



Council of the
European Union

Brussels, 3 October 2016
(OR. en)

12730/16

LIMITE

JAI 787
ASIM 126
RELEX 805
FRONT 367
COMIX 637

NOTE

From: Presidency
To: Permanent Representatives Committee/Council
Subject: Migration
- Implementation

1. This note aims to focus on some of the current **shortfalls and potential solutions in managing the migration and refugee flows** in the Mediterranean. It is based on information provided by the different agencies in the field, recent Commission reports and the outcome of SCIFA and IPCR meetings. While the EU-Turkey statement has contributed to a significant reduction in arrivals on the Greek islands and casualties in the Eastern Mediterranean sea, full implementation of the statement is progressing far too slowly. On relocation, some progress has been achieved, but as migrants continue to arrive in Italy and in light of the challenging situation in Greece, relocation remains crucial to alleviating the pressure in those countries.

General issues

2. In terms of **staffing**, while commendable efforts are ongoing by the Greek and Italian asylum services to cope with the increased workload, additional efforts by all Member States are required. There are still significant shortfalls in experts provided by Member States replying to calls from agencies. The situation is especially critical for EASO in Greece, since the Agency plays a crucial role in the different steps of the asylum procedures on the islands, as well as the relocation process. Frontex and Europol also report fatigue among Member States in responding to calls for experts. Recent security concerns have further affected Member States' willingness to deploy staff. Additionally, experts do not always have the right profile and are not deployed for a sufficiently long period. Deployment periods that are too short and mismatching of profiles put an unnecessary strain on the host Member State and agencies, which must continuously train new staff, thereby draining resources from essential tasks.
3. Technical problems, errors and delays in **information-sharing** between actors hinder the smooth running of relocation in both Italy and Greece as well as the asylum procedure on the Greek islands. Both relocation and the asylum process require a complex chain of actions to be completed. EASO and other agencies only play a supporting role in certain functions and are dependent on efforts by host Member States and Member States of relocation. The fact that coordinators in the hotspots are not being appointed or do not have the necessary authority remains a constraint on the operation of the hotspots in both Greece and Italy.
4. **Reception capacity** remains a serious problem. In Greece, there is an urgent need to establish sufficient permanent facilities, in line with EU standards, while at the same time providing temporary facilities as a contingency measure. Italy should accelerate the opening of already-announced additional hotspots and adequate reception structures.

Relocation

5. In Greece, the lack of **centralised relocation centres** creates logistical problems as relocation applicants have to be transported from various sites to go through the different steps in the procedure. Besides the inevitable delays, this situation also contributes to frustration among applicants and may lead to people absconding.

6. While relocation numbers have gone up significantly in recent months, Member States are not offering **sufficient pledges**. Additionally, due to the **long response time** of Member States and the delays in the implementation of transfers, the process takes an average of three months between the date a relocation request is sent and the actual transfer takes place.
7. While the importance of adequate security screening by Member States of relocation is not in question, Member States still **reject relocation candidates without justification** or for reasons not based on exclusion grounds provided in Council Decisions.
8. Relocation of **unaccompanied minors** remains an issue both in Italy and Greece. Not only in terms of lack of sufficient pledges and organised transfers for unaccompanied minors, but also concerning the conditions in which they reside and the lack of dedicated facilities.
9. The **new proposal** for a Regulation on the EU Asylum Agency, currently being discussed, proposes important changes that would contribute to solving some structural issues. However, they will not be operational in the short term. It is therefore important that measures are taken as a matter of urgency to improve the situation.

Implementation of EU-Turkey statement

10. The **asylum process** on the Greek islands is **moving slowly** and some 'nationalities' are unable to register their asylum applications. Lodging of asylum applications is done according to nationality, giving priority to Syrians, Pakistanis and North Africans, while Iraqi and Afghani requests are not being dealt with. This leads to frustration and unrest in the overcrowded hotspots. It also hinders any possible family reunification.
11. The slow asylum process also negatively affects **unaccompanied minors**. Many wait for months in closed facilities for their claims to be processed, some of them in substandard conditions or placed with unrelated adults. There is a lack of specialised shelters for unaccompanied minors to reduce the use of detention.

12. The **slow return rate** and **overcrowded facilities** on the islands are challenging. This contributes to a volatile **security situation**, which presents a potential problem for the various staff of the national asylum service, EU agencies and NGOs, and also as regards our international legal responsibilities towards the migrants and refugees.

Conclusion

13. It is recommended that:

- Member States urgently and significantly increase the availability of experts provided to agencies in the field with the right profile and for a sufficiently long period, in particular as regards EASO;
- Greece and Italy continue to increase their capacity to process asylum requests, both in relation to relocation and to their national procedure;
- Greece and Italy appoint coordinators at the hotspots with the necessary powers to facilitate coordination and information sharing;
- Adequate reception capacity is increased in line with legal requirements, including specific centres for relocation;
- Adequate security provision and law enforcement personnel are put in place to safeguard public order in reception centres and hotspots;
- Member States continue to increase efforts on relocation, including by adequate pledges, speeding up replies to requests for relocation and executing transfers;
- Special care is given to unaccompanied minors and more dedicated areas are made available for them;
- In the case of unaccompanied minors, Member States should explore how to ensure that the best interest of the child is served. Depending on the situation, this could be international protection in the EU, but also family reunification in their home or third country.