, in order to preserve proportion to overall numbers between the different individual submission categories, in particular as regards members of the nuclear family of a person legally resident in a Participating State or to give priority to persons who have not previously entered or tried to enter the EU irregularly;
- Only when a case is rejected in order to preserve proportion to overall numbers between the different individual submission categories, in particular as regards members of the nuclear family of a person legally resident in a Participating State, UNHCR may submit the case to another Participating State.
- The Participating States issue the necessary national visa/permit and travel documents where necessary in accordance with national law.
- EASO supports, within the limits of its mandate, Participating States, in particular cooperation and coordination between them.

Step 4 - Pre-departure and departure

- Participating States arrange the transfer of the candidate (flights and all other practical arrangements) as soon as possible, possibly in cooperation with an implementing partner (such as IOM). Joint flights might be organised;
- Participating States arrange fit to travel medical checks;
- Turkey shall aim to deliver the exit visa as soon as possible and in any case within five working days;
- Candidates are accompanied at the airport by Participating States, through an implementing partner;

- Candidates give back their temporary protection ID cards and Turkish authorities terminate the temporary protection.
- The overall number of departures should be commensurate with the number of Syrians returned from Greece to Turkey.

Step 5 - Arrival in a host country

- The candidates admitted are granted a status at least equivalent to subsidiary protection or any other equivalent temporary status under national law for not less than one year, and renewable, in accordance with national procedures. Only in case of new circumstances or new evidence concerning the person's eligibility following the decision on admission, the status could be refused or revoked;
- This is without prejudice to the right of the admitted candidate to apply for and be granted international protection in the framework of an asylum procedure.
- This step only concerns EU-internal procedures and does not create any obligation for Turkey.
