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Past, Present and Future Solidarity: Which Relocation Mechanisms Work and Which Do Not?

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Executive Summary

With 65.6 million people displaced worldwide in 2016 (refugees and internally displaced people) and more than 80% of refugees hosted by developing countries, the [UNHCR](#) has once again stressed the need for more solidarity on the occasion of today's World Refugee Day! The September 2016 [New York Declaration](#) for Refugees and Migrants called for more solidarity at global level and the allocation of more resettlement places for refugees worldwide. At the same time, the EU, as a relatively homogenous regional community of states, continues to experience an uneven distribution of asylum applicants and limited willingness to share responsibilities by relocating asylum applicants and/or refugees from more affected to less affected EU Member States (MS).

This policy brief examines various different intra-EU relocation mechanisms: the former EUREMA (EU Pilot Project on Intra-EU Relocation from Malta) pilot relocation project; the present Council Decisions from September 2015 on relocation; and the proposed future corrective relocation mechanisms embedded in the proposal for a recast of the Dublin Regulation (Dublin IV). This Policy Brief compares and contrasts these three approaches and engages in a hypothetical exercise to assess what the Dublin IV measures would have meant if they had been applied already in 2016. The Policy Brief concludes, *inter alia*, that: relocation is an essential tool for solidarity with disproportionately affected countries; its success is not always measurable by sheer numbers of people relocated; relocation must be used as a continuous distribution mechanism that is not only triggered once a MS received significantly increased numbers of asylum applications; and relocation should not be applied as a privilege for specific sub-groups of asylum applicants.

Current Context

In contrast to the global trend, at EU level the numbers of people who arrived at the shores of the EU to apply for asylum has decreased during the past year, after reaching record highs in 2015 and the first half of 2016. Nevertheless, the distribution of asylum applicants within the EU continues to be unbalanced. Different views on how solidarity should be manifested recently led the European Commission (EC) to initiate infringement procedures against countries that, according to the EC, are not assuming their responsibilities. But what prior experiences with responsibility sharing exist and what lessons can be learned from past efforts to achieve solidarity on this issue within the EU?

This policy brief focuses on responsibility-sharing mechanisms at EU level and particularly examines the following relocation mechanisms: the EUREMA relocation project, the two Council Decisions on relocation from September 2015 and the proposed Dublin corrective allocation mechanism. This Policy Brief does not aim to provide an in-depth analysis of relocation, as this has already been extensively carried out [elsewhere](#), but rather seeks to identify some comparisons and contrasts between the different relocation concepts, and to attempt to assess what the latest relocation concept in the Dublin IV proposal would have meant in 2016 in practice.

*Little support for
responsibility
sharing within
and outside the
EU*

Relocation as a pilot project

The Common European Asylum System (CEAS) is deeply rooted in an understanding that the countries of the EU are individually responsible for people who arrive to their territory and apply for asylum. The legal basis for this peculiar understanding of a “common” European asylum system is the Dublin Regulation, which continues to be maintained despite numerous calls for its dissolution, due to the large number of dysfunctions inherent in the system.

Some tentative attempts to question the EU dogma of the “territorial asylum responsibility approach” emerged in the course of the Arab Spring in 2010 and 2011, when the small island of Malta called for the support of other EU MS to share responsibility for asylum seekers arriving in Malta. What followed was the introduction of the “[EU Pilot Project on Intra-EU Relocation from Malta \(EUREMA\)](#)”, which led to the relocation of a total of 255 people to 10 participating Member States, of which 227 people were eventually relocated to six of the participating states (France, Germany, Luxembourg, Portugal, Slovenia and the UK). The programme lasted from 2010 to 2011 and was followed by a second phase from 2012 to mid-2013 with the relocation of 14 people.

Overall, EUREMA achieved reasonable results, with the relocation of a total of around 250 people from Malta to nine voluntarily participating countries over a period of about three years. In addition, a further 265 people were relocated during that time based on bilateral agreements). Despite the relatively modest success of the relocation pilot initiative, however, it was this tool that the EC built upon to respond to increasing numbers of refugees arriving in 2015/2016. This time, instead of Malta, the relocation programme aimed to relocate people from Greece and Italy.

The Relocation Council Decisions of September 2015

In September 2015, two Council decisions brought an unexpected twist in the application of the existing CEAS. The disproportionate numbers of people arriving in some countries at the EU external borders led to a [first](#) Council Decision aiming to relocate 40,000 people, followed by a [second](#) Council Decision adding an additional 120,000 applicants for international protection to be relocated from Greece and Italy. These two Council Decisions established a temporary and exceptional relocation mechanism for a period of two years from the frontline Member States of Italy and Greece to other Member States.

Unlike EUREMA, the two September 2015 Council Decisions had more ambitious goals and aimed to relocate a total of 160,000 asylum seekers in just two years. Again, unlike EUREMA, the legal framework is binding EU law and mandatory for all EU MS (except for the opt-outs United Kingdom and Denmark). While the first Council Decision foresaw a voluntary commitment by EU MS to relocate, the second Decision provided for a mandatory relocation quota for participating EU MS based on a principle of fair sharing. The relocation quota considers the size of a country’s population and its GDP, each weighted at 40%, as well as the average application numbers in the past and the unemployment rate, each weighted at 10%. The second Council Decision from 22 September 2015 met with strong resistance from some EU MS, who voted against the mandatory quota but were overruled by majority vote. Ultimately Slovakia and Hungary filed a legal action with the Court of Justice of the EU requesting the Court to annul the Council Decision.

Unlike EUREMA, the two Council Decisions sought to relocate asylum applicants and not recognised refugees. As eligibility criteria, the relocation scheme introduced a new category of applicants for protection, namely asylum seekers coming from a country with a refugee recognition rate higher than 75%. Of the six countries (Antigua and

Under the EUREMA pilot project, 10 EU MS voluntarily relocated refugees from Malta

Currently, two Council Decisions require EU MS to relocate 160,000 asylum seekers from Italy and Greece

Barbuda, Bahrain, British overseas countries and territories, Eritrea, Grenada, Guatemala, Syria and Yemen) that currently fulfil this criterion as of 1 April 2017, nationals of only three (Syria, Eritrea and - to a limited extent - Yemen) have been arriving recently in Italy or Greece.

The Relocation Council Decision scheme: success or failure?

Whether or not the relocation initiative is or was a failure depends on the indicator used: compared with EUREMA, both the number of relocations and the number of participating countries must be regarded a success. However, if compared to the target of 160,000 relocations, the initiative was a failure: as of [13 June 2017](#) only 20,869 people were effectively relocated, i.e. 13% of the targeted 160,000, with just three more months to go (the two-year period envisaged for the relocation programme ends in September 2017). The EC repeatedly highlights increasing engagement by EU MS, though at the same time it started to [make use of its powers under the Treaties](#) to initiate proceedings against countries not fulfilling their quotas. In fact only five countries effectively relocated more than 50% of their quota. Only one country, Malta, reached 100%.

With just 3 months left, only 13% of the allocated 160,000 asylum seekers were effectively relocated

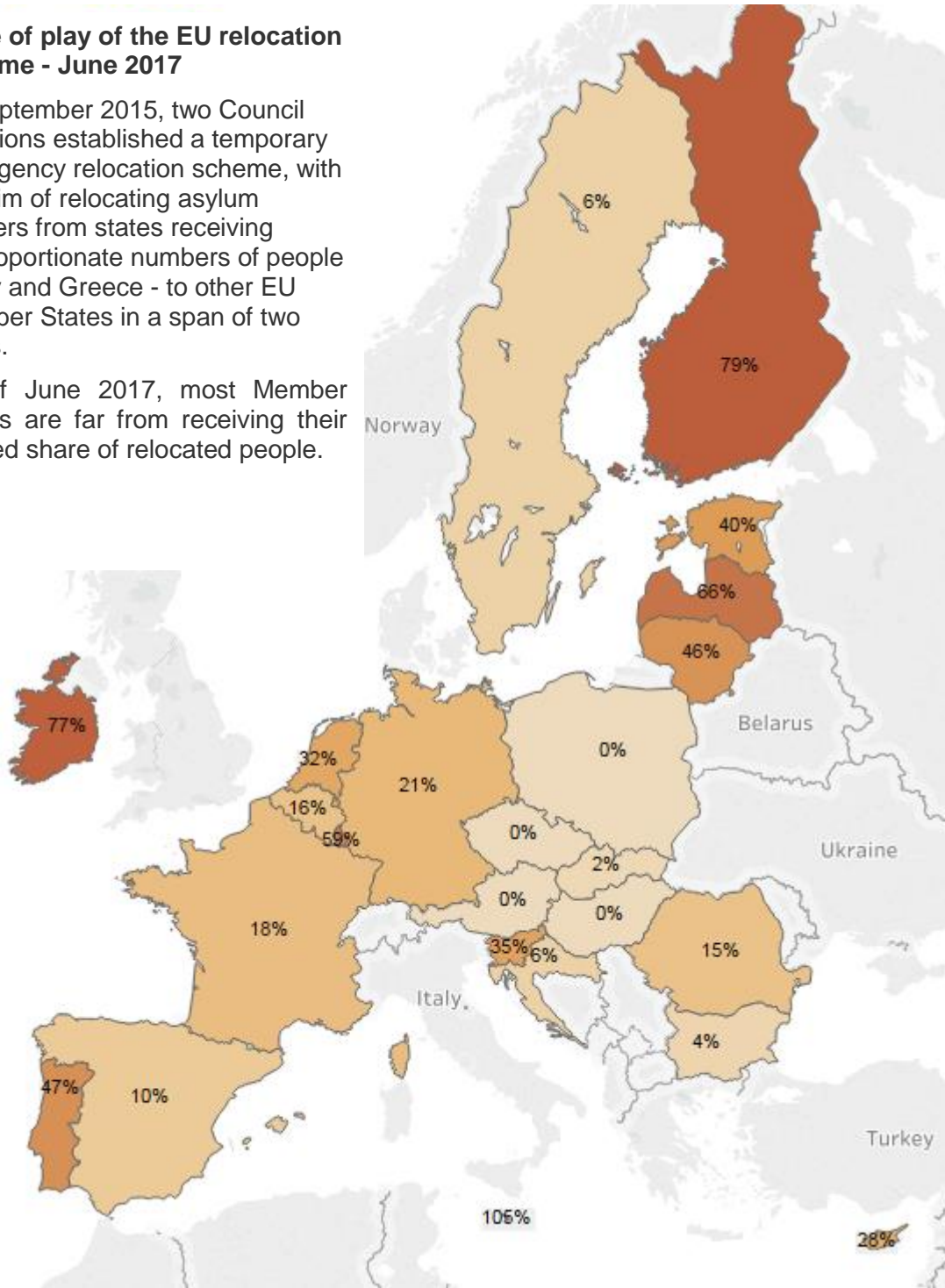
EU Relocation from Italy and Greece - Status as of 9 June 2017					
	Formally pledged	Effectively relocated	Council Decision	PLUS/MINUS	% fulfilled
Austria	50	-	1,953	-1,953	0%
Belgium	1,030	623	3,812	-3,189	16%
Bulgaria	670	47	1,302	-1,255	4%
Croatia	96	54	968	-914	6%
Cyprus	190	89	320	-231	28%
Czech Republic	50	12	2,691	-2,679	0%
Estonia	315	130	329	-199	40%
Finland	1,970	1,640	2,078	-438	79%
France	5,940	3,478	19,714	-16,236	18%
Germany	8,750	5,658	27,536	-21,878	21%
Hungary	-	-	1,294	-1,294	0%
Iceland	-	-	-	0	
Ireland	963	459	600	-141	77%
Latvia	468	317	481	-164	66%
Liechtenstein	10	10	-	10	
Lithuania	790	307	671	-364	46%
Luxembourg	420	326	557	-231	59%
Malta	164	137	131	6	105%
Netherlands	2,125	1,907	5,947	-4,040	32%
Norway	1,500	1,345	-	1,345	
Poland	100	-	6,182	-6,182	0%
Portugal	2,218	1,374	2,951	-1,577	47%
Romania	1,982	634	4,180	-3,546	15%
Slovakia	50	16	902	-886	2%
Slovenia	230	199	567	-368	35%
Spain	1,500	886	9,323	-8,437	10%
Sweden	2,600	228	3,766	-3,538	6%
Switzerland	1,530	993	-	993	
TOTAL	35,711	20,869	98,255	-77,386	21%

Map 1. Council Decisions on EU Relocation from Italy and Greece: Fulfilment of national quotas by the EU Member States as of 9 June 2017 (click [here](#) to explore the interactive features of the map)

State of play of the EU relocation scheme - June 2017

In September 2015, two Council decisions established a temporary emergency relocation scheme, with the aim of relocating asylum seekers from states receiving disproportionate numbers of people - Italy and Greece - to other EU Member States in a span of two years.

As of June 2017, most Member States are far from receiving their agreed share of relocated people.



By June 2017 only Malta had fulfilled its relocation obligations as determined by the two EU Council Decisions on Relocation

Table. Comparison of relocation mechanisms EUREMA, Relocation Council Decisions, Dublin IV proposal

	EUREMA	Council Decision (EU) 2015/1523 of 14 September 2015	Council Decision (EU) 2015/1601 of 22 September 2015	Dublin IV proposal
Concept	Project based on initiative of Malta	Ad hoc support to Italy and Greece	Ad hoc support to Italy and Greece	Corrective allocation mechanism as exception to Dublin
Legal Basis	EU funded project (ERF Community Action)	Art 78(3) TFEU; Council Decision	Art 78(3) TFEU; Council Decision	Dublin Regulation; Art 80 TFEU
Time and duration	EUREMA 1: 2010/11; EUREMA 2: 2012/13	2 years (14.09.2015-17.09.2017)	2 years: (22.09.2015 – 26.09.2017)	Proposal
Eligibility for relocation	Refugees and asylum seekers	Asylum seekers from countries with a 75% recognition rate	Asylum seekers from countries with a 75% recognition rate	Asylum seekers
Beneficiary countries	Malta	Focus on Italy: 24,000 relocations from Italy vs 16,000 relocations from Greece	Focus on Greece: 50,400 from Greece vs 15,600 from Italy, (54,000 allocated at later stage)	EU MS that receive more applications than 150% of the fair quota
Quota system	no	no	40% population size; 40% GDP; 10% average applications; 10% unemployment rate	50% population size and 50% GDP
Obligatory/voluntary	voluntary commitments	voluntary commitment	Mandatory; based on quota	Mandatory; based on quota
Consequence of non-relocation	n/a	n/a	Infringement procedure	€250,000 per non-relocated person
Compensation	ERF Community Action	AMIF: lump sum for relocation country of €6,000	AMIF: €6,000 for relocation country; 500 for beneficiary country (EL/IT) per relocated person	AMIF
Targeted number	EUREMA 1: 255 pledged; EUREMA 2: 91 pledged	40,000 people	120,000 people	Depends on influx
# of relocations	c. 250 people	20,869 people as of 09.06.2017		/
# of countries took part in relocation	7 EU MS (FR, DE, LU, PO, SI, UK)	All EU MS (except DK, UK, EL, IT) and CH, NO	All EU MS (except DK, UK, EL, IT) and CH, NO	All EU MS until 150% of fair share, then responsibility to relocate ends

A fairer system under Dublin IV's new distribution proposal?

Although the Dublin system has been criticised by many commentators, the EC is determined to retain this “cornerstone” of the CEAS, and proposed to bring more solidarity into the Dublin regime by introducing a so-called “*corrective allocation mechanism*”. Unlike its predecessors the EUREMA and the Council Decisions, the corrective allocation mechanism is only triggered once a MS receives 50% more asylum applicants than their quota according to a fair distribution key across all EU MS (based on GDP and population size). The 150% threshold sets a clear measurable indicator of when other MS need to show solidarity and supports those countries that already received more applicants than what is considered their fair share.

Again unlike its predecessors, the Dublin IV corrective allocation mechanism relocates any asylum seeker, as it is not limited to applicants from countries with a higher recognition rate (of over 75%). Additionally, the new mechanism contains a rather expensive “buy-out option”, according to which states who suspend relocation to their territory temporarily must pay a “solidarity contribution” of €250,000 per applicant in respect of whom it would have otherwise been the Member State of allocation. This solidarity contribution garnered less attention than one would have thought and has probably not been taken too seriously (see legal scientist Steve Peers’s analysis [here](#), but also some critical voices from MS [here](#) and the European Parliament [here](#)).

In fact, €250,000 is a remarkable sum, the underlying calculations of which are broadly unclear: there are no reliable estimates of the costs of hosting an asylum seeker per year for the destination country. The costs of first and second instance procedures, reception and integration costs or other related costs like schooling, healthcare, etc. are difficult to estimate. On the other hand, the European Asylum, Migration and Integration Fund (AMIF) compensates an MS for receiving a beneficiary of international protection with € 6,000 per person. (Art 18 AMIF Regulation). According to some estimates, [Germany](#) spent €20 billion for 800,000 refugees who arrived in 2015, indicating costs of €25,000 per person per year, or 10% of the calculated Dublin solidarity contribution.

So, what would have been the practical consequences of the corrective allocation mechanism if it had been applied to asylum applications lodged in 2016? Which country would have fulfilled its quota? Which country would not have and what would this have meant with regards to the corrective allocation mechanism and the solidarity contribution?

- If the corrective allocation mechanism had been applied in 2016, countries like Germany, Greece, Malta, Bulgaria, Hungary, Austria and Cyprus would not have needed to take in any more applicants, as they were already above their respective “fair share” threshold of 100%;
- 20 EU MS would have received less applicants than they should have taken in according to a “fair quota”;
- Those countries that “underperformed” would have had to pay a solidarity contribution of a total of €91 billion if they had all opted for temporarily suspending relocation – (by comparison, the total budget of the [EU Emergency Trust Fund for Africa](#) amounts to € 2.8 billion, the [EU Facility for Refugees in Turkey](#) for 2016 and 2017 to €3 billion; and the overall AMIF budget, initially planned for seven years from 2014 to 2020, foresaw €3.1 billion).
- After relocation according to the corrective allocation process, ten countries would have met their quota by between 100% and 150%, while ten other countries would have only fulfilled less than 2/3 of their “fair share” (between

The proposal for a new Dublin Regulation introduces a ‘corrective allocation mechanism’

What would the Dublin IV proposal have meant in 2016?

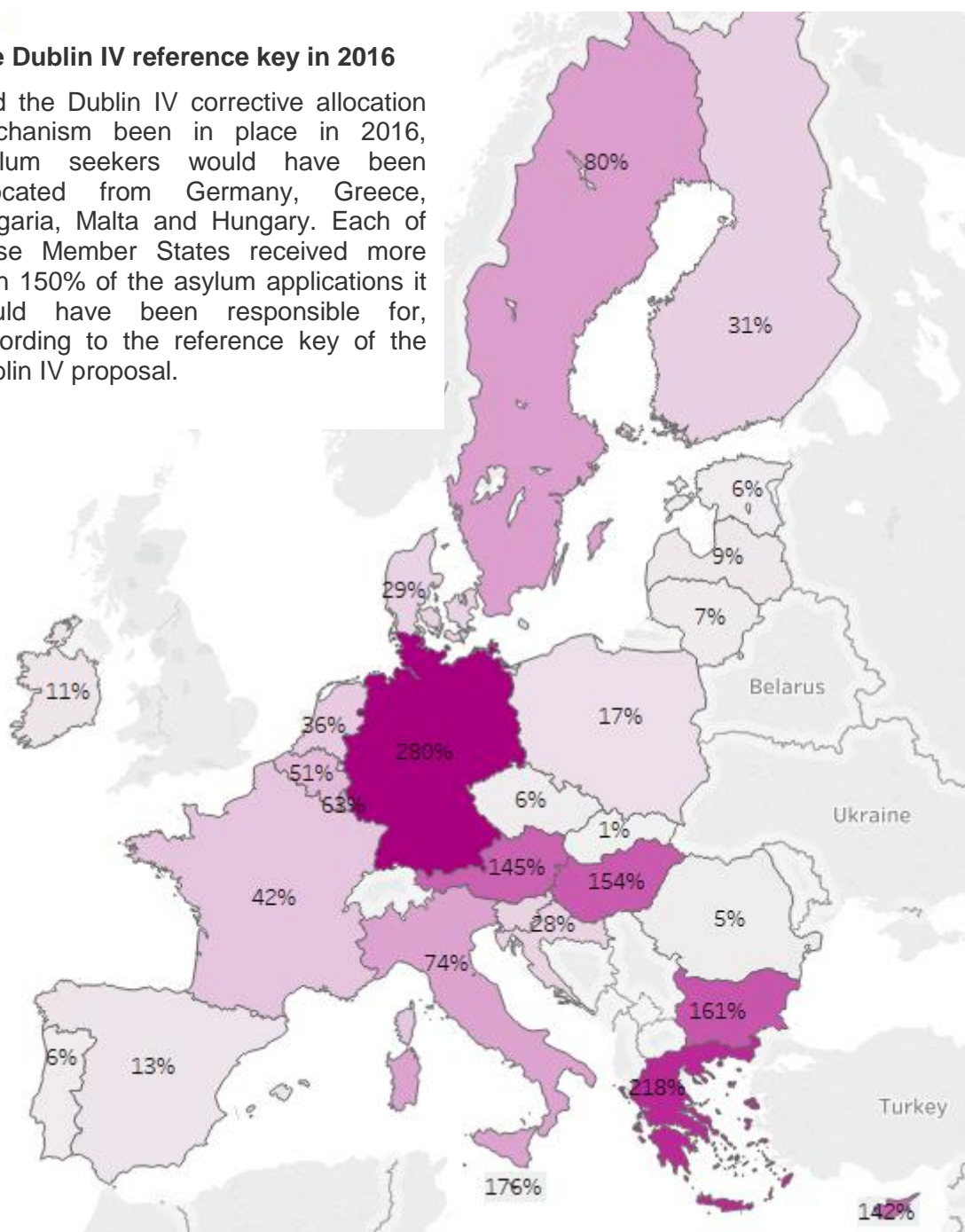
43% and 59%).

- In 2016, the corrective allocation mechanism would have required the relocation of 364,000 people (more than double the 160,000 relocation places pledged under the September 2015 Council Decisions).
- The 364,000 people would have to have been relocated from five EU MS, namely, Germany (345,572 people), Greece (15,979), Malta (308), Bulgaria (1,211) and Hungary (929). Italy, the other beneficiary of the September 2015 Council Decisions together with Greece, would have fulfilled only 74% of its quota.

Map 2. Fulfilment of the Dublin IV reference quota in 2016 (click [here](#) to explore the interactive features of the map)

The Dublin IV reference key in 2016

Had the Dublin IV corrective allocation mechanism been in place in 2016, asylum seekers would have been relocated from Germany, Greece, Bulgaria, Malta and Hungary. Each of these Member States received more than 150% of the asylum applications it would have been responsible for, according to the reference key of the Dublin IV proposal.



*Dublin IV
reference key
simulated for
the year 2016*

Table. Simulation of proposed Dublin IV corrective allocation mechanism if it had been applied in 2016. Data: Eurostat, author's own calculations

EU-27	Dublin IV Reference key (2016)	Asylum applicants 2016	Applicants reference key (100%)	Over/under-performance 2016	to be relocated from	to be relocated to	solidarity contribution in € millions	Allocation after relocation	% allocation after relocation
Germany	21.81%	745,155	266,389	280%	345,572			399,583	150%
Greece	1.92%	51,110	23,421	218%	15,979			35,131	150%
Malta	0.09%	1,930	1,081	178%	308			1,622	150%
Bulgaria	0.99%	19,420	12,139	160%	1,211			18,209	150%
Hungary	1.56%	29,430	19,001	155%	929			28,501	150%
Austria	2.38%	42,255	29,049	145%				42,255	145%
Cyprus	0.17%	2,940	2,042	144%				2,940	144%
Sweden	2.96%	28,790	36,166	80%		7,376	1,844	36,166	100%
Italy	13.53%	122,960	165,229	74%		42,269	10,567	165,229	100%
Luxembourg	0.28%	2,160	3,447	63%		1,287	322	3,447	100%
Belgium	2.96%	18,280	36,188	51%		17,082	4,271	35,362	98%
France	16.45%	84,270	200,865	42%		94,816	23,704	179,086	89%
Netherlands	4.71%	20,945	57,475	36%		27,130	6,783	48,075	84%
Finland	1.48%	5,605	18,023	31%		8,507	2,127	14,112	78%
Denmark	1.75%	6,180	21,400	29%		10,101	2,525	16,281	76%
Croatia	0.65%	2,225	7,984	28%		3,769	942	5,994	75%
Slovenia	0.39%	1,310	4,782	27%		2,257	564	3,567	75%
Poland	5.97%	12,305	72,902	17%		34,412	8,603	46,717	64%
Spain	9.69%	15,755	118,336	13%		55,859	13,965	71,614	61%
Ireland	1.60%	2,245	19,514	12%		9,211	2,303	11,456	59%
Latvia	0.32%	350	3,929	9%		1,854	464	2,204	56%
Lithuania	0.48%	430	5,858	7%		2,765	691	3,195	55%
Czech Republic	1.89%	1,475	23,033	6%		10,872	2,718	12,347	54%
Portugal	1.90%	1,460	23,257	6%		10,978	2,745	12,438	53%
Estonia	0.23%	175	2,831	6%		1,336	334	1,511	53%
Romania	2.90%	1,880	35,431	5%		16,725	4,181	18,605	53%
Slovakia	0.93%	145	11,415	1%		5,388	1,347	5,533	48%
Total	100%	1,221,185	1,221,185		363,999	363,999		1,221,185	

Policy Recommendations

However cumbersome, slow or costly, physical relocation (within the EU) or resettlement (from outside the EU) are very important tools to show solidarity with countries that host higher numbers of people applying for asylum. Relocation and resettlement must thus remain front and centre in considering future international protection architecture.

At the same time, relocation and resettlement are two concrete ways of granting controlled and safe access to international protection (i.e. negating the need for an irregular migration journey), an issue not solved satisfactorily since the very foundation of the current international refugee regime in 1951 (see [here](#)).

In designing relocation and resettlement, however, we also need to learn from the past, in order to alleviate the administrative and time-consuming burden of this process and thereby to significantly boost the number of effective transfers of asylum applicants to less affected EU MS.

“Fair” responsibility-sharing mechanisms also imply that a MS can only be obliged to relocate people from other EU MS if the relocation country has not yet met its “fair” quota. Any future system modelled along the lines of the current relocation scheme, assigning additional responsibility to MS that have already met their quota, does not deserve to be called fair responsibility sharing and solidarity.

The relocation eligibility criterion of coming from a country of origin with a 75% refugee recognition rate should be replaced by a distribution mechanism applicable to all asylum seekers – perhaps with the exception of “manifestly unfounded” applications. Any other distinction is not in line with the refugee concept of the Geneva Refugee Convention: a person may be a refugee irrespective of whether the recognition rate for their country of origin is high or low.

Finally, solidarity and responsibility sharing in the EU should not only be triggered once a country is considered overburdened. Indeed, it would be far better if asylum applicants were equally distributed from the very beginning and not only once a MS has surpassed its “fair share.” A territorial asylum responsibility concept like the Dublin system can never lead to a fair distribution across the EU. The Dublin system never was intended to be a fair distribution mechanism; its responsibility sharing mechanism is ill-suited to responding to contemporary challenges in today’s EU migration landscape. Even with the proposed corrective allocation system, it remains unfair, ineffective and expensive.

Related ICMPD Publications

Martin Wagner, Paul Baumgartner, Angeliki Dimitriadi, Rebecca O'Donnell, Albert Kraler, Jiny Perumadan, Jan Hagen Schlotzhauer, Ivana Simic & Dersim Yabasun (2016): [The implementation of the Common European Asylum System](#). European Parliament, Committee on Civil Liberties, Justice and Home Affairs

Martin Wagner, Albert Kraler (2016): [International Refugee Protection and European Responses](#). ICMPD Working Paper 12.

Martin Wagner, Albert Kraler (2015): [An Effective Asylum Responsibility - Sharing Mechanism. Updated in Oct 2015](#).

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