

International protection: provisional measures for the benefit of Italy and Greece

2015/0125(NLE) - 14/09/2015 - Final act

PURPOSE: to establish provisional measures in the area of international protection for the benefit of Italy and Greece in order to enable them to deal in an effective manner with the current significant inflow of third country nationals in their territories, putting their asylum systems under strain.

LEGISLATIVE ACT: Council Decision (EU) 2015/1523 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece.

CONTENT: this Decision establishes a **temporary and exceptional relocation mechanism over two years** from the frontline Member States **Italy and Greece** to other Member States.

In 2014, more than 170 000 migrants arrived in Italy alone in an irregular manner, representing an increase of 277% compared to 2013. A steady increase was also witnessed by Greece with more than 50 000 irregular migrants reaching the country, representing an increase of 153% compared to 2013. The overall numbers further increased in the course of 2015.

In its resolution of [29 April 2015](#), the European Parliament reiterated the need for the Union to base its response to the latest tragedies in the Mediterranean on **solidarity and fair sharing of responsibility**.

Relocation measures: the provisional measures under this Decision relate first and foremost to the relocation of applicants for international protection who appear *prima facie* to be in **clear need of international protection** from Italy and Greece to the other Member States (those applicants as those belonging to nationalities for which the EU average recognition rate as established by Eurostat is above 75%).

Relocation shall only take place in respect of applicants who have lodged their application for international protection in Italy or Greece and for whom those States would have otherwise been responsible pursuant to the criteria for determining the Member State responsible set out in Chapter III of [Regulation \(EU\) No 604/2013](#).

Detailed targets: following agreement reached between Member States through [Resolution of 20 July 2015](#) of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy **40 000 persons** in clear need of international protection (**24 000 applicants** will be **relocated from Italy**; **16 000 applicants** will be **relocated from Greece** to the territory of the other Member).

Relocation procedure: the Decision ensures that a **swift relocation procedure** is put in place and to accompany the implementation of the provisional measures by close administrative cooperation between Member States and operational support provided by EASO. Priority shall be given for that purpose to **vulnerable applicants**.

In order to decide which specific Member State should be the Member State of relocation, specific account should be given to the **specific qualifications and characteristics of the applicants** concerned, such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation.

With due respect for the principle of non-discrimination, **Member States of relocation may indicate their preferences** for applicants based on the above information on the basis of which Italy and Greece, in consultation with EASO and, where applicable, liaison officers, may compile lists of possible applicants identified for relocation to that Member State.

The transfer of the applicant to the territory of the Member State of relocation shall take place **as soon as possible following the date of the notification** to the person concerned of the transfer decision.

Member States retain the **right to refuse** to relocate an applicant only where there are reasonable grounds for regarding him or her as a **danger to their national security or public order**.

For the implementation of all aspects of the relocation procedure, Member States may decide to appoint **liaison officers** to Italy and to Greece.

Operational support to Italy and to Greece: the Decision stipulates that Member States shall increase their operational support in cooperation with Italy and Greece in the area of international protection, in particular by providing, as appropriate, national experts for the following support activities:

- the **screening** of the third-country nationals arriving in Italy and in Greece, including their clear identification, fingerprinting and registration;
- the provision to applicants or potential applicants that could be subject to relocation of **information and specific assistance** that they may need.

Roadmap: the Decision requires Italy and Greece to present a **roadmap** to the Commission which shall include adequate measures in the area of asylum, first reception and return, enhancing the capacity, quality and efficiency of their systems in these areas as well as measures to ensure appropriate implementation of this Decision. The Commission may decide to **suspend, under certain circumstances**, the application of this Decision.

Rights and obligations of applicants: the Decision lays down the rights and obligations of applicants for international protection covered by this Decision:

- the **best interests of the child** shall be a primary consideration for Member States when implementing this Decision;
- the applicant shall be informed in a language which the applicant understands or is reasonably supposed to understand of the relocation procedure;
- Member States shall ensure that **family members** who fall within the scope of this Decision are relocated to the territory of the same Member State.

An applicant or beneficiary of international protection who enters the territory of a Member State other than the Member State of relocation without fulfilling the conditions for stay in that other Member State shall be required to **return immediately**. The Member State of relocation shall take back the person.

Financial support: the Member State of relocation shall receive a **lump sum of EUR 6 000** for each relocated person pursuant to this Decision.

ENTRY INTO FORCE: 16.9.2015. The Decision shall apply until 17.9.2017.