



**The Common European Asylum System: Promising practices of
responsibility sharing**

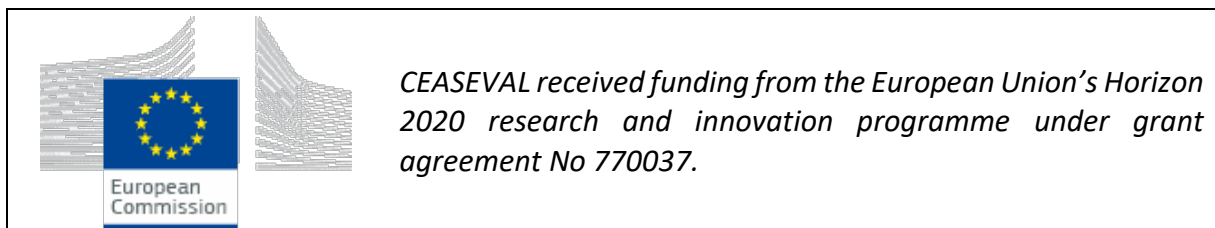
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The Common European Asylum System: Promising practices of responsibility sharing

Abstract

From a historic perspective, increasing arrivals of protection seekers have repeatedly triggered debates on solidarity and responsibility sharing, terms that are often used in the same vein. The latter refers to concrete practices of a State to support another State in coping with its situation concerning international protection. It is a manifestation of solidarity, which relates to States' willingness to support another State. The norm of responsibility sharing is weakly institutionalized which becomes evident in the various understandings of responsibility sharing and the lack of a common definition at the EU and the global level. Despite the vast literature on the legal and political aspects of responsibility sharing in the Common European Asylum System, little has been done on practices of responsibility sharing.

This case study report sheds light and discusses ten promising practices of responsibility sharing, implemented at the global and the European level, thus, focussing on the internal as well as the external dimension of the Common European Asylum System. Practices of responsibility sharing in the context of international protection extend to "sharing people seeking international protection", sharing of costs, sharing of resources and sharing knowledge. At EU level, practices of responsibility sharing increased with the establishment of the European Asylum Support Office.

Keywords: *responsibility sharing practices, solidarity, Common European Asylum System, EU, asylum seekers, international protection;*

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1. List of abbreviations

AIDA	Asylum Information Database
AMIF	Asylum, Migration and Integration Fund
CEAS	Common European Asylum System
COI	Country of Origin Information
EASO	European Asylum Support Office
EC	European Commission of the EU
ECRE	European Council on Refugees and Exiles
ETC	Emergency Transit Center
EU	European Union
FAP	Family Assistance Programme
FRONTEX	European Border and Coast Guard Agency
GCR	Global Compact on Refugees
GCR	Global Compact on Refugees
IARLJ	International Association of Refugee Law Judges
ICMPD	International Centre for Migration Policy Development
IO	International Organisation
IOM	International Organisation for Migration
MoU	Memorandum of Understanding
MS	Member States of the European Union
NGO	Non-Governmental Organisation
TFEU	Treaty on the Functioning of the European Union
UNHCR	United Nations High Commissioner for Refugees (UN Refugee Agency)

2. Introduction

The debate on responsibility sharing has been prevalent in asylum policy discussions for a long time. However, since the arrival of large number of asylum seekers in 2015 in the EU, the discussion has gained a new impetus. A vast literature has developed in the context of the Common European Asylum System (CEAS) related to responsibility sharing, burden sharing and solidarity (see Wagner et al. 2018), terms that are often used in the same vein.

The Horizon 2020 funded project CEASEVAL¹ dedicated much of its work to understand better the meaning of solidarity in different areas of the Common European Asylum System. The present research built on two earlier papers under the CEASEVAL project: 1) The paper ‘Solidarity – an integral and basic concept of the Common European Asylum System’ (see Wagner et al (2018)) summarised the discussion on “solidarity” and the different concepts that evolved therefrom. 2) In the paper “Sharing responsibilities in the Common European Asylum System” (Baumgartner & Wagner (2018) the ways to share responsibilities in the context of the Dublin reform proposal by the Bulgarian Presidency was analysed by listing and describing the efforts undertaken by EU Member States in each of the fields related to the CEAS.

The current paper complements these two earlier researches aiming at exploring and describing different bi- or multilateral initiatives with the purpose to alleviating the “burden” of one country that cannot – for different reasons – appropriately cope with the arrival of migrants, particularly applicants for international protection. For this purpose the present paper mapped initiatives between countries aimed to share responsibilities and to further describe some of these practices in more detail. Discussions on concrete examples are limited to a small number of well-known practices such as relocation (intra-EU transfer of applicants for international protection), resettlement (transfer of refugees from third countries), or financial compensation via the Asylum, Migration and Integration Fund (AMIF). The present paper seeks for initiatives beyond those often quoted examples. Ultimately the mapping of instruments shall shed light on promising responsibility sharing practices to better understand in how far the often quoted “flexible solidarity” could contribute to a more equitable sharing of responsibilities in the framework of the internal and external dimension of the CEAS.

3. Methodology

3.1. Research aim and scope

The research aim of this case study report is to identify and to discuss selected promising practices of responsibility sharing in the context of international protection. Geographically the practices have a strong focus on the European level but cover the global level as well. Prior to launching the fieldwork phase, criteria for the selection of practices for responsibility sharing were developed. The desk research in April 2019 identified practices of responsibility sharing which were then evaluated against pre-defined criteria and a first selection by the project team was made. The selected practices were further discussed at an expert workshop in May 2019. Attended by 12 asylum policy experts from EU governmental organisations, international organisations, and research institutes, the workshop addressed future scenarios and practices of responsibility sharing at the EU level. After the workshop 10 promising practices were selected based on the discussion. In a final step, members of the CEASEVAL project team conducted further research on the selected promising practices and drafted

¹ See: <http://ceaseval.eu/>

short practice descriptions as case studies. The desk research for the case studies was complemented by stakeholder interviews in case of a lack of secondary data.

The selection was based on two main criteria: The practice shall 1) aim to or result in alleviating the pressure of a country in coping with the consequences of the arrival of people seeking international protection and 2) the practice shall have a cross border element involved.

3.2. Fieldwork

The identification of promising practices is based on desk research and stakeholder interviews. The desk research involved the analysis of reports of international organisations, policy research institutes, reports of NGO's, EU institutions, peer reviewed journal articles and websites. Furthermore, the identification of promising practices was retrieved from 140 interviews conducted within the CEASEVAL project on harmonisation, solidarity and responsibility sharing. The interviews were conducted by ICMPD and CEASEVAL project partners from May 2018 - October 2018. The stakeholder interviews were conducted in 11 countries (Austria, Bulgaria, Finland, Germany, Greece, Hungary, Italy, Luxembourg, Netherlands, Spain, Turkey) and EU and international stakeholders. Interviews with stakeholders of the following fields were conducted: national asylum policy, national asylum legislation, refugee status determination, reception, country of origin information, legal representation of applicants, NGO's, national courts, regional administration, academia, EU institutions and international actors. The interviews were based on semi structured interview guidelines and were conducted face-to-face or via telephone. The data was then coded with a qualitative analysis software and analysed thematically. Apart from the interviews for the identification of responsibility sharing practices, additional interviews were conducted on the phone on the selected practices, if the available data from desk research was not sufficient.

3.3. Limitations

According to the theory on good practices, the selection of good practices is based on pre-defined criteria, the validation of the pre-defined criteria with a multitude of practices, the evaluation of the selected practices based on the defined criteria and finally, the selection of the practices with the highest evaluation. A systematic evaluation of good practices includes the comparison with several other practices as well (Aschemann, 2013; Krems, 2012). The selection of practices for this case study report however, cannot meet all the above-mentioned requirements due to the limited number of existing responsibility sharing practices. Therefore, this report discusses promising practices within the international protection context rather than constituting a comprehensive collection of good practices.

4. Clarification of terms

Responsibility sharing: In this case study, it refers to a states act of providing support to another state in coping with its refugee situation through concrete measures. This support can be voluntarily but can also be based on legal obligations stemming from the membership to a supranational institution, i.e. the EU. This support can be addressed to any other states, either EU Member States or third countries. Within the CEAS, responsibility sharing refers to mechanisms for the distribution of pressures across the EU Member States or with third countries based on a number of different solidarity mechanisms.

Burden sharing: The term 'burden' in the asylum context has a strong negative connotation. In this context, civil society organisations and others have argued against the 'widespread misperception that refugees necessarily place "burdens" upon their host societies' (ECRE 2006). Similarly, in a study commissioned by the European Parliament, the authors recognised the fact that the debates on asylum

seekers are mostly connected with the use of the term 'burdens' by politicians and media. They thus advocate to use the more neutral expression of 'responsibility-sharing' to avoid the potentially negative connotations that 'burden' may have on the understanding of Member States with regards to the reception of asylum seekers (European Parliament 2010).

Indeed, individuals' ability to access and enjoy international protection and the related obligation of states to provide such protection is a well-established principle of human rights under international and European law and should thus not be framed as a 'burden' (Wagner and Kraler, 2015).

Against this background, the present case study report follows the recommendation of the European Parliament Study (2010) and uses the term 'responsibility-sharing'. The paper occasionally will refer to 'burden-sharing' when quoting from or describing past or ongoing discussions on this issue using this terminology.

Solidarity: This term makes reference to the willingness of states to assist another state with its duties in the field of international protection. The other state can be in a distressing situation due to a high inflow of people seeking international protection. Solidarity becomes visible through concrete practices of responsibility sharing. Solidarity can be distinguished from responsibility sharing in that solidarity is located on a conceptual level, whereas responsibility sharing is about practical ways how solidarity can be levered and concrete responsibilities shared.

5. The debate on responsibility sharing

From a historic perspective, increasing arrivals of people seeking international protection have repeatedly triggered debates on responsibility sharing and solidarity (Wagner et al 2018). The discussions at European level got more concrete in the early 1990ies when Germany received 460.000 asylum applications and, as a consequence of the unequal distribution of applicants, proposed the reception of asylum seekers according to a distribution key based on Member States' population size, territory size and GDP (Council Document 7773/94 ASIM 124). The arrival of people fleeing in large numbers from the conflict of former Yugoslavia and later from Kosovo to neighbouring EU countries ultimately led to the adoption of a special instrument dealing with situations of mass influx, the Temporary Protection Directive, including solidarity mechanisms in times of mass influx. Later the increased arrival of mixed flows as a consequence of the "Arab spring" again generated calls for solidarity and responsibility sharing by Italy, Cyprus and Malta (Wagner et al 2018).

More recently, the need for a more equitable shared responsibility at a global level led to the adoption of the New York Declaration. Organized by the General Assembly of the United Nations, the international community in 2016 politically committed *"to a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees, while taking account of existing contributions and the differing capacities and resources among States"* (New York Declaration for Refugees and Migrants, recital 68). The New York Declaration does not further specify on how an equitable sharing of the responsibility should be achieved, nor what responsibility sharing means. This declaration, however, paved the way for the adoption of the Global Compact on Refugees (GCR) which aims to fill a significant gap within the international refugee regime, namely the weak and undefined obligations of states to support protection seekers who are on the territory of another state (Betts 2018). This gap is created, according to Betts, by the strongly institutionalized norm of asylum and the weakly institutionalized norm of responsibility sharing (Betts 2018). In order to mobilize international cooperation the GCR, tasks UNHCR to biannually convene a ministerial meeting, the Global Refugee

Forum, which will take place for the first time in December 2019 (UNHCR, 2019). The aim is to discuss concrete contributions to responsibility sharing and to exchange good practices (UNHCR, 2019).

At the EU level, the Treaty on the Functioning of the European Union mentions responsibility sharing in Article 80: *“The policies of the Union set out in this Chapter [on asylum and migration] and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.”* (TFEU Art 80). It stipulates a binding legal obligation impacting the legislation and implementation in the field of asylum and migration (Tsourdi, 2019). However, neither the meaning of the principle of responsibility sharing and solidarity nor the meaning of a necessity to act is defined in EU law (Brouwer et al, 2016). Tsourdi states that both principles *“remained a dead letter for several years”* (Tsourdi, 2019). Accordingly, this implementation gap at the EU level might slowly change with the institutionalisation of responsibility sharing through the emergence of the EU agency, the European Asylum Support Office (EASO) (Tsourdi, 2019). Since its creation in 2011, the mandate of this support office has been gradually expanded due to the growing needs of Member States, with the aim to strengthen the intra-EU cooperation. In light of the increased inflows in 2015/16, the European Commission presented a proposal in 2016 to expand EASO’s mandate and to turn it into a fully-fledged EU agency for asylum (EC, 2016; Tsourdi, 2016).

6. Understanding of responsibility sharing

The understanding of responsibility sharing is vague and often there is no distinction made between the terms solidarity and responsibility sharing. For this reason, the understanding of responsibility sharing cannot be analysed without taking into consideration the meaning of solidarity. For a number of interviewees both terms are interchangeable. A number of respondents have a similar understanding of responsibility sharing as used for this case study (see previous chapter on clarification of terms). As one stakeholder from Hungary described, *“Solidarity is a more general and abstract term [...] solidarity is the force that keeps the EU together. Responsibility sharing is a more technical term, it refers to what can be done to show solidarity. Solidarity is an important glue for the EU.”* (Interview WP2_6_uh_E009_P). Similarly, a Greek stakeholder stated: *“In general, responsibility sharing presupposes solidarity. By sharing a burden or responsibility, you show solidarity”* (Interview WP2_6_eliamep_E014_P). Accordingly, responsibility sharing is a manifestation of solidarity.

The understanding of responsibility sharing in the context of international protection varies from country to country. Consequently, a different understanding brings along different contributions to responsibility sharing and different expectations towards other countries. As one Austrian interviewee phrased it, *“Because there are such different understandings of solidarity [including responsibility sharing], and we never interfere with the basic definition of the concept, there is a ‘Running to Stand Still’, and we keep talking about solidarity, and everyone leads this discussion against the background of their own definition”* (Interview WP2_6_icmpd_E001_P). The views on what a country is willing to contribute to responsibility sharing and what it expects from other countries is strongly influenced by the degree of migration flows the country is confronted with.

7. Promising practices

This chapter describes ten selected promising practices of shared responsibility at the EU level as well as at the global level. Apart from the indicators determined for the identification of responsibility sharing practices, the following criteria were taken into consideration for the analysis of the practices:

- Was the practice part of an overall strategy or was it rather an ad-hoc measure?
- Is the practice sustainable? Is it a long-term or a short-term practice?
- Was the practice successful in terms of alleviating pressure from another state?
- How was the implementation of the practice?
- Is the practice already well-known or is it rather a new or innovative practice?
- Is the practice transferrable to other countries or regions (or at least parts of the practice)?
- Does the practice take into consideration protection seekers rights?
- Does the practice foresee a broad stakeholder involvement in the development and the implementation (civil society, regional administration, NGO's, IO's)?

In general, practices of responsibility sharing can be classified in four groups: 1) "sharing people" refers to the physically relocation of a person from one state to another. 2) Sharing of costs refers to the financial support of a state in order to compensate the states increased share of responsibility in the area of international protection. 3) Sharing of resources encompasses non-financial resources such as the deployment of national staff in another country or the provision of equipment for an effective asylum procedure. 4) Sharing of knowledge encompasses practices aiming at exchanging of expertise in a specific field in order to improve e.g. procedures.

The practices below can be classified in one or the other of the four groups. Six practices describe examples of intra-EU responsibility sharing and four are examples involving EU and third countries. For each practice a general background presents briefly the practice, followed by a more detailed description, financial issues and ends with considerations on the impact and lessons learned. In an overview, the following practices are described in more detail below. A more extensive list of different practices for responsibility sharing is listed in the annex below.

#	Name	Countries involved	Governance	Key feature	Level
1	"Country guidance"	EASO + all EU MS	National	Joint development of country guidance to the benefit of all EU MS+	Intra-EU
2	"Shared reception" (<i>Gabcikovo</i>)	Austria, Slovak Republic	National	Offering reception capacity to another country that lacks reception capacities	Intra-EU
3	"Solidarity Cities"	Various cities	Sub-national	Exchange of know how between cities on implementing the CEAS at city level	Intra-EU
4	"Stepping into the procedure"	Various	National	Instead of Dublin return to overburdened countries, host countries step into the procedure based on "sovereignty clause"	Intra-EU
5	"Child specific reception"	Greece, Portugal	NGO driven expanded to national level	Portugal relocated refugee minors to compensate for lack of child specific reception in Greece	Intra-EU
6	"Joint Processing"	EASO + all EU MS	National	Deployment of staff – sharing resources	Intra-EU

#	Name	Countries involved	Governance	Key feature	Level
1	"Germany's sponsorship programme"	Germany and Egypt, Jordan, Lebanon, Ethiopia	National + civil society	NesT – Newstart in Team offers a community sponsorship programme in Germany	EU + third country
2	"Evacuation flights"	Various	EU, African Union, UN	Evacuation + temporary refuge for further resettlement	EU + third country
3	"Emergency Transit Centre"	Romania + UNHCR	IO	Temporary refuge for further resettlement	EU + third country
4	"Family Assistance Programme"	Germany + IOM	National	Facilitated family reunification from third countries to Germany	EU + third country

7.1. Promising practices at the EU level

7.1.1. EASO country guidance

By Francesco Pasetti (CIDOB)

Background

On 21 April 2016, the Council of the European Union approved the creation of a network of senior-level national policy officials, coordinated by EASO, aimed at evaluating the situation in main countries of origin, what will be later named “EASO country guidance”. Strongly driven by MS, the decision moved from the acknowledgment of the persisting differences between Member States in terms of the outcome of procedures, the recognition rates and the international protection status granted. Moving from such basis it aimed at strengthening and streamlining the Common European Asylum System and, ultimately, fostering convergence in the application of the criteria for qualification for international protection².

Description of the practice

Simply put, the EASO country guidance provides detailed knowledge for grounding decision making on whether an applicant qualifies for international protection. It is intended to provide guidance for decision makers in all EU Member States regarding the general human rights situation in countries of origin to assist in standardising recognition rates. The EASO Country Guidance represents a practical tool for Member States for making case-by-case assessments of applications for international protection from third-country nationals of the countries of origin concerned. The country guidance is made of two parts: the guidance note (i) and the common analysis (ii). The common analysis represents a detailed analysis of the situation referred to a specific country of origin. This part builds on the legislation, jurisprudence and horizontal guidance on the one hand, and on EASO Country of Origin Information (COI) report(s) on the other. The guidance note summarizes the main findings of the common analysis while providing guidelines to case officers examining the cases of applicants from a specific country of origin.

The document is the result of the work carried out by a network of senior-level policy officials from EU+ countries (i.e. EU Member States plus Norway and Switzerland)³. For each country guidelines a team of national experts is selected and constitutes the Drafting Team, namely the body in charge of preparing the first version of the document. Such draft is reviewed, discussed and, finally approved by the Country Guidance Network under the coordination of the EASO. All Member States, as well as the associated countries with which EASO has working arrangements, are invited to take part in the Country Guidance Network. Most of them have nominated representatives to the Network and take active part in its work, including meetings and written consultations, while others participate ad hoc in certain activities.⁴ The drafting process also counts on insights provided by The European

² Council of the European Union, Outcome of the 3461st Council meeting, 21 April 2016, 8065/16, available at <http://www.consilium.europa.eu/media/22682/st08065en16.pdf> [Accessed 20 June 2019]

³ EASO (2019e) Country of Origin Information (COI) Report Methodology, available at https://coi.easo.europa.eu/administration/easo/PLib/2019_EASO_COI_Report_Methodology.pdf [Accessed 20 June 2019]

⁴ However, it should be noted that the endorsement of the guidance notes, accompanied by the common analysis, is at the level of the EASO Management Board, where all Member States participate in the decision-making.

Commission and UNHCR. The EASO Management Board is in charge of the final approval of the document before its publication. Both common analysis and guidance notes go under a constant monitoring and reviewing process for ensuring most reliable and up-date information regarding countries of origin. To date two country guidance have been issued, one targeting Afghanistan (June 2018) and another related to Nigeria (February 2019).

It is worth noticing that the country guidance is not a binding text, namely it goes without prejudice to the competence of each Member State's authority to individually, objectively and impartially examine applications for international protection.

The EASO Country Guidance took shape following the Council meeting on 21 April 2016 (Council of the European Union, Outcome of the 3461st Council meeting). The legal framework of its implementation is variegated and it includes: i) provisions of the Qualification Directive (2011/95/EU)⁵; ii) the 1951 Geneva Convention Relating to the Status of Refugees⁶; iii) the jurisprudence of both the Court of Justice of the European Union and – where appropriate – the European Court of Human Rights; iv) Judicial analyses (i.e. 'Qualification for International Protection', 'Article 15(c) Qualification Directive 2011/95/EU', 'Exclusion: Articles 12 and 17 Qualification Directive 2011/95/EU')⁷; v) EASO guidelines (i.e. 'EASO Practical Guide: Qualification for international protection' and The 'EASO Practical Guide: Exclusion')⁸; and vi) the UNHCR guidelines (i.e. 'UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan', 'UNHCR Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees')⁹.

Country guidance does not represent EASO's position; it is the result of the collaborative effort of Member States, which jointly assesses the situation in a certain country of origin. In this sense it represents a good practice of multilateral collaboration and responsibility sharing. Given the significant differences among Member States as regard (material and immaterial) assets dedicated to the analysis of country of information, such combined endeavour and sharing information allow filling in crucial gaps in national COI systems. Moreover, taking into consideration variation in expertise and knowledge on countries of origin across Member States countries – related to the specific migratory profile and experience of each country – the development of EASO country guidance allows for: i) matching complementary knowledge, ii) streamline updated information and iii) fostering harmonization among Member States. Simply put, the EASO country guidance represents a practice of

⁵ European Parliament and Council directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (2011), Official Journal of the European Union, L 337/9, available at <https://eur-lex.europa.eu/eli/dir/2011/95/oj> [Accessed 20 June 2019]

⁶ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <https://www.refworld.org/docid/3be01b964.html> [Accessed 20 June 2019]

⁷ International Association of Refugee Law Judges (2011a); IARLJ (2011b)

⁸ EASO Practical Guide: Exclusion, available at <https://www.easo.europa.eu/practical-tools>. [Accessed 20 June 2019]

⁹ UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 19 April 2016, HCR/EG/AFG/16/02, available at <http://www.refworld.org/docid/570f96564.html>. [Accessed 20 June 2019]

UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23 July 2003, HCR/GIP/03/04, available at <http://www.refworld.org/docid/3f2791a44.html>. [Accessed 20 June 2019]

responsibility sharing where countries share knowledge. MS with greater and finer information on specific countries of origin – whether because endowed of more resources or due to their experience with inflows coming from such countries – help MS with less information by sharing information, improving harmonisation and the overall governance of asylum and refuge.

The EASO country guidance is not an ad-hoc practice; it represents a core element of the Common European Asylum System, in line both with the second phase of the Common European Asylum System (CEAS) as well as with the European Agenda on Migration’s call for more uniform decisions. The fact that COI report will be developed for meeting the purpose of country guidance is indicative of the comprehensive rationale underlying this practice.

Financing

Resources dedicated to the development of the EASO country guidance have generally increased since its launch in 2016.¹⁰

	2017	2018	2019
Allocated amount	100.000 euro	150.000 euro	170.000 euro
Allocated human resources	2 Administrators, 0.5 Assistant	4 Administrators, 1 Assistant	3 Administrators, 1 Assistant

Results and impacts

The EASO country guidance, and more generally, all the information and know-how provided by European Asylum Support Office proves to be crucial for countries lacking COI unit and/or resources. This is the case, for instance, of the Spanish Asylum Office (Oficina de Asilo y Refugio). As pointed out by some of its senior officers, country of origin information provided by EASO is indispensable in the asylum procedures assessment: “The information [above all that regarding countries of origin, collected by other receiving states with very strong COI units] is shared through EASO and we use all that. What could we do if otherwise?! Because we do not have our own information.”¹¹ The scarcity of resources, both in terms of economic endowments as well as in terms of staff dedicated to collect information about countries of origins, makes the evaluation of the situation in countries of origin particularly difficult. EASO country guidance contributes to fill this gap, allowing for a better assessment. In this sense, the EASO country guidance is praised as a significant step forward towards harmonization and shared standard of evaluation, as well as for making a more efficient and uniform European Asylum System. Above all, the guidelines are prepared by experts from EU MS in a concerted effort, sharing the responsibility to provide decision makers EU wide (and, in many cases beyond the EU) with a solid and concise basis for asylum decisions.

¹⁰ EASO Single Programming Document, Multiannual Programming 2017- 2019, Work Programme 2017, June 2017 (Amendment 1), available at https://www.easo.europa.eu/sites/default/files/easo-spd-2017-2019_WP%202017%20-%20am1.pdf [Accessed 1 July 2019]

EASO Single Programming Document, Multiannual Programming 2018- 2020, Work Programme 2018, Amendment 1, July 2018 available at <https://www.easo.europa.eu/sites/default/files/spd-2018-am1.PDF> [Accessed 1 July 2019]

EASO Single Programming Document, Multiannual Programming 2019- 2021, Work Programme 2019, Revision 1, November 2018, available at https://www.easo.europa.eu/sites/default/files/1_SPD2019-21%20Revision%201%20-%20adopted%2020181127.pdf [Accessed 1 July 2019]

¹¹ Interview 6: Interviews with three senior officials of the Spanish Asylum Office carried out in Madrid on March 22 and September 12, 2018.

Challenges and lessons learned

One of the main challenges of the EASO country guidance relates to its practical implementation and diffusion among all actors involved in the management of asylum procedures. In some cases, as observed in the context of the Spanish asylum system, the lack of resources for streamlining communication within the staff has limited the impact of EASO information. Moreover - and this points to a more general problem related to asylum procedures - the information received via EASO is often not sufficient for carrying out the evaluation of demands of international protection. For capturing the concrete situation that asylum seekers face in their country of origin a more in-depth inquiry is often needed. As it occurs with asylum claims based on sexual orientation and/or gender identity, for which proving the actual persecution turns to be very difficult especially if persecution occurs inside the family and not by state authorities, information needed by asylum officers has indeed to go beyond the evidences provided by EASO country guidance and EASO COI reports.

7.1.2. Shared reception - Slovakia providing temporary reception places to Austria

By Jimmy Perumadan (ICMPD)

Background

In 2015 there was a shortage in reception places in the Austrian asylum system due to a high inflow of asylum seekers. The main initial reception center in Traiskirchen was overcrowded. The facility with a capacity of 1,750 persons, had to host 2,500 to 3,000 persons in the summer of 2015. The reception conditions were strongly criticized by NGO's (AIDA, 2015). For these reasons, there was a need for an ad-hoc solution to accommodate all newly arriving asylum seekers within a short time frame.

The neighboring country, Slovakia, on its part had housing capacities in a reception facility closely to the Austrian border in a town called Gabčíkovo. Slovakia offered reception places for a number of asylum seekers under the responsibility of Austria. The discussions between the Austrian and the Slovakian Ministers of the Interior resulted in the signing of a Memorandum of Understanding in July 2015. This agreement comprised the temporary reception of 500 asylum seekers for whom Austria was responsible in the Slovakian town, Gabčíkovo. The Austrian Federal Office for Immigration and Asylum remained responsible for processing the asylum application, however, the reception place was provided by Slovakia.

Description of the practice

Based on this bilateral agreement the asylum seekers were accommodated in Gabčíkovo. The facility was the former Technical University of Gabčíkovo before it was adapted as a reception center for asylum seekers in Slovakia. Since 2015 the facility, however, remained empty.

The social care¹² and healthcare for the asylum seekers remained in the responsibility of Austria. The private company ORS that was also tasked with running the initial reception center in Traiskirchen and providing care, employed staff in the facility in Gabčíkovo and provided the same level of social care. For the medical care, a contract was concluded with a medical clinic in Gabčíkovo that provided the basic medical services. In case of serious medical problems asylum seekers were transferred to a reception center or a hospital in Austria in order to provide health care at the same level as in Austria (BMI interview, 2019).

According to the Slovakian Ministry of the Interior (Moi) only Syrian asylum seekers who voluntarily agreed to the transfer were selected for the reception facility in Gabčíkovo. This was due to the wish at the political level of the Slovakian side to show solidarity to the people fleeing from the Syrian civil war. The selected asylum seekers consisted mainly of families and men. Neither unaccompanied minors nor persons who should be transferred to another country based on the Dublin regulation were selected for this transfer (Interview 1, 2019).

The first asylum seekers arrived in the facility in September 2015. The asylum seekers in the Slovakian reception facility received a tolerated stay¹³, which allowed them to legally reside in Slovakia. If needed for the asylum procedure, the asylum seekers were assisted to travel to Austria (AIDA 2015). Apart

¹² Social care entails material reception conditions such as pocket money, clothes, leisure activities, social advice and return assistance.

¹³ Tolerated stay based on §58 (1) b Slovakian Residence of Aliens and Amendment and Supplementation of Certain Acts laid down in Act No. 404/2011.

from the public authorities, there were no NGO's nor IOs involved in the development and implementation of this practice (Interview 1, 2019).

The agreement continued until July 2017 (Die Presse, 2017), however, asylum seekers were accommodated only for a couple of months. After that, there were no further asylum seekers fitting the criteria without access to housing in Austrian facilities (Interview 1, 2019).

Financing

The Slovakian MoI paid for the costs of the reception facility and the meals. The costs on the Austrian side were covered by the Federal Ministry with the regular budget for basic care¹⁴ (Interview 1, 2019).

Results and impacts

For the Austrian Ministry that is responsible for providing housing for all asylum seekers, this practice of responsibility sharing was of vital support to have a facility with the capacity for hosting 500 person within a short time frame. According to the Austrian MoI, it was not possible to find a comparable facility in Austria within the given timeframe (MPI, 2016). Furthermore, the representative of the Austrian Ministry of the Interior highlighted the very good cooperation with the Slovakian Ministry of the Interior (MPI, 2016).

This practice of responsibility sharing was supported by EASO's Executive Director who commented that it is a great symbol of European solidarity if one Member State supports a neighboring Member States that faces a shortage in reception places. Nevertheless, he highlighted that Austria remains responsible for the selected asylum seekers and stressed the importance of agreeing on criteria for the quality of the reception with the Slovakian Ministry (Der Standard, 2015).

Challenges and lessons learned

There have been some practical challenges such as

- Healthcare: providing healthcare at the same level as the asylum seekers would receive in a reception center in Austria. This was countered by tasking a medical facility near the reception center with providing the basic medical care and by agreeing on minimum standards (Interview 1, 2019).
- Distance: The proximity of the facility to the Austrian border was key for the successful implementation. It allowed asylum seekers to travel to Austria if needed for the asylum procedure or medical problems (Interview 1, 2019).
- Legal questions: Among others, the legal residence status of the concerned persons in Slovakia had to be resolved.
- Transfer: The transfer to the Slovakian facility was carried out on a voluntary base. It required extensive efforts to provide information and to gather volunteers among the applicants in Austria to agree to be transferred to Slovakia (Interview 1, 2019). According to some NGO reports some transfers took place without a consent (AIDA, 2015; ORF, 2015).
- Another challenge was the disapproval among the residents of Gabčíkovo who organized a petition against the accommodation of applicants of international protection in their city (AIDA, 2015).

¹⁴ *Budgetmittel für die Betreuung, Verpflegung und Unterbringung der hilfs- und schutzbedürftigen Fremden in der Grundversorgung (Grundversorgungsgesetz - Bund 2005 - GVG-B 2005).*

Upon the publication of this bilateral agreement, there was a strong disapproval by some Austrian NGO's which were concerned about violations of the rights of the applicants. The concerns dealt with questions on their legal residence status in Slovakia and whether asylum seekers will receive the same level of reception conditions as they would be entitled in Austria (Der Standard, 2015). Criticism was expressed on the overall emergency measure viewing that it would have been possible to accommodate all asylum seekers in private accommodations within Austria (Der Standard, 2015).

Overall this was the first time that such an initiative was introduced, forming a valuable example for shared responsibility in the reception of asylum seekers on a bilateral level. Despite some critiques to the concrete practice, it showed a remarkable impact within a short time frame from its inception to the role out and ended as soon as the emergency ceased to exist. It thus seems to be a practice with a high absorption potential based on a flexible ad hoc arrangement (MoU). Despite some critiques to the concrete practice

7.1.3. Solidarity Cities

By Claudia Paraschivescu and Lukas Mellinger

‘Solidarity Cities’ is a transnational initiative of European cities within the EUROCITIES network¹⁵. It aims to respond to the cities’ burden in implementing the Common European Asylum System (CEAS) as places of shelter inside the EU. Apart from practices of knowledge and policy exchange as well as capacity building, the ‘Solidarity Cities’ network tries to put the role of the cities and their potential in refugee reception and integration on the European agenda. Nevertheless restricted autonomy in the field of asylum policies and their implementation as well as tensions between the local and national level pose challenges for this initiative.

Background

The ‘Solidarity Cities’ initiative was created in 2016 following a proposal of the Mayor of Athens in the framework of the EUROCITIES network. Its main objective is to foster solidarity and responsibility sharing regarding refugee reception and integration between European cities at a transnational level. It is open to all European cities willing to cooperate in this field. The structure of the initiative is built around four pillars: *“information and knowledge exchange on the refugee situation in cities; [...] advocating for better involvement and direct funding for cities on reception and integration of refugees; [...] city-to-city technical and financial assistance [...] [and] capacity building and pledges by European cities to receive relocated asylum seekers”* (Solidarity Cities, n.d.a).

Specifically, ‘Solidarity Cities’ aims at responding to the task that European cities have in terms of implementing the CEAS. European cities as places of shelter play a significant role throughout the asylum process, from the reception to the integration of refugees, as, often, these take place at a local level. Thus, cities can be understood as “frontline service providers” (EUROCITIES, 2015). In their recent work on “Solidarity and ‘The Refugee Crisis’ in Europe” Óscar García Agustín and Martin Bak Jørgensen describe the ‘Solidarity Cities’ initiative as a network where cities get the opportunity to share strategies and create a new platform to achieve a formalisation of solidarity mechanisms on a local and transnational level (García Agustín & Bak Jørgensen, 2019).

Description of the practice

Responsibility sharing among European cities involved in the initiative mostly evolves around translocal knowledge exchanges and policy transfers at the city level, including, for instance, so-called mentoring visits.

For example, in June 2017, a delegation from Leeds and Stockholm visited the city of Milan. This resulted in the draft of two action plans concerning the reception and orientation of newly arrived unaccompanied minors as well as the education of children with a background in migration (Solidarity Cities, 2017a). A similar visit of a joint delegation from Amsterdam and Zurich, together with the EUROCITIES working group on migration and integration, in Thessaloniki, resulted in concrete recommendations concerning the integration strategy of Thessaloniki, as well as support regarding their implementation (Solidarity Cities, 2017b). The recommendations included the further development of an ‘Open School Program’ replicating a similar Athenian initiative (Integrating Cities

¹⁵ EUROCITIES is a network of major European cities founded in 1986 by the mayors of Barcelona, Birmingham, Frankfurt, Lyon, Milan and Rotterdam. Today it brings together over 140 European cities and more than 45 partner cities. It aims to change the focus of EU legislation to enable city governments to engage with various challenges at local level. See http://www.eurocities.eu/eurocities/about_us

2017). Consistent with the recommendations, Thessaloniki launched projects within the program “Open Schools in the Neighborhood” – encouraging exchange between refugee and non-refugee population within schools and other public institutions in different neighborhoods (ARSIS, 2018).

In November 2018, within the framework of the initiative, more than 40 participants from 23 different European cities, visited institutions involved in the refugee reception and integration in Milan, including the CELAV (Centre for Job Orientation and Placement) service. The field visits reflected on possible policy transfers among the participating cities. As indicated by EUROCITIES, CELAV represents an innovative approach aiming at socio-economic inclusion of vulnerable individuals including migrants as well as non-migrants, for instance through the mediation of traineeships with the possibility of a conversion to an ordinary job contract in the follow-up. Describing the service as well connected with a variety of other services and as receiving significant funds from the city, it was assessed as a good practice in the field of integration with a potential of transferability to other city contexts (Solidarity Cities, 2018; EUROCITIES, 2018: pp. 1-3; pp. 5-6). As a result of the Milan visit concrete future policy transfers to the cities of Tampere, Gdansk, Leipzig and Thessaloniki are mentioned by EUROCITIES, including for instance the creation of “a network of employers that could offer traineeship and avoid the ethnicisation of work whereby only migrant companies are interested in traineeships for migrants” in the German city of Leipzig, as well as the attempt to “further explore the relationships with local NGOs [and to] further cooperate with national authorities and combine funding from different sources in one project” in the case of Tampere in Finland (ibid.: pp. 7-8).

The activities of the initiative are still ongoing and the network is constantly expanding with Berlin being the most recent city to join the ‘Solidarity Cities’ in early 2019. The community of the initiative includes, among others, the cities of Zurich, Milan, Nicosia, Leeds, Athens, Leipzig, Amsterdam, Ghent, Ljubljana, Barcelona, Florence and Stockholm (Solidarity Cities, n.d.b).

Financing

As a sub-network of the EUROCITIES network, resources for the ‘Solidarity Cities’ initiative were secured through EUROCITIES, including different streams of funding aimed at improving the conditions of reception and integration of refugees. The financing includes funds from the “CITIES GROW” project, supported by the Directorate-General for Migration and Home Affairs of the European Commission. Apart from that, the above-mentioned mentoring visits to Milan and Thessaloniki were for instance funded through a grant of the „Open Society Foundations“(EUROCITIES, 2017).

Results and impacts

As highlighted in the IOM World migration report 2018 (Duncan & Popp, 2017), cities play a primary role in the reception and the integration of migrants. The formation of partnerships within and between cities, as well as between the local and national authorities, is crucial for the development of policy outcomes which acknowledge the responsibility and potential of cities and other local actors in the field of migrant reception and integration (Duncan & Popp, 2017). Drawing from this, the ‘Solidarity Cities’ initiative can be considered as a promising practice, creating forms of urban solidarity, not only through fostering knowledge and policy transfers between different cities, but also through advocating for the recognition of the potentials, responsibilities and influences of the cities and the municipal level concerning the integration and reception of asylum seekers.

Cooperation at the local level is believed to happen because of the absence of solutions at EU and national level. Indeed, “[w]hen the state is obstructing reception and the EU is not offering satisfactory solutions it is normal that the urban scale emerges as the space to articulate alternatives” (García

Agustín & Bak Jørgensen, 2019). Ramón Sanahuia – Barcelona’s “Director de Serveis d’Atenció i Acollida a Immigrants” – describes ‘Solidarity Cities’ as having the potential to put the role of the cities regarding reception and integration on the European agenda, as well as to contribute positively to the reassessing of funding processes by taking into account the local level (ibid.).

In her comparison of the Canada- and US-based sanctuary cities and the European ‘Solidarity Cities initiative’ Amy Foerster notes that within a short period of time ‘Solidarity Cities’ managed to gather a significant amount of members and funding and contributed to build multiple partnerships between city officials. Considering possible future impacts, Foerster is stating that the initiative might be *“the most powerful example yet of how mayors and city officials might bypass federal legislation and restrictions regarding immigration policy and refugee resettlement”* (Foerster, 2019: 26).

Challenges and lessons learned

In contrast to the transfer of expertise and policies, actual attempts to relocate individuals within the framework of the ‘Solidarity Cities’ initiative failed repeatedly through the unwillingness of actors at the national level (Foerster, 2019:26). This suggests that the main challenge to the objectives of ‘Solidarity Cities’ is the limited autonomy that actors at the local level have in the field of migration. For instance, an early initiative of the respective mayors to resettle 100 refugees from Athens to Barcelona was prevented by the Spanish national administration, claiming the exclusive competences of the national government in the field of refugees and asylum (ibid.: 25-26). Interestingly, at times, trans-local forms of solidarity can lead to paradoxical constellations of cooperation.

Another challenge is represented by the lack of direct and regular access to funding, such as the Asylum, Migration and Integration Fund (AMIF) provided by the European Commission, without relying on national and regional authorities, a barrier that the ‘Solidarity Cities’ themselves try to overcome through lobbying at the European level (Bendel et al., 2019: 19-21).

In theory, (trans)local practices such as the ‘Solidarity Cities’ initiative represent a potential for responsibility sharing in the area of refugee reception and integration beyond the national, particularly since ‘migrants’ live their daily lives at the local level, through interactions with public and private actors. As such, knowledge and policy transfers and further practices of solidarity can have positive impacts on the implementation of the CEAS “on the ground”. Nevertheless, tensions between the national and local level and the restricted autonomy of cities and municipalities with regards to refugee and asylum policies as well as to the allocation of funding in this field still present significant barriers and challenges to such initiatives.

7.1.4. *Stepping into the procedure - the sovereignty clause's role in sharing responsibility*

By Anna Coulibaly (ICMPD)

Background

The Dublin Regulation was introduced in an effort to harmonize and establish rules regarding asylum claims lodged within EU territory. The objective of the Regulation is to identify one single Member State responsible for examining the application for international protection and determining access to the asylum procedure. However, an increase of applications in 2015 exposed a weakness of the system: responsibility allocation is based on the first point of entry, resulting in the system placing an uneven burden on EU external border countries.

In practice this means that the three Member States making the largest number of outgoing Dublin transfer requests are Germany, France and Austria, all having no EU external borders (Eurostat, 2019), whereas the majority of applications enter through Greece and Italy (recently also Spain again) making them responsible under the Dublin responsibility system. However, Dublin transfers are not mandatory. The derogation clause enables other countries to step in, share the responsibility and alleviate the burden of – in this case – countries at the EU external borders: Art. 17(1) Dublin III Regulation, the so-called sovereignty clause.

Description of the practice

Article 17(1) allows Member States to share responsibility by acting unilaterally and taking over an asylum application that, according to the objective criteria laid down by Dublin, does not fall under the responsibility of the respective Member States. The sovereignty clause may be invoked at any time in the Dublin procedure, until a transfer is implemented. As the clause's name already suggests, it is the sovereign decision of a Member State to share responsibility and process the application.

In the 2011 landmark case *M.S.S. v Belgium and Greece* the European Court of Human Rights ruled that Member States are obliged to examine an asylum application, which entails the use of the sovereignty clause, if a transfer would expose the applicant to a serious risk of violation of the latter's fundamental human rights. Thus, although the Article seems to hint at the fact that it is purely a sovereign Member State's decision, European case law gives flesh to the bare bones of legislation and sets out that Member States may be in breach of the European Convention on Human Rights if they do not make use of the clause. This effectively means that countries can be forced to use 17(1) knowing that if they are not complying, they could be sued and fined. A consequence of the *M.S.S.* case is that Member States must share responsibility with EU countries whose asylum systems show "systematic deficiencies" (ECRE, 2016a).

The reasons for countries using the clause are threefold, as can be illustrated by taking the example of Germany. Either there is a general concern about the destination country under the Dublin transfer – due to Greece's poor reception conditions, transfers from Germany were suspended between 2011 to 2017 (ECRE, 2017). Further, there might be a concern about the group of persons being transferred – in 2015 Germany did not transfer Syrian nationals (Verfahrensregelung zur Aussetzung des Dublinverfahrens für syrische Staatsangehörige) or it is a combination of both – from 2009 onwards Germany did not transfer vulnerable persons to Malta (Ad-Hoc Query on the application of Sovereignty Clause in Dublin procedure, 2019).

It can therefore be concluded that the clause is not part of an overall strategy but rather applied to accommodate deficiencies of the Dublin regulation, alleviate the burden on other Member States'

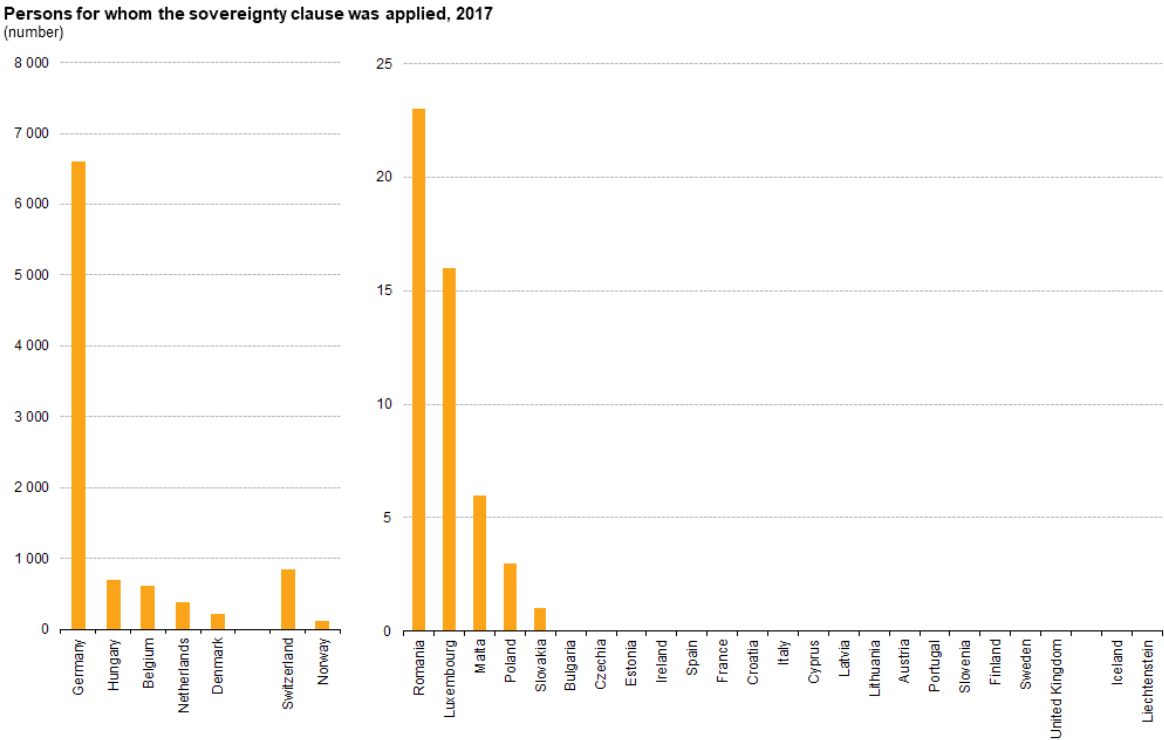
asylum systems and share responsibility effectively. This is further depicted by the varying numbers of applications of the clause in Germany.

Year	Number of applications processed under Art 17(1)
2013	3,939
2014	2,225
2015	10,495
2016	39,663
2017	6,598
2018	7,809
01.01.2019 until 28.02.2019	1,156

(German government, 2019)

Another application of the clause has been to make use of it as a strategy to process manifestly unfounded claims more quickly. Germany, the Netherlands and Norway used the clause for claimants from ‘safe third countries’ and ‘safe country of origin’ (Eidimtaite, 2011). It then becomes a tool to systematically speed up the return of asylum seekers (ibid). As Germany received the majority of applications in 2015 and 2016, it is also clear that it made use of the sovereignty clause in an extraordinarily high share. Notably, in 2017 77% of applications of the sovereignty clause was made by Germany, as depicted below (Eurostat, 2019).

Figure 1: Persons for whom the sovereignty clause was applied (2017)



Note: the y-axis scale in the left part of the figure is 500 times greater than that in the right part. Greece: not available.
Source: Eurostat (online data code: migr_dubduni)

Source: Eurostat (2019)

Financing

There was no information available through desk research regarding the funding of this practice.

Results and impacts

The use of the sovereignty clause is deemed a promising practice, an example of solidarity and responsibility sharing between the EU countries. ECRE stated in an already earlier report that the use of the clause is important to address the complex and varying situations in which many asylum applicants find themselves (ELENA, 2006; ECRE, 2018a). UNHCR claims that it is a valuable provision and urges States to make a proactive and flexible use thereof to ensure family unity. Further UNCHR encourages MS to apply the clause “where the transfer may result in hardship” (UNHCR, 2017).

Challenges and lessons learned

Due to its discretionary nature and the wide margin of appreciation regarding its application, it is used divergently. Countries such as Germany have ruled that Article 17(1) must be applied in cases of family reunification and best interests of the child, while the UK has no such rules.

When looking at Germany’s numbers of 2016, it becomes clear that roughly 80% of the use of the sovereignty clause is a result of an internal instruction issued and renewed by the Federal Ministry of the Interior suspending transfers to Greece. Although it is a sovereign, unilateral decision to issue such an internal instruction, the reason for issuing it might not be entirely to exhibit solidarity and share responsibility but rather because it would amount to a breach of human rights if the asylum seeker would be transferred, , following M.S.S..

The sovereignty clause is undeniably an important means to share responsibility, however ECRE considers that more guidance is needed at the European level to ensure a more uniform application (ECRE, 2016c). Thus, it would not be undesirable for Dublin IV to establish clearer rules for all Member States and lay down circumstances under which they would be obliged to use 17(1). This would also be in line with the goal of the CEAS. Not only would it harmonise its application and give more security to applicants as well as Member States, but further ensure that responsibility sharing would be equally used by other Member States. However, if specific rules would be laid down, there may be a danger of Member States just fulfilling the minimum conditions or trying to use their margin of appreciation to evade having to apply the clause. This would then result in jeopardizing the goal of the clause altogether. Nonetheless, Member States should be encouraged one way or the other to make greater use of the clause.

7.1.5. Sharing child specific accommodation - the use of the Dublin humanitarian clause

By Kostas Vlachopoulos (ELIAMEP) and Jimy Perumadan (ICMPD)

Initiated by the Greek NGO Metadrasi, this pilot project implemented the transfer of unaccompanied minors and young adults from Athens to Lisbon. It was based on a voluntary bilateral agreement between public authorities in Greece and Portugal. The legal basis was Article 17(2) of the Dublin III Regulation, the so-called "humanitarian clause" which allows Member States to voluntarily take over responsibility for an asylum application based on humanitarian grounds.

Background

The project piloted relocations from Greece to Portugal for people coming from countries with low recognition rates that otherwise would be ineligible for relocation (i.e. for applicants from countries with an EU wide recognition rate below the 75%). Five children from Afghanistan were selected. The main criterion for the selection was based on the vulnerability of these children and the limited availability of specialised accommodation for unaccompanied minors in Greece.

The need for this project emerged from the fact that relocation for unaccompanied minors had been difficult. A major challenge arose from the fact that the EU relocation scheme focused on countries with high recognition rate (above the 75% threshold e.g. Syria, Eritrea, Iraq) and that could be an obstacle for relocating people from other countries.

Description of the practice

The unaccompanied minors were selected from Elliniko camp in Greece, which was one of the biggest between 2015-2016. In addition, the process included Best Interest Assessments reports (BIA)¹⁶ and interviews of the children both in Greece and post transfer to Portugal.

The Greek Public Prosecutor for Minors was responsible for the respective minors. The recently formed Guardianship Network for Unaccompanied Minors, an innovative body for Greek standards, was appointed to assist. The request was transferred to the Public Prosecutor in Portugal, who issued a legal opinion to the Portuguese Asylum Service for the optimal solution to undertake the transfers.

The legal basis for the transfer was the Article 17 (2) Dublin Regulation (Regulation (EU) No 604/2013 of the European Parliament and of the Council). Relocation refers to the 'transfer of asylum seekers who are in clear need of international protection from one EU Member State to another European state. Article 17(2) 'allows a Member State to request another Member State other than the one responsible to take on responsibility for assessing a claim for humanitarian reasons, particularly family or 'cultural' grounds.' (European Commission, 2016).

Financing the project

The Metadrasi project's funding was divided in three main parts:

- Through the **EU Relocation Scheme**

¹⁶ The BIA report is a new tool developed by the National Dublin Unit of the Asylum Service and its main purpose is to gather all the necessary information required by Member States applicable for unaccompanied minors and family reunification cases.

- **The EPIM Foundation**¹⁷ offered the travel costs (airplane tickets to Portugal).
- Monthly living costs for children came from crowd funding (**Just Cycling** activity organised by the swiss organization **No More Walking.**)

Results and impacts

Three out of 5 children are now adults and are working part-time in Portugal. In the meantime, they are studying towards their degrees. The remaining two are attending high school.

The project managed to succeed in offering the chance for a more effective and smooth integration of young refugees. This was a result of the process followed, which prioritized research and applied criteria throughout the implementation. Furthermore, the project adopted a bottom up approach: unaccompanied minors were informed about their relocation, the process and the country and they were asked whether they wanted to be included in this scheme. They had the right to refuse to participate, however the involvement of stakeholders (NGOs, ministries etc.) helped unaccompanied minors to understand the benefits of the relocation. The success of the Metadrasi project certainly lies in the demonstration of the possibility for EU Member States to use the Dublin humanitarian clause as a tool for responsibility sharing.

Challenges and lessons learned

A few challenges emerged when trying to implement Article 17(2) in the Metadrasi project. These challenges focus mainly on the interpretation of the article and more specifically on the 'understanding of what constitutes humanitarian reasons for a transfer' (European Commission, 2016). According to an interviewee involved with the project, a significant challenge was that Member States tended to interpret Article 17(2) in a narrow way (Interview 7, 2019). Another challenge was that some member states did not consider to be an urgent and serious humanitarian need in Greece and thus did not implement Article 17(2). These challenges complicated the implementation of the project. Furthermore, other challenges of the Metadrasi project are related to the following issues:

- The Selection of children, International criteria applied (BIA reports).
- The process was slow, and it took nearly 1 year for the coordination of the stakeholders both in Greece and Portugal.
- Sponsors had to be convinced for the necessity of the project. Various sponsorship opportunities were taken into account before ending up with the ones who sponsored the project.
- Accommodation and integration process of unaccompanied minors was demanding.

Based on the experience of the Metadrasi project, a new pilot project has been launched in the first half of 2019 for the relocation of 100 refugees and asylum seekers from Greece to Portugal. Following discussions at the ministerial level, a bilateral agreement was concluded in October 2018 between the Portuguese Ministry of Internal Administration and the Greek Ministry of Migration Policy. The legal basis for the transfer is again the Article 17(2) Dublin regulation (ECRE, 2018).

The implementation of the pilot project is carried out by the Greek Asylum Service that will provide a list of potential persons for the relocation to the Portuguese authorities. The Greek Asylum Service is supported by UNHCR in the selection of persons from the camps on the mainland of Greece. The exact

¹⁷ EPIM Foundation is an initiative of 25 private foundations with the goal of strengthening the role of civil society in building inclusive communities and in developing humane and sustainable responses to migration, based on Europe's commitment to universal human rights and social justice.

target group of persons is currently being negotiated by both authorities. Portugal has expressed clear preference to select vulnerable families with children from countries with the top 10 highest recognition rate in Portugal. Only persons who voluntarily agree to the relocation are taken into consideration for this pilot project. 20% of the selected group of persons shall consist of applicants of international protection and 80% shall consist of beneficiaries of international protection, hence, persons who have already been granted an international protection status in Greece. The latter group will receive a new positive decision by the Portuguese authorities upon arrival, in order to have their legal protection status recognized in Portugal as well. The finalised list with potential persons for the relocation will be then handed over to the Portuguese authorities. A Portuguese mission will then come to Greece to conduct further investigations and to take the final decision on the selection of people. If this phase is concluded, IOM will carry out the medical checks and the transfer to Portugal. Important to note is that this implementation will be carefully observed from both sides. After the implementation, it will be decided whether this bilateral relocation scheme will continue with the relocation of 1000 refugees and asylum seekers (Interview 2, Greek Asylum Service, 2019).

For this pilot project on the relocation of 100 beneficiaries and applicants of international protection, both countries receive funding from the European Commission (AMIF relocation funds) (Interview 2, Greek Asylum Service, 2019).

The recent pilot project on the relocation of 100 refugees and asylum seekers is still in the phase of development. Practical challenges such as how to translate the files from Greek to Portuguese have to be sorted. Therefore, the impacts of the project cannot be evaluated at the time of the drafting of this case study report. Nevertheless, the political willingness of the Portuguese ministry to voluntarily engage in bilateral relocation is a strong symbol of solidarity. Following the implementation phase, an internal evaluation of both side will take place which will then decide on whether this relocation scheme will be extended to the transfer of 1000 refugees and asylum seekers (Interview with the Greek Asylum Service, 2019). This would be a significant number of relocated persons for Portugal, when comparing to the actual number of people that Portugal relocated under the EU emergency relocation programme, which was a total of 1,192 asylum seekers. According to the Council Decision, Portugal was required to relocate 1,778 persons in total (ECRE, 2018). An important success factor for both Ministries will be whether the relocated persons will remain in Portugal or if they will decide to go to another EU Member State before or after receiving an international protection status. Furthermore, a smooth implementation of the project and the national election in Greece will be decisive in the decision on the project's extension (Interview 2, Greek Asylum Service, 2019).

7.1.6. Joint processing

By Anna Coulibaly (ICMPD)

Background

This practice of responsibility sharing developed in the lead up to the so-called “refugee-crisis” in 2015, which placed a great burden on some EU MS, which also showed systemic deficiencies in their asylum systems. In order to remedy those deficiencies, improve the processing quality and speed up the procedure, the European Commission came up with various suggestions that involved experts of other Member States.

The Commission published a ‘Study on the feasibility and legal and practical implications of establishing a mechanism for the joint processing of asylum applications on the territory of the EU’ (European Commission, 2013). This study proposed four models for joint processing. The last model envisaged a full-scale EU system for refugee status determination conducted by a new EU entity legally entitled to take binding decisions on claims. It was acknowledged however, that this model was not politically feasible currently, due to it being a great intrusion into a State’s sovereignty. The remaining three models saw joint processing as the provision of support through joint teams in Member States affected by ‘particular pressures’ (Guild et al., 2015). Out of these three models, the European Asylum Support Office (EASO) launched eight pilot projects testing various aspects of such joint processing operations. One of these was for example a small-scale operation in the Dutch Den Bosch asylum reception centre with two Belgian and one Swedish expert. It was to examine in which areas it was feasible for these experts to operate in view of the language barrier and the specialities of the Dutch system, similar but different from the Belgian and Swedish system (ICMPD expert workshop 2019).

These pilot projects were considered a success and had a positive impact, and thus EASO decided to implement joint processing through the deployment of Asylum Support Teams (AST) constituted of experts from Member States in other Member States confronted with pressures on their systems.

Description of the practice

When a Member State is overburdened, solidarity can be invoked by deploying and sending personnel and experts. The benefits of Joint Processing Support Teams are twofold. On one hand by being experts, in countries with deficiencies in the asylum system, they improve the quality of the procedure and help identify outgoing Dublin requests and vulnerable persons. On the other hand, they support overburdened countries by affording them extra resources. The underlying legal basis is Article 33 of Dublin III ‘A mechanism for early warning, preparedness and crisis management’.

Essentially joint processing operations are arrangements under which asylum application are processed together by experts from minimum two different Member States to support a requesting Member State, coordinated by EASO. The scope of the cooperation is decided by the Member State requesting EASO’s support.

In Greece 2019, this entails support for the processing of applications at first instance in three different areas: those falling under the border procedure (EU- Turkey statement implementation), the regular procedure, and the Dublin Unit to process outgoing requests. The experts will give support for registering applicants for international protection or identify those falling under the Dublin procedure. They will further conduct interviews and draft opinions, make vulnerabilities assessments and best interest assessments and refer vulnerable applicants to the appropriate procedure. They will provide information on the asylum system in place, the impact of non-cooperation and the Dublin procedure.

Moreover they support by providing interpreters for registration, interviews and other activities. (EASO, 2019c)

The scope of joint processing is thus broad. However, it must be noted that Greece is very open to the idea of having foreign support at all stages of the procedure and not just the arrival stages. In other countries, the support is not as extensive or limited to information provision.

This responsibility sharing on EU-Level is thus not only a solidarity tool but also a knowledge-sharing mechanism for Member States facing challenges in asylum matters.

The practice has been multiply used in Italy and Cyprus alongside Greece. It offers tailor-made support for countries having various deficiencies ranging from purely human resource aspects to weaknesses in the national procedure. It is therefore an ad-hoc measure to step in whenever support is needed. However it may be viewed as part of a strategy to enhance a country's ability to process asylum claims quicker and in line with the common European asylum system, in order to harmonize the procedure in Europe and help countries that might be lagging behind to catch up.

Financing

The AMIF and ISF programmes foresee funds both under their multiannual resources, as well as under their emergency scheme. In addition, for the Greek Operating Plan EU funds from the ECHO Emergency Support Instrument have been mobilised for Greece since 2016. (EASO, 2019c).

Results and impacts

It is considered a promising practice because not only does it support countries that are overburdened by alleviating it through the provision of more staff, but through the exchange of knowledge and best practices it improves the system in place, assists in better decision-making and enables countries to learn from one another. It contributes towards a common understanding of the CEAS and leads to mutual trust (especially in regards to Dublin transfers). EASO officials suggest that it could form the basis of a "moving asylum system" supporting Member States in need (Guild et al., 2015). It is a new form of institutionalised responsibility sharing on a voluntary basis between Member States willing to optimise their resources (EASO, 2015).

Challenges and lessons learned

Undeniably, it proves solidarity and is a tool in sharing resources and knowledge, and if deployed correctly it certainly enhances the quality of the process. A legal challenge might be the Member State's sovereignty. Thus far, joint processing operations are limited to first-line reception to avoid political, legal, linguistic and financial questions in relation to making recommendations or taking legally binding decisions (Guild et al., 2015). Nonetheless the goal, which is reflected in the last model proposed by the Commission, is a harmonized CEAS for Europe, thus maybe this limitation will be overcome in the future. Another challenge might be that EASO only sends a team upon a country's request and cannot impose it on a country. This far, this has not been an issue as many countries facing deficiencies did ask for support, but one could imagine that with a growing anti-European feeling, some countries may choose not to make use of this tool.

7.2. Promising practices at the global level

7.2.1. Germany's sponsorship programme

By Jana Beinhorn (TUC)

Background

“New Start in a Team” (NesT – Neustart im Team) is a reception program of the German Government for 500 particularly vulnerable refugees staying in neighboring states of crisis regions (Egypt, Jordan, Lebanon and Ethiopia) and who have already been registered by UNHCR. The program started officially in May 2019. According to UNHCR there are at least 1.4 million particularly vulnerable refugees who fled to countries where they cannot stay permanently because their lives, freedom, security, health or other fundamental rights are threatened. A new life and perspective in another country is deemed necessary. Several countries worldwide have already taken in vulnerable refugees within the resettlement program. As resettlement places are not sufficient to meet the resettlement needs, new forms of admission programs with safe access routes are looked for. The European Commission has therefore called on the Member States to voluntarily establish community sponsorship programs (Deutscher Caritasverband 2019, Würtenberger 2019).

Within the program NesT different state actors, NGOs and private persons share the responsibility of taking in refugees. The pilot program is tied to the support of a local mentoring group. Individuals, associations or organizations can form a mentoring group which has to consist of at least five persons. The mentoring group supports either one refugee or one family financially. Ideally, the mentors pay the rent for two years and help their mentees in dealing with issues of everyday life and participating in society. The refugees under this programme receive a residence permit for three years according to section 23 subs. 4 of the Residence Act (Aufenthaltsgesetz – AufenthG). This is equivalent to the duration of a residence permit granted to refugees according to the 1951 Geneva Refugee Convention. This residence permit will be extended after three years. Under certain preconditions the refugees can then receive a permanent residence permit: 1) high level of language skills (level C1), 2) the livelihood is “largely” secured, 3) basic knowledge of the German legal and social system, and 4) enough living space (Section 26 subs. 3 sentences 1-2 in connection with sentence 6 AufenthG) (Lutter et al. 2018). If they do not fulfil the preconditions for the permanent residence permit they will receive a residence permit for another two years and after that they have the possibility to receive a permanent residence permit if the following conditions apply: 1) sufficient knowledge of the German language (level A2), 2) they have to largely ensure their own subsistence, 3) basic knowledge of the German legal and social system, and 4) enough living space (Section 26 subs. 3 sentences 3-4 in connection with sentence 6 AufenthG) (Lutter et al. 2018). Refugees receive benefits according to the Second Book of the Social Code (SGB II – also known as Hartz IV), and can participate in the integration course.

The project is organized by the Federal Ministry of the Interior, Building and Community, the Federal Commissioner for Migration, Refugees and Integration (Beauftragte der Bundesregierung für Migration, Flüchtlinge und Integration) and the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge – BAMF) in cooperation with UNHCR. Welfare organizations, churches, NGOs and foundations contributed to the establishment of the program. The aim is to improve integration of refugees and increase the willingness of refugee reception in society (Deutscher Caritasverband 2019).

“New Start in a Team” is a pilot program which officially started in May 2019. The concept has been developed since April 2018. First it was planned that all 500 refugees were supposed to be taken in until October 2019. But as it is difficult to find enough mentoring groups in such a short time period the Federal Ministry of the Interior, Building and Community decided to take the program NesT out of the normal cycles for resettlement. That means that the program will continue until all 500 refugees have been admitted. The 500 refugees have already been identified by UNHCR and the Federal Office for Migration and Refugees has already selected the refugees for admission. If these refugees cannot be taken in in the context of the program NesT due to missing mentoring groups they will be admitted within the normal resettlement program for 2018/19. New refugees will then be chosen for the next year (Interview 5: Zivilgesellschaftliche Kontaktstelle 11 June 2019).

Description of the practice

The program “New Start in a Team” (NesT) is about responsibility sharing when it comes to the reception and integration of refugees. On the one hand responsibility is shared among third states that host many refugees at the moment and European Member States that take over refugees in the context of resettlement and on the other hand responsibility is shared among state actors, NGOs, companies, churches, foundations and private persons in the national context. It is a strategy for testing complementary pathways to protection following the community sponsorship programs for refugees in Canada and the United Kingdom. Responsibility is shared in terms of finances and in terms of tasks when it comes to the integration process of refugees. Countries involved in the program “New Start in a Team” are Egypt, Jordan, Lebanon, Ethiopia and Germany. It is about taking in especially vulnerable persons and ensuring a safe entry to Germany. The legal basis for this measure is section 23 subs. 4 of the Residence Act (AufenthG): *“In consultation with the supreme Land authorities, the Federal Ministry of the Interior may, within the context of resettling persons seeking protection, order that the Federal Office for Migration and Refugees grant approval for admission to certain persons seeking protection who have been selected for resettlement (resettlement refugees).”*

The tasks of the admission process in the program NesT are shared among different actors. Firstly, UNHCR identifies persons seeking protection in third states (Deutscher Caritasverband 2019). The Federal Office for Migration and Refugees decides on their admission. On behalf of the Federal Office for Migration and Refugees, the International Organization for Migration (IOM) carries out medical examinations in the third state (Bundesministerium des Innern, für Bau und Heimat 2019c). The admission of the refugees is tied to a local mentoring group that has agreed to support the refugees financially and ideally during the integration process. This group has to provide an apartment and pay the basic rent (without heating) for two years. In addition, the mentoring group assists refugees on site for one year with filling in applications, looking for education possibilities, work or leisure time activities. It is crucial that mentoring groups are very well informed about local structures, i.e. authorities, social services, consultation offices and volunteers’ centers. For the support of the mentoring groups a Civil Society Contact Point (Zivilgesellschaftliche Kontaktstelle – ZKS) was established at federal level. The Civil Society Contact Point consists in the pilot phase of representatives of the German Caritas Association (Deutscher Caritasverband), the German Red Cross (Deutsches Rotes Kreuz) and the Protestant Church of Westphalia (Evangelische Kirche von Westfalen). It helps, for instance, with the applications the mentors need to fill in and offers a one day basic training for mentors explaining the program and responsibilities. During the mentorship the mentors have the possibility to contact the ZKS with all questions and to participate in three organized trainings about expectation management, organization management of the mentoring group, background information on the refugees and networking with other mentoring groups (Interview 5: Zivilgesellschaftliche

Kontaktstelle). The Civil Society Contact Point in particular encourages the cooperation with local actors. Regularly resettled refugees as well as refugees resettled via NesT are entitled to obtain advice by federal consultation programs Migrationsberatung für erwachsene Zuwanderer – MBE (Migration Counselling for Adult Migrants) and Jugendmigrationsdienst – JMD (Youth Migration Service). The consultation is carried out by welfare organizations. The refugees also participate in an integration course offered by the Federal Office for Migration and Refugees. This includes language lessons and information on German history and culture. The program NesT started in spring 2019. First arrivals are expected in summer 2019 (Deutscher Caritasverband 2019).

According to a press release of the Federal Ministry of the Interior, Building and Community the program is based on experiences of other countries such as Canada and the UK. The following civil society actors were involved in developing “New Start in a Team” (NesT): The Catholic and Protestant Churches with their welfare organizations Caritas and Diakonie; the welfare organizations Arbeiterwohlfahrt (AWO), Der Paritätische, Deutsches Rotes Kreuz, and the foundations Bertelsmann Stiftung and Stiftung Mercator as well as the United Nations High Commissioner for Refugees (UNHCR). Additionally, mentoring initiatives for refugees such as “save me”, “start with a friend” and “Refugee Sponsors Syria” (Flüchtlingspaten Syrien) were consulted as stated by the Federal Ministry of the Interior, Building and Community (Bundesministerium des Innern, für Bau und Heimat 2019a).

Financing

The Federal Ministry of the Interior, Building and Community pays the costs for the implementation of the admission procedure, the transfer of the refugees from the third countries up to the initial reception facility in Germany, the necessary medical care until arrival in the local community, and the stay in the initial reception facility for two weeks. After that the respective State bears the costs for the care of the refugees except for the transfer to the new apartment and the payment of the basic rent. These costs are borne by the mentors. They are responsible for transporting the refugees to the local community and have to pay the basic rent for the apartment for two years to a bank account in advance (Bundesinnenministerium des Innern, für Bau und Heimat 2019c, 3). The Civil Society Contact Point for mentors (ZKS) is funded by the foundations Stiftung Mercator and Bertelsmann Stiftung as well as by the Protestant Church of Westphalia (Bundesinnenministerium des Innern, für Bau und Heimat 2019a). The process evaluation is financed from research funds of the Research Center of the Federal Office for Migration and Refugees.

Results and impacts

The program will be evaluated by the research center of the Federal Office for Migration and Refugees (BAMF). The Federal Ministry of the Interior, Building and Community and the Federal Commissioner for Migration, Refugees and Integration will decide on the basis of this evaluation if the program is going to be continued (Bundesministerium des Innern, für Bau und Heimat 2019a). According to Tatjana Baraulina, research assistant at the research center of the Federal Office for Migration and Refugees, it will be investigated how the different actors involved interact with each other during the pilot phase (process evaluation): What are the challenges and barriers during the whole procedure? Until now a first draft of the research concept has been developed. Employees of the Civil Society Contact Point (Zivilgesellschaftliche Kontaktstelle – ZKS) have already been introduced to first observation techniques. After the process evaluation an impact analysis is planned in the future and aims at investigating the effect of the mentorship on the integration process of refugees participating in the program “New Start in a Team” (NesT) (Research Center of the Federal Office for Migration and Refugees 2019).

Challenges and lessons learned

The program “New Start in a Team” is a reaction to the demand of the European Commission to voluntarily establish community sponsorship programs also in the European Union. In Germany an admission according to section 23 subs. 1 Residence Act allows resettlement of refugees if private individuals vouch for refugees in order to facilitate a legal entry to Germany. The refugee sponsors agree to cover all the cost of living of the person taken in. In the past for many refugee sponsors, however, it was not clear that the obligations they had entered would continue even after the refugee had been granted protection status (mdr.de 2019). The Federal Commissioner for Migration, Refugees and Integration Annette Widmann-Mauz is quoted in an article of Deutschlandfunk stating that many persons in Germany are willing to volunteer but are left alone by the state. The program NesT aims at supporting the mentors during their mentorship (Lückoff 2019). “New Start in a Team” is supposed to provide a clearer structure for the community sponsorship. The financial obligation is limited in time and set to the rent-payment for two years. According to the Civil Society Contact Point (Zivilgesellschaftliche Kontaktstelle – ZKS), guidelines for the mentoring groups will soon be published on the website of NesT (www.neustartimteam.de) defining the responsibilities of the mentors in concrete terms (Interview 4: Zivilgesellschaftliche Kontaktstelle). The challenge for the ZKS is now to find mentoring groups. Until now no applications have been received yet. Four mentoring groups will participate in the next one day basic training and will then fill in the application. There are some more interested groups that probably will hand in the application forms.

However, there are also several inquiries of refugees already in Germany asking whether it is possible to make proposals for the admission of refugees. This is not possible as UNHCR identifies the refugees and the Federal Office for Migration matches them with the mentoring groups (Interview 4 and 5: Zivilgesellschaftliche Kontaktstelle, 2019), which could limit the willingness of the sponsors. There have been different voices indicating that it is much easier to find sponsors for persons that are already there and whose faces are known. But the effort for UNHCR to locate the persons named in the refugee camps would be too big (Interview 5: Zivilgesellschaftliche Kontaktstelle, 2019).

Another challenge for the mentoring groups could be that the required payment is still rather high as the basic rent for two years has to be paid in advance. In addition, the mentors have to be flexible in time. They are informed at least one week before the arrival of the refugee or family and have to organize the transfer after the stay in the initial reception facility near to Göttingen (two weeks). If they do not pick up the refugees on time they have to bear the costs for the longer stay in the initial reception facilities. Furthermore, the participation of mentoring groups is limited as mentors who live in municipalities with residence restrictions for refugees (Wohnsitzauflage) according to section 12a subs. 4 in connection with subs. 9 sentence 2 AufenthG will not be admitted unless the municipality explicitly agrees to the admission (Bundesinnenministerium des Innern, für Bau und Heimat 2019b, 5). Apart from that, the application procedure is elaborate. The application consists of a support plan for the refugees. Additionally, the mentors have to hand in credit score information (Schufa Auskunft)¹⁸ and a criminal record (polizeiliches Führungszeugnis). Another challenge mentioned by an employee of the Civil Society Contact Point is the divergence between the expectations of the state actors and the actors of civil society. He mentions that in the beginning it had to be made clear that state actors and actors of civil society are equal partners in sharing responsibility. Actors of civil society are not addressees of instructions by the state actors. The state actors for example had in mind the time period

¹⁸ If the money for the rent is on a normal current account credit score information is necessary. If it is on a blocked or agency account credit score information is not required.

until when the refugees were supposed to be taken in, but for the mentoring groups it is not always possible to collect a significant amount of money at such short notice. That is why the state actors dropped the time limit. The employee of the Civil Society Contact Point considers the state authorities as very open minded and cooperative in the context of the project NesT. Another challenge mentioned by the Civil Society Contact Point is the populist and contemptuous comments of members of the right-wing party “Alternative for Germany” (AfD – Alternative für Deutschland) and in online newspapers after the launch event of the program (Interview 5: Zivilgesellschaftliche Kontaktstelle, 2019).

7.2.2. UNHCR Direct evacuation flights from Libya

By Damla B. Aksel (Koç University)

Background

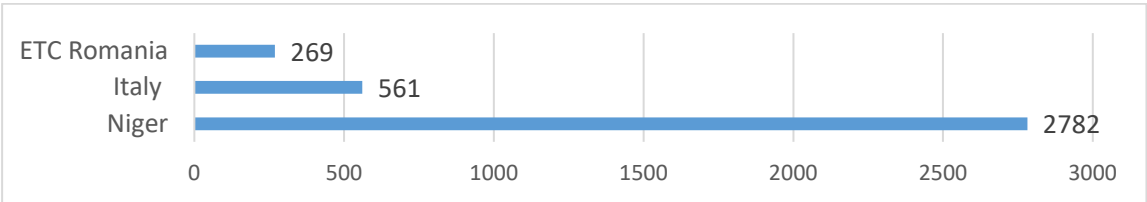
In recent years, the Central Mediterranean migration route from Northern Africa to the European Union has become the most used route by migrants and refugees, who are trying to enter the EU through irregular means. Beginning with 2016, the EU started to take new measures in order to reduce the irregular migration flows on this route, by intensifying border surveillance and breaking the business model of smugglers (European Council, 2018). These measures decreased significantly the number of people attempting to cross the Mediterranean Sea especially via Libya. However, as the news over 2017 and 2018 on the ‘cycle of existing extreme abuse’ in Libya have shown, many migrants and refugees, especially those who end up in detention centers after being apprehended at sea face inhumane treatment by the militia and public officials in this war-torn country (CNN, 2017).

In Libya, UNHCR and IOM have limited room for operations on international protection, since the country is neither a signatory of the 1951 Geneva Convention nor has signed a memorandum of understanding with UNHCR (Amnesty International, 2018). In order to tackle the situation of refugees and migrants in Libya, a joint migration task force was established between the EU, the African Union and the United Nations in November 2017. Among the main pillars of the task force are evacuating migrants and refugees from the country via facilitating voluntary returns and offering resettlement for refugees. Niger is the main host for temporary settlement of the evacuees from Libya, who are transferred to the UNHCR’s Emergency Transit Mechanism (ETM) in Niamey, until their cases are processed, and they are permanently resettled to a third country (Abderrahim, 2018).

Description of the practice

The Emergency Transit Mechanism assists the evacuation of refugees and asylum seekers (predominantly from Eritrea and Somalia) (UNHCR, 2019d) from Libya and their temporary settlement in Niger. It is an ad hoc and cooperative mechanism that has been in practice under the joint Task Force between the African Union, the EU and UNHCR, created in the aftermath of the AU-EU-UNHCR Summit held in Abidjan in November 2017. In this practice the European Union and its Member States contribute to responsibility sharing by providing financial support and resettlement places for refugees (European Commission, 2018b). From March to May 2018, the evacuations from Libya were temporarily suspended, when the center in Niamey reached its full capacity and the local authorities of Niger were concerned by the pace of resettlement. The operations were resumed after additional resettlement places were committed by the third countries (ECRE, 2018c). According to UNHCR, from the start of the evacuation operation in late 2017 to 20 May 2019, a total of 3,612 persons (including unaccompanied children) were evacuated to the ETM in Niger (2,782), along with Italy (561) and ETC Romania (269).

Figure 2: Persons evacuated from Libya from late 2017 to 20 May 2019



Source: The UNHCR Libya-Niger Situation, Resettlement update #62

There are two groups of evacuees who are processed by the UNHCR for resettlement: (1) individuals fully processed by UNHCR in Libya, and evacuated to ETM Niger for interviews, and (2) individuals evacuated to Niger for full processing by UNHCR in Niger. The UNHCR figures illustrate that so far, a total of 1,311 individuals have departed and some 383 individuals were accepted to depart to seven EU countries (Belgium, Finland, France, Germany, the Netherlands, Sweden and the United Kingdom) as well as the United States, Canada, Norway and Switzerland (UNHCR, 2019c).

UNHCR has called for 40,000 places in Europe but has since autumn 2017 only received pledges for roughly 13,000 places (Castelfranco, 2018). The first European country to follow this call for responsibility sharing was Italy. On 22nd of December 2017, 162 highly vulnerable refugees were flown directly from Libya to Italy with the cooperation of the Italian authorities and the Libyan government led by UNHCR (UNHCR: First evacuation of 162 vulnerable refugees from Libya to Italy, 2019). This group consisting of mainly detainees, children and women would have been exposed to serious risks if they would have attempted to cross the Mediterranean illegally. Thus Italy has stepped in and shared responsibility with Libyan authorities for those refugees and granted them a safe passage which would not have been possible without those evacuation flights. Italy used this tool a second and third time early this year. On 29th of April 2019, 146 refugees were evacuated to Italy and one month later, on 30th of May another 149 were flown to Rome, as the clashes got closer to the refugee camps, and the situation in Tripoli deteriorated. (UNHCR press, 2019)

Financing

The ETM is funded mainly through the EU Emergency Trust Fund for Africa (ETFA). The ETFA was established in 2015 as a partnership between the EU and African countries, in order to address the root causes of instability, forced displacement and irregular migration, and to contribute to better migration management. The ETFA is worth over €3.9 billion, with over 89% of the contribution coming from the EU, and around 11% from EU Member States and other donors (European Commission, 2018a). The humanitarian funding provided by the ETFA in Libya was worth €10.8 million in 2016 and €10 million in 2017 (Libya-Business News, 2018), and an additional €10 million was mobilized in 2018 (European Commission, 2018a). Furthermore, the Member States that participate in the resettlement program receive financial assistance from the EU's Asylum, Migration and Integration Fund a lump sum of EUR 6,000 or 10,000 for every person resettled depending on the country of origin or the urgency of resettlement (Ministry of the Interior of Finland, 2018).

Results and impacts

The ETM is considered as a successful mechanism by UNHCR and the EU, as it is deemed as a 'life-changing and life-saving escape for refugees trapped in detention in Libya', even under the conditions of insecurity and restrictions on movement for the UNHCR staff in the field (Africanews, 2018). Furthermore, it allows countries to share responsibility for vulnerable refugees. As far as the criticisms are concerned, human rights advocates such as Amnesty International (AI), Human Rights Watch (HRW) and the European Council on Refugees and Exiles (ECRE) condemn the arbitrary detention in Libya of the intercepted individuals at the Mediterranean Sea, a practice that is linked to the EU's policies for reducing irregular migration on its external borders. According to these organizations, the sporadic movement of people to the ETM are triggering drastic consequences for many refugees who are stuck and oftentimes caught in the crossfire during the clashes in Libya. Moreover, the AI reports that the ETM's approaching its full capacity was mainly due to low number of resettlement places offered by third countries and the slow processing of applications (Amnesty International, 2018; ECRE, 2019b; Human Rights Watch, 2019).

Italy welcomed a total of 561 refugees over the past 2 years and is the European country sharing the biggest responsibility with Libya. However when considering the 43,113 refugees held in worsening conditions in Libya it seems as if those roughly 500 refugees represent a drop in the ocean. Nonetheless, it is a first step in the right direction and other EU countries should follow the Italian example. Jena-Paul Cavalieri UNHCR Chief of Mission in Libya calls for more humanitarian evacuations (UNHCR press, 2019).

Similar mechanisms for evacuating refugees during crisis periods and their temporary settlement in a safe country have been employed as an ad hoc practice by the UNHCR in the past, as in the case of Tutsi refugees' evacuation to from Democratic Republic of the Congo in 1999 and Bosnian refugees' relocation to Romania in 2002 (UNHCR, 2011) More recently, the Emergency Transit Centers in Romania and Slovak Republic, and the Emergency Transit Mechanism in Philippines were established to provide temporary shelter to refugees for a temporary period. According to the UNHCR, the ETM is planned to continue with new phases. The organization reported in 20 May 2019 that a total of 6,351 resettlement places were committed by nine EU Member States (Belgium, Finland, France, Germany, Italy, Malta, the Netherlands, Sweden and the United Kingdom) as well as Canada, Norway and Switzerland (UNHCR, 2019).

Challenges and lessons learned

The ETM faces challenges in Libya, due to the deteriorating political environment, uncertainty and the environment of insecurity which aggravate the conditions of the refugees and obstructs the work of the international protection case workers. As far as the conditions in Niger are concerned, the limited space allocated by the local authorities for the transit mechanism result in temporary suspensions, as it happened in 2018. This situation is significantly affected by the inability of the EU and the Member States to come to terms for allocating sufficient resettlement places and arrange rapid processing. Addressing the root causes of the refugee problem in Libya and ensuring the commitment of both Niger and the resettlement countries are crucial for the continuation of this practice.

It might be beneficial if the measure would be a systematic evacuation tool of refugees. This would make it mandatory for countries to take in refugees instead of being an ad-hoc measure relying on the goodwill of single countries such as Italy, when the situation becomes such that no blind eye may be turned any longer on the fate of the refugees. Further responsibility sharing would be more equally spread between the countries, as currently alongside Italy only France, the Netherlands, Norway and Sweden have accepted resettlement cases.

7.2.3. UNHCR Emergency Transit Centre in Romania

By Damla B. Aksel (Koç University)

Background

The Emergency Transit Center in Timisoara, Romania is one of the Emergency Transit Facilities established by the United Nations High Commissioner for Refugees (UNHCR), inspired by a number of prior ad hoc experiences where UNHCR took urgent and emergency protection to refugees in need of resettlement at short notice. The Emergency Transit Center model, which was used first in Romania (2008) and then in the Slovak Republic (2009), provides housing to evacuated refugees at physical facilities established as a result of the tripartite agreement between UNHCR, the International Organization for Migration and the respective State (UNHCR, 2011). This is a practice that aims to provide protection to refugees who face serious and imminent security risks during their waiting period for resettlement.

Description of the practice

The ETC in Timisoara was officially opened in March 2009, on the basis of the Tri-Partite Agreement between Romania, UNHCR and the International Organization for Migration in 2008. The ETC was the first of its kind in Europe, and it provides temporary shelter to refugees who are in need of evacuation from their first asylum countries due to life threatening conditions, for a maximum period of 6 months, until their cases are processed and are resettled to a third country. The center can host up to 200 refugees. The Tri-Partite Agreement determines the individuals who will be admitted to ETC Romania and the term refugee is based on the 1951 Geneva Convention and 1967 Protocol relating to the Status of Refugees (UNHCR, 2009). The refugees who will be resettled from the ETC are located in the same camp as asylum seekers who wait for their status determination or others who already received refugee status from Romania (Moraru and Mocanu 2013). The ETC is a practice that is undertaken by the Romanian government, together with two intergovernmental organizations. Moreover, the resettlement countries (including the Netherlands, Belgium, France, Germany and the United Kingdom) in the European Union and others contribute to this responsibility sharing practice by allowing the resettlement of individuals who are temporarily residing in the center.

Financing

According to UNHCR, the ETC Romania was covered by earmarked funding from the USA until the end of 2013. After that period, it was mainstreamed in UNHCR's regular budget (UNHCR, 2016).

Results and impacts

The ETC model is considered a promising practice by UNHCR: even though it has a small-scale impact in comparison to the global refugee population, it provides temporary shelter and opportunities for resettlement for those who could not be able to access them otherwise (UNHCR, 2016). From 2008 to 2015, a total of 1,778 individuals arrived to ETC Romania from 18 nationalities, with the largest groups from Iraq, Somalia, Eritrea, Palestine and Sudan, mainly arriving to the center from Syria, Libya and Yemen. Among these individuals, a total of 1,717 refugees were transited from the ETC Romania until 2015, to countries such as the Netherlands, the United Kingdom and the United States (IOM, 2013). In 2017, 214 individuals arrived at ETC Romania from Iran, Iraq, Somalia and Syria. During the same year, a total of 176 individuals departed for resettlement from the center, to five EU countries (the Netherlands, the United Kingdom, Belgium, France and Germany), as well as the United States and Georgia (UNHCR, 2019b). The cooperation between the Romanian authorities with UNHCR and IOM,

which led to the formation of the ETC, has been taking place since the first temporary resettlement operation that took place in 1999, when Romania received refugees from Bosnia-Herzegovina and Croatia, who were later resettled to the United States (UNHCR, 2009). Besides their initial objective, the ETCs in Romania and the Slovak Republic serve different roles for the resettlement countries. As far as the EU member states are concerned, the ETC in Romania functions as a place for temporary protection for the refugees who are already accepted by the Netherlands and Finland, until the respective states find municipalities to resettle them (UNHCR, 2016).

Challenges and lessons learned

According to UNHCR, the ETC has been relevant for refugees for providing immediate security and safety that could not be otherwise reached. However, its function was deemed to take a less prominent role than originally envisaged, because only refugees with an already identified resettlement country were transferred to the ETC (UNHCR, 2016).

7.2.4. Germany's family assistance programme

By Anna Coulibaly (ICMPD)

Background

Over half a million of Syrian refugees have been welcomed in Germany over the past five years. The nuclear family members (parents, spouses and children) left behind all have a right to be reunited in Germany, and as the situation in Syria and its neighbouring countries is not improving, many want to make use of this right (IOM, 2017). In July 2016 due to great influx of German family reunification visa applications submitted to the German Consular Offices in Turkey, Lebanon and Iraq of mainly Syrian nationals, Germany instructed IOM to operate five Family Assistance Programmes (FAP) (ibid.). These FAPs, with offices in all three countries, alleviate the workload of the German Consular Offices and speed up the reunification procedure (IOM, 2017). A great number of family members if not afforded a legal way to travel safely to Germany, would attempt travelling illegally relying on smugglers and hazardous routes.

Description of the practice

The German Federal Foreign Office indicates that a majority of the reunification visa applicants arrive unprepared and ill informed, often with incomplete or lacking documents (IOM, 2017). This is where FAPs step in. The programme supports migrants in applying for the visa by ensuring the correct completion of the forms, checking the completeness of the form and assisting with scheduling visa interview appointments. Further, a key component of FAP is to provide the applicants with timely information, including relevant news from Germany especially regarding integration related services offered once on German ground (ibid.).

Thus, the responsibility for persons wishing to join their family members is shared. Germany shows solidarity and assumes responsibility for migrants who would else attempt to cross and enter European countries illegally. Not only does this practice of responsibility sharing save these migrants from perilous travels but also prevents unnecessary Dublin transfers to Germany. It may be noted that Germany receives the highest number of incoming Dublin requests (Eurostat, 2019). This practice thus saves border countries from having to process a high number of outgoing Dublin requests.

It is an ad-hoc practice born out of an influx of visa applications due to 600.000 recognised refugees currently living in Germany. With the decrease of the flow of applicants, it is probable some or all of the five FAP offices operated by IOM will close.

Financing

The programme is funded by the German Federal Foreign Office, which gave the task to IOM.

Results and impacts

91% of the beneficiaries are Syrians with the next biggest group being Iraqis. Unsurprisingly 93% are women and children as this is a family reunification application (IOM IRAQ, 2017). This suggests that mainly husbands, fathers and sons are fleeing without their families. Family reunification favours the integration of these refugees. The programme, beyond enabling sharing responsibility for the family members of refugees in Germany, represents a legal channel to acquire a visa for Germany, and is thus considered a good practice. As Lado Gvilava IOM Turkey's Chief of Mission puts it "now is the time for governments, civil society and international organizations to work together to offer additional safe, orderly and legal options for people fleeing violence, rather than forcing them to risk irregular

migration.” (IOM, 2017). FAPs protect families from misinformation, facilitate efficient visa processing and thereby speed up the reunification, which in turn furthers integration (IOM, 2019).

Challenges and lessons learned

One of the challenges faced, attributed to the cultural difference, was that the persons seeking the visas were used to the Iraqi and Syrian bureaucratic systems where a “wasta”, a broker or intermediary, is common. Many ended up paying brokers for appointments offered for free by IOM, or being deceived by brokers who claimed they were able to get an earlier appointment for them. This led to delays and even rejections as the applications were made to the wrong category (Neurink, 2017).

Nonetheless, over 15,000 refugees were able to join their family members through the programme, which is a right step of Germany in assuming and sharing responsibility with the Middle-East but also Europe.

8. Conclusion

The present research departed with the aim to bring to the table a set of examples where EU MS shared responsibilities with countries that face difficulties to cope with hosting or processing people in search for international protection within the EU as well as with third countries in an act of European or international solidarity. The exercise led to the collection of six cases of intra-EU solidarity and four cases of global solidarity.

For different reasons, some of the described practices have been subject to critiques. Nevertheless, each of the practices developed from a concrete need and as such served its purpose at a point in time. It was and is our aim with this mapping to make visible possible practices or initiatives for responsibility sharing. The practices can serve as examples and as a reference list for countries that wish to show solidarity with other countries, as well as for those countries that depend on the support of others to meet emerging challenges.

In screening and reviewing the variety of responsibility sharing initiatives, a few observations can be drawn:

Legal Framework: While some practices make use of and navigate within the legal framework that is set by the EU asylum acquis (e.g. use of “Dublin sovereignty clause”), others required a special legal basis (e.g. “Gabcikovo” based on bilateral special MoUs between Ministries of the states involved).

Origin of initiative: Some initiatives developed out of an emergency and urgency because (e.g.) of scarce resources (“Evacuation flights”, “Gabcikovo”), others because new actors entered the migration area with the wish to form bi- and multilateral ties to exchange and learn from each other (e.g. Sanctuary cities), others had a strong element of more efficiency of the system (e.g. stepping into asylum procedures applying the sovereignty clause)

Governance level: Initiatives are driven by states (“Gabcikovo”), by cities (“Sanctuary city”) or by civil society (e.g. “private sponsorship” initiatives in a variety of countries) and others developed as civil society driven initiatives and turned into bilateral cooperation between states (“Sharing child specific accommodation” or “stepping into procedures”).

Facilitation: In the external dimension, EU MS rely on the cooperation with international organisations, above all, the UN organisations UNHCR and IOM. In the internal dimension, EASO gains importance facilitating cooperation and support measures for overburdened countries. Still, MS also continue to seek and develop bilateral cooperation with other states without the support of supranational organisations.

The broad variety of actors involved in responsibility sharing is probably the most promising finding of this research as it shows that crises in many ways are also catalysts for innovation, new initiatives and new partnerships.

Another promising finding from the research and collection of different initiatives refers to the variety of countries involved. The initiatives are not limited to a few countries that traditionally are more open to sharing responsibilities but also other, smaller countries show signs of willingness to support other countries.

Overall, perhaps, we expected to find a larger number of more concrete examples of responsibility sharing. We are still convinced that there is far more show of solidarity among EU countries and we

remain open and thankful for any further examples that are brought to our attention. Evidently the European Asylum Support Office (EASO) is more and more engaging and coordinating intra-EU responsibility sharing. The list therefore could be easily extended by various projects and initiatives coordinated by EASO. This certainly also refers to the huge number of projects and initiatives funded by EU funds such as the Asylum, Migration and Integration Fund (AMIF) or the EU Trust Fund.

9. References

- Abderrahim, T. (2018): 'Advancing the impossible? Progress of the Joint African, European and International response to the migration crisis in Libya'. Available at: <https://ecdpm.org/publications/advancing-impossible-progress-joint-african-european-and-international-response-migration-crisis-libya/> [Accessed: 24 June 2019].
- Africanews (2018): 'UNHCR evacuates vulnerable refugees out of Libya as fighting resumes'. Available at: <https://www.africanews.com/2018/10/18/unhcr-evacuates-vulnerable-refugees-out-of-libya-as-fighting-resumes/> [Accessed: 24 June 2019].
- AIDA (2015): 'Austria: plans to relocate 500 asylum seekers to Slovakia rejected by local population', published on 3 August 2015. Available at: <https://www.asylumineurope.org/news/03-08-2015/austria-plans-relocate-500-asylum-seekers-slovakia-rejected-local-population> [Accessed: 30 April 2019].
- AIDA (2014): 'National Country Report Germany'. Available at: http://www.asylumineurope.org/sites/default/files/aida_2018update_dublin.pdf [Accessed: 13 June 2019].
- Amnesty International (2018): 'Libya: EU's patchwork policy has failed to protect human rights of refugees and migrants', public statement. Available at: <https://www.amnesty.org/en/documents/mde19/9391/2018/en/> [Accessed: 24 June 2019].
- ARSIS – Association for the Social Support of Youth (2018): 'Open Schools in the Neighborhood'. Available at: <http://www.arsis.gr/en/open-schools-in-the-neighborhood/> [Accessed: 20 May 2019].
- Aschemann, B. (2013): 'Handbuch Gute Praxis in der internationalen Basisbildungsarbeit mit MigrantInnen', MIKA Projekt.
- BAMF (2015): 'Verfahrensregelung zur Aussetzung des Dublinverfahrens für syrische Staatsangehörige', BAMPF instructions. Available at: www.asylumineurope.org/sites/default/files/resources/bamf_instructions_on_syrian_dublin_cases_august_2015.pdf [Accessed: 13 June 2019].
- Baumgartner, P & Wagner, M (2018) "Sharing responsibilities in the Common European Asylum System" at: http://ceaseval.eu/publications/04_BaumgartnerWagner_SharingResponsibilities.pdf [Accessed: 24 June 2019].
- BBC News (2018): 'Migrant slavery in Libya: Nigerians tell of being used as slaves'. Available at: <https://www.bbc.com/news/world-africa-42492687> [Accessed: 24 June 2019].
- Bendel, P., Schammann, H., Heimann, C. and Stürner, J. (2019): 'Der Weg über die Kommunen – Empfehlungen für eine neue Schlüsselrolle der Kommunen in der Flüchtlings- und Asylpolitik der EU'. Berlin: Heinrich-Böll-Stiftung. Available at: https://www.boell.de/de/2019/02/11/der-weg-ueber-die-kommunen?dimension1=division_euna [Accessed 20 May 2019].
- Betts, A. (2018): 'The Global Compact on Refugees: Towards a Theory of Change?' International Journal of Refugee Law, 30(4), pp. 623–626.
- Brouwer, E.; Rijken, C. and Severijns, R. (2016): 'Sharing responsibility: A proposal for a European Asylum System based on solidarity', Blog article, published on 17 February 2016. Available at:

<http://eumigrationlawblog.eu/sharing-responsibility-a-proposal-for-a-european-asylum-system-based-on-solidarity/> [Accessed: 21 June 2019].

Bundesministerium des Innern, für Bau und Heimat (BMI) (2019a): 'Hand in Hand von Anfang an. Startschuss für Aufnahmeprogramm "Neustart im Team – NesT"'. Available at: <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2019/05/nest-neustart-im-team.html> (Accessed: 5 June 2019).

Bundesinnenministerium des Innern, für Bau und Heimat (BMI) (2019b): 'Anordnung des Bundesinnenministeriums des Innern, für Bau und Heimat zur Aufnahme besonders schutzbedürftiger Flüchtlinge unterschiedlicher Staatsangehörigkeit oder staatenloser Flüchtlinge aus Ägypten, Äthiopien, Jordanien und aus dem Libanon aus dem Pilotprojekt Neustart im Team (NesT) im Resettlementverfahren gemäß § 23 Absatz 4 des Aufenthaltsgesetzes vom 15.04.2019'.

Bundesinnenministerium des Innern, für Bau und Heimat (BMI) (2019c): 'Begleitschreiben zur Anordnung des Bundesinnenministeriums des Innern, für Bau und Heimat zur Aufnahme besonders schutzbedürftiger Flüchtlinge unterschiedlicher Staatsangehörigkeit oder staatenloser Flüchtlinge aus Ägypten, Äthiopien, Jordanien und aus dem Libanon aus dem Pilotprojekt Neustart im Team (NesT) im Resettlementverfahren gemäß § 23 Absatz 4 des Aufenthaltsgesetzes vom 15.04.2019'.

Castelfranco, S. (2018): 'UN Flies Refugees from Libya to Europe, Where More Uncertainty Awaits', VOA news. Available at: <https://www.voanews.com/world-news/middle-east-dont-use/un-flies-refugees-libya-europe-where-more-uncertainty-awaits> [Accessed: 24 June 2019].

CNN (2017): 'People for Sale'. Available at: <https://edition.cnn.com/2017/11/14/africa/libya-migrant-auctions/index.html> [Accessed: 24 June 2019].

Council of the EU (2016): 'Outcome of the 3461st Council meeting', published on 21 April 2016, 8065/16. Available at: <http://www.consilium.europa.eu/media/22682/st08065en16.pdf> [Accessed: 20 June 2019].

Council of the EU (2015): '2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece', Council Decision. Available in Greek at: <https://eur-lex.europa.eu/legal-content/EL/TXT/?uri=CELEX%3A32015D1601> [Accessed: 09 June 2019].

Council of the EU (1994): 'Council Resolution on burden sharing', Document 7773/94 ASIM 124.

Der Standard (2015): 'Scharfe Kritik an Österreichs Deal mit der Slowakei', published on 10 July 2015. Available at <https://derstandard.at/2000018821464/Slowakei-soll-500-Migranten-aus-Traiskirchen-versorgen> [Accessed: 30 April 2019].

Die Presse (2017): 'Slowakei bereit, Asylkooperation mit Wien fortzusetzen', published on 15 June 2017. Available at: <https://diepresse.com/home/innenpolitik/5235486/Slowakei-bereit-Asylkooperation-mit-Wien-fortzusetzen> [Accessed: 30 April 2019].

Deutscher Caritasverband (2019): 'Neustart im Team. Verantwortung teilen – Flüchtlinge schützen und begleiten'. Available at: <https://www.neustartimteam.de/> [Accessed: 6 June 2019].

Dublin Regulation (2018): 'Position paper of Cyprus, Greece, Italy, Malta and Spain on the Proposal recasting the Dublin Regulation'. Available at: <https://g8fip1kplyr33r3krz5b97d1-wpengine.netdna-ssl.com/wp-content/uploads/2018/04/Position-paper-Dublin.pdf> [Accessed: 24 June 2019].

Duncan, H. and Popp, I. (2017): 'Migrants and Cities: Stepping Beyond World Migration Report 2015', IOM World Migration Report 2018: Geneva.

EASO (2019a): 'Questions and Answers on Relocation'. Available at: <https://easo.europa.eu/operational-support/hotspot-relocation/relocation/questions-and-answers-relocation> [Accessed: 09 June 2019].

EASO (2019b): 'Questions and Answers on Relocation'. Available at: <https://easo.europa.eu/operational-support/hotspot-relocation/relocation/questions-and-answers-relocation> [Accessed: 09 June 2019].

EASO (2019c): '2019 Operating Plan'. Available at: https://www.easo.europa.eu/sites/default/files/OP-Greece-2019_0.pdf [Accessed: 25 June 2019].

EASO (2019d): 'Consolidated Annual Activity Report 2017'. Available at <https://easo.europa.eu/documents-archive> [Accessed: 20 June 2019].

EASO (2019e): 'Country of Origin Information Report: Methodology'. Available at: https://coi.easo.europa.eu/administration/easo/PLib/2019_EASO_COI_Report_Methodology.pdf [Accessed: 20 June 2019].

EASO (2017): 'Practical Guide: Exclusion', EASO Practical Guide Series. Available at <https://www.easo.europa.eu/practical-tools> [Accessed: 20 June 2019].

EASO (2015): 'Five years of EASO: results and perspectives'. Available at: https://www.easo.europa.eu/sites/default/files/publications/Five-years-of-EASO_results-and-perspectives1.pdf [Accessed: 25 June 2019].

ECRE (2019a): 'The implementation of the Dublin III Regulation in 2018'. Available at: http://www.asylumineurope.org/sites/default/files/aida_2018update_dublin.pdf [Accessed: 13 June 2019].

ECRE (2019b): 'From bad to worse for migrants trapped in detention in Libya'. Available at: <https://www.ecre.org/from-bad-to-worse-for-migrants-trapped-in-detention-in-libya/> [Accessed: 24 June 2019].

ECRE (2018a): 'To Dublin or not to Dublin?'. Available at: <https://www.ecre.org/wp-content/uploads/2018/11/Policy-Note-16.pdf> [Accessed: 13 June 2019].

ECRE (2018b): 'Portugal/Greece: Bilateral Agreement for Relocation of Asylum Seekers', published on 26 October 2018. Available at: <https://www.ecre.org/portugal-greece-bilateral-agreement-for-relocation-of-asylum-seekers/> [accessed on 14 March 2019].

ECRE (2018c): 'Libya: evacuations to Niger resumed- returns from Niger begun'. Available at: <https://www.ecre.org/libya-evacuations-to-niger-resumed-returns-from-niger-begun/> [Accessed: 24 June 2019].

ECRE (2017): 'Germany: suspension of Dublin procedures to Greece set to end on 15 March 2017', ECRE news. Available at: <https://www.ecre.org/germany-suspension-of-dublin-procedures-to-greece-set-to-end-on-15-march-2017/> [Accessed: 4 July 2019].

ECRE (2016a): 'Dublin transfers post Tarakhel'. Available at: <https://www.ecre.org/wp-content/uploads/2016/05/Dublin-transfers-post-Tarakhel-final29.10.pdf> [Accessed: 12 June 2019].

ECRE (2016b): 'Comments on the Commission Proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010'. Available at: https://www.ecre.org/wp-content/uploads/2016/07/ECRE-Comments-EU-Asylum-Agency_July-2016-final_2.pdf [Accessed: 13 June 2019].

ECRE (2006): 'Position of the European Council on Refugees and Exiles on Sharing the Responsibility: Protecting Refugees and Displaced Persons in the Context of Large Scale Arrivals'. Available at: <http://www.refworld.org/docid/403a40744.html> [Accessed: 20 June 2019].

ECtHR (2011): 'M.S.S. v Belgium and Greece', European Court of Human Rights Grand Chamber, Application No. 30696/09.

Eidimtaite, G. (2011): 'Fixing the Dublin system: using the sovereignty clause to prevent refoulement'. Available at: https://www.academia.edu/942727/Fixing_the_Dublin_system_using_the_sovereignty_clause_to_prevent_refoulement [Accessed: 12 June 2019].

ELENA (2006): 'Summary report on the application of the Dublin II regulation in Europe'. Available at: https://www.ecre.org/wp-content/uploads/2016/07/ECRE-ELENA-Summary-Report-on-the-Application-of-the-Dublin-II-Regulation-in-Europe_March-2006.pdf [Accessed: 12 June 2019].

EUROCITIES (2015): 'EUROCITIES statement on asylum in cities'. Available at: http://nws.eurocities.eu/MediaShell/media/EUROCITIES%20stmt_asylum_May%202015.pdf [Accessed: 20 May 2019].

EUROCITIES (2017): 'Solidarity Cities: What's new?' Available at: <http://www.eurocities.eu/eurocities/allcontent/Solidarity-Cities-What-s-new-WSP0-AMUKER> [Accessed: 20 May 2019].

EUROCITIES (2018): 'EUROCITIES Working Group Migration and Integration visits Milan on 8-9 November'. Available at: http://nws.eurocities.eu/MediaShell/media/Report_WG_meeting_and_policy_learning_Milan_8-9_November_2018_FINAL.pdf [Accessed: 20 May 2019].

European Commission (2018a): 'EU Emergency Trust Fund for Africa'. Available at: https://ec.europa.eu/trustfundforafrica/content/homepage_en [Accessed: 24 June 2019].

European Commission (2018b): 'Protecting and supporting migrants and refugees: new actions worth €467 million under the EU Trust Fund for Africa', Press Release. Available at: http://europa.eu/rapid/press-release_IP-18-3968_en.htm [Accessed: 24 June 2019].

European Commission (2016a): 'Proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU)', No 439/2010, COM(2016) 271, published on 5 April 2016. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf [Accessed: 25 June 2019].

European Commission (2016b): 'Evaluation of the Implementation of the Dublin III Regulation Final Report'.

European Commission (2013): "Study on the feasibility and legal and practical implications of establishing a mechanism for the joint processing of asylum applications on the territory of the EU". Available at: <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e->

[library/documents/policies/asylum/common-procedures/docs/jp_final_report_final_en.pdf](#)

[Accessed 27 June 2019].

European Council (2018): 'Central Mediterranean Route'. Available at:

<https://www.consilium.europa.eu/en/policies/migratory-pressures/central-mediterranean-route/>

[Accessed: 24 June 2019].

European Parliament (2017): 'Towards a new policy on Migration', Legislative Train 03.2017.

European Parliament and the Council (2013): 'Regulation No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)'.

European Parliament and Council (2011): 'Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted', Official Journal of the European Union, L 337/9. Available at: <https://eur-lex.europa.eu/eli/dir/2011/95/oj> [Accessed: 20 June 2019].

European Parliament (2010): 'What System of Burden Sharing Between Member States for the Reception of Asylum Seekers?', study conducted by Matrix. Available at: <http://www.europarl.europa.eu/studies> [Accessed: 20 June 2019].

European Union (2012): 'Treaty on the Functioning of the European Union', 2012/C 326/01.

Eurostat (2019): 'Dublin statistics on countries responsible for asylum application'. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Dublin_statistics_on_countries_responsible_for_asylum_application#Dublin_requests [Accessed: 12 June 2019].

Foerster, A. (2019): 'Solidarity or Sanctuary? A Global Strategy for Migrant Rights'. *Humanity & Society*, 43(1), pp. 19-42.

García Agustín, Ó. & Bak Jørgensen, M. (2019): 'Solidarity and the "Refugee Crisis" in Europe'. Cham: Palgrave Macmillan.

German government (2019): 'Antwort der Bundesregierung auf die Kleine Anfrage des Abgeordneten Stephan Brandner und der Fraktion der AfD — Inanspruchnahme der Ermessensklauseln der Verordnung (EU) Nr. 604/2013 (Dublin-III-Verordnung)', Drucksache 19/8061.

Guild, E., Costello, C., Garlick, M., Moreno-Lax, V. and Mouzourakis, M. (2015): 'New Approaches, Alternative Avenues and Means of Access to Asylum Procedures for Persons Seeking International Protection', CEPS. Available at: <https://www.ceps.eu/wp-content/uploads/2015/01/New%20Approaches%20to%20Asylum.pdf> [Accessed 26 Jun. 2019].

Human Rights Watch (2019): 'No Escape from Hell. EU Policies Contribute to Abuse of Migrants in Libya'. Available at: <https://www.hrw.org/report/2019/01/21/no-escape-hell/eu-policies-contribute-abuse-migrants-libya> [Accessed: 24 June 2019].

Integrating Cities (2017): 'Thessaloniki received support from Amsterdam and Zurich in the framework of Solidarity Cities'. Available at: <http://www.integratingcities.eu/integrating-cities/news/Thessaloniki-received-support-from-Amsterdam-and-Zurich-in-the-framework-of-Solidarity-Cities-WSWE-AT7NYC> [Accessed: 20 May 2019].

IARLJ - International Association of Refugee Law Judges (2011a): 'Article 15(c) Qualification Directive (2011/95/EU) and Qualification for International Protection (Directive 2011/95/EU)', Judicial Analysis. Available at: <https://www.easo.europa.eu/courts-and-tribunals> [Accessed: 20 June 2019].

IARLJ - International Association of Refugee Law Judges (2011b): 'Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU)', Judicial Analysis. Available at: <https://www.easo.europa.eu/courts-and-tribunals> [Accessed: 20 June 2019].

IOM (2019): 'Family Assistance Programme (FAP) Centre, Erbil', IOM Iraq Mission. Available at: <http://iomiraq.net/article/0/family-assistance-programme-fap-centre-erbil> [Accessed: 26 June 2019].

IOM (2017a): 'Family Assistance Programme Centre Opens in Erbil to Facilitate Family Reunification in Germany', IOM Press Release. Available at: <https://www.iom.int/news/family-assistance-programme-centre-opens-erbil-facilitate-family-reunification-germany> [Accessed: 26 June 2019].

IOM (2017b): 'IOM's family assistance programme'. Available at: http://germany.iom.int/sites/default/files/FAP/FAP_Infosheet_ENGLISH_2017-04-04.pdf [Accessed: 26 June 2019].

IOM (2017c): 'IOM Turkey Helps Over 15,000 Syrians to Apply for Family Reunification in Germany', IOM Press Release. Available at: <https://www.iom.int/news/iom-turkey-helps-over-15000-syrians-apply-family-reunification-germany> [Accessed: 26 June 2019].

IOM (2017d): 'IOM FAP center (Family Assistance Programme)', IOM Iraq video. Available at: <https://www.youtube.com/watch?v=yyQG0THrqG4> [Accessed: 26 June 2019].

IOM (2013): 'Annual Report 2013', IOM Romania. Available at: https://publications.iom.int/system/files/pdf/2013annualreport_iomromania_28may2014.pdf [Accessed: 2 June 2019].

Krems, B. (2012): 'Good practice', Online-Verwaltungslexikon olev.de. Available at: http://www.olev.de/g/good_practice.htm [Accessed: 01 March 2019].

Libya-Business News (2018): 'EU Providing €70m to 23 Projects in Libya'. Available at: <https://www.libya-businessnews.com/2018/09/26/eu-providing-e70m-to-23-projects-in-libya/> [Accessed: 24 June 2019].

Lückoff, J. (2019): 'Pilotprojekt "Neustart im Team". Ein Mentoringprogramm des Bundes für Flüchtlinge, in Deutschlandradio'. Available at: https://www.deutschlandfunk.de/pilotprojekt-neustart-im-team-ein-mentoringprogramm-des.1773.de.html?dram:article_id=448034 [Accessed: 6 June 2019].

Lutter, E., Zehnder, V. and Knežević, E. (2018): 'Resettlement und humanitäre Aufnahmeprogramme. Rahmenbedingungen und Herausforderungen der aktuellen Aufnahmeverfahren in der Praxis', in Asylmagazin 1-2, p. 29-36.

Mdr.de (2019): 'Zweistelliger Millionenbetrag. Flüchtlingsbürgen sollen entlastet werden'. Available at: <https://www.mdr.de/nachrichten/politik/inland/fluechtlingsbuergen-rueckforderungen-loesung-100.html> [Accessed: 6 June 2019].

Migration Policy Institute (2016): 'Webinar on Asylum Reception in the European Union: A Flexible Model for the Future?', published on 13 April 2016. Available at: <https://www.migrationpolicy.org/events/asylum-reception-european-union-flexible-model-future> [Accessed: 18 June 2019].

Ministry of the Interior of Finland (2018): 'Finland receives Syrian and Congolese refugees and refugees evacuated from Libya to Niger under the refugee quota for 2019'. Available at: https://intermin.fi/en/article/-/asset_publisher/suomi-vastaanottaa-syyrialaisia-ja-kongolaisia-seka-hataevakuoitujia-pakolaisia-vuoden-2019-pakolaiskiintiossa [Accessed: 24 June 2019].

Moraru, M. and Mocanu, A. (2013): 'KNOW Reset- Country Profile'. Available at: http://www.know-reset.eu/files/texts/00165_20130705130409_knowresetcountryprofileromania.pdf [Accessed: 2 June 2019].

Neurink, J. (2017): 'Iraqi refugees seek family reunion in Germany', Deutsche Welle. Available at: <https://www.dw.com/en/iraqi-refugees-seek-family-reunion-in-germany/a-39746395> [Accessed: 26 June 2019].

ORF- Austrian Broadcasting Company (2015): 'Flüchtlinge „gegen ihren Willen“ nach Gabcikovo gebracht', published on 23 September 2015. Available at: <https://orf.at/v2/stories/2300457> [Accessed: 30 April 2019].

Solidarity Cities (n.d.a): About. Available at: <https://solidaritycities.eu/about> [Accessed: 20 May 2019].

Solidarity Cities (n.d.b). Testimonials. Available at: <https://solidaritycities.eu/testimonials> [Accessed: 20 May 2019].

Solidarity Cities (2017a): 'Leeds and Stockholm support refugee education in Milan'. Available at: <https://solidaritycities.eu/press/91-leeds-and-stockholm-support-refugee-education-in-milan> [Accessed: 20 May 2019].

Solidarity Cities (2017b): 'Thessaloniki receives support from Amsterdam and Zurich on informal education for refugees'. Available at: <https://solidaritycities.eu/press/92-thessaloniki-receives-support-from-asterdam-and-zurich-on-informal-education-for-refugees> [Accessed: 20 May 2019].

Solidarity Cities (2018): 'Solidarity Cities visits in Milan: city-run reception centres and system for economic integration of migrants and refugees'. Available at: <https://solidaritycities.eu/press/99-milan-showcases-its-system-for-reception-and-integration-of-refugees-and-asylum-seekers> [Accessed: 20 May 2019].

Tsourdi, E. (2019): 'Solidarity in EU asylum policy: From an emergency-driven approach to the fair sharing of responsibility'. European Policy Centre.

Tsourdi, E. (2016): 'Bottom-up Salvation? From Practical Cooperation Towards Joint Implementation through the European Asylum Support Office'. European Papers, 1(3), pp. 997-1031.

Türk, V. and Garlick, M. (2016): 'From Burdens and Responsibilities to Opportunities: The Comprehensive Refugee Response Framework and a Global Compact on Refugees', International Journal Of Refugee Law, 28(4), pp.656-678.

UK Upper Tribunal (2017): 'UK Upper Tribunal R on the application of RSM and Another v Secretary of State for the Home Department', UKUT 124 (IAC).

United Nations General Assembly (2016): 'New York Declaration for Refugees and Migrants', A/RES/71/1.

United Nations General Assembly (1951): 'Convention Relating to the Status of Refugees', 28 July 1951, United Nations Treaty Series, vol. 189. Available at: <https://www.refworld.org/docid/3be01b964.html> [Accessed: 20 June 2019].

UNHCR (2019a): 'Global Refugee Forum'. Available at: <https://www.unhcr.org/global-refugee-forum.html> [Accessed: 1 March 2019].

UNHCR (2019b): 'Projected Global Resettlement Needs'. Available at: <https://resettlement.de/wp-content/uploads/Global-RST-Needs-2019.pdf> [Accessed: 2 June 2019].

UNHCR (2019c): 'Libya-Niger situation', resettlement update #62. Available at: <https://reliefweb.int/report/libya/unhcr-resettlement-update-62-libya-niger-situation> [Accessed: 24 June 2019].

UNHCR (2019d): 'Niger: Country Operation Update'. Available at: <https://data2.unhcr.org/en/documents/details/69587> [Accessed: 24 June 2019].

UNHCR (2019e): 'First evacuation of 162 vulnerable refugees from Libya to Italy', UNHCR news. Available at: <https://www.unhcr.org/news/press/2017/12/5a3d3baf4/unhcr-first-evacuation-162-vulnerable-refugees-libya-italy.html> [Accessed: on 24 June 2019].

UNHCR (2019f): 'Amid hostilities in Libya, 146 refugees evacuated to Italy', UNHCR press. Available at: <https://www.unhcr.org/news/press/2019/4/5cc701e04/amid-hostilities-libya-146-refugees-evacuated-italy.html> [Accessed: on 24 June 2019].

UNHCR (2019g): 'UNHCR evacuates hundreds of vulnerable refugees out of Libya to safety', UNHCR press. Available at: <https://www.unhcr.org/news/press/2019/5/5ceff1144/unhcr-evacuates-hundreds-vulnerable-refugees-libya-safety.html> [Accessed: 24 June 2019].

UNHCR (2017): 'Left in Limbo: UNCHR Study on the implementation of the Dublin III Regulation'. Available at: <https://www.refworld.org/pdfid/59d5dd954.pdf> [Accessed: 13 June 2019].

UNHCR (2016a): 'Evaluation of Emergency Transit Centers in Romania and the Slovak Republic'. Available at: <https://www.unhcr.org/575935d17.pdf> [Accessed: 2 June 2019].

UNHCR (2016b): 'Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan', 19 April 2016, HCR/EG/AFG/16/02. Available at <http://www.refworld.org/docid/570f96564.html> [Accessed: 20 June 2019].

UNHCR (2011): 'Guidance note on Emergency Transit Facilities'. Available at: <https://www.refworld.org/docid/4dddec3a2.html> [Accessed: 29 May 2019].

UNHCR (2009): 'Emergency Transit Center (ETC) officially opened in Timisoara, Romania'. Available at: <https://www.unhcr.org/ceu/807-ennews2009emergency-transit-center-etc-officially-opened-in-timisoara-romania-html.html> [Accessed: 2 June 2019].

UNHCR (2003): 'Internal Flight or Relocation Alternative: Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees', UNHCR Guidelines on International Protection No. 4, 23 July 2003, HCR/GIP/03/04. Available at <http://www.refworld.org/docid/3f2791a44.html> [Accessed: 20 June 2019].

Wagner, M., Kraler, A. and Baumgartner, P. (2018): 'Solidarity – an integral and basic concept of the Common European Asylum System', CEASEVAL RESEARCH ON THE COMMON EUROPEAN ASYLUM SYSTEM (05). Available at: <http://ceaseval.eu/publications> [Accessed: 1 March 2019].

Wagner, M., Kraler, A. (2015): 'An Effective Asylum Responsibility Sharing Mechanism', ICMPD Thematic Paper. Available at: <https://www.icmpd.org/fileadmin/ICMPD->

[Website/Newsletter/October 2015/ICMPD TP Responsibility Sharing Update2015 1007.pdf](#)

[Accessed: 20 June 2019].

Würtenberger, M.-L. (2019): ‚Informationsunterlage über das Pilotprojekt “Neustart im Team – NesT”‘. Ein Beitrag zur Tagung Deutsche und europäische Migrationspolitik – Bewährungsprobe für die Menschenrechte 25.-27.01.2019 in Stuttgart-Hohenheim. Available at: https://www.akademie-rs.de/fileadmin/user_upload/download_archive/migration/20190126_wuertenberger_nest.pdf

[Accessed: 6 June 2019].

Zaun, N. (2017): ‘States as Gatekeepers in EU Asylum Politics: Explaining the Non-adoption of a Refugee Quota System’. *Journal of Common Market Studies*, 56(1).

List of selected interviews

Interview code	Conducted by	Country	Institution	Date
WP2_6_eliamep_E014_P	Hellenic Foundation for European and Foreign Policy	Greece	anonymous	25.06.2018
WP2_6_icmpd_E001_P	International Centre for Migration Policy Development	Austria	anonymous	06.06.2018
WP2_6_tarki_E001_P	TARKI Social Research Institute	Hungary	anonymous	24.10.2018
WP2_6_tarki_E003_P	TARKI Social Research Institute	Hungary	anonymous	15.06.2018
WP2_6_uh_E009_P	University of Luxembourg	Luxembourg	anonymous	16.07.2018
Interview 1	International Centre for Migration Policy Development	Austria	Mol	24.06.2019
Interview 2	International Centre for Migration Policy Development	Greece	Asylum Service	14.05. and 25.06.2019
Interview 3	Technische Universität Chemnitz	Germany	Research Center of the Federal Office for Migration and Refugees (BAMF)	04.06.2019
Interview 4	Technische Universität Chemnitz	Germany	Zivilgesellschaftliche Kontaktstelle NeSt	06.06.2019
Interview 5	Technische Universität Chemnitz	Germany	Zivilgesellschaftliche Kontaktstelle NeSt	11.06.2019
Interview 6	Barcelona Centre for International Affairs (CIDOB)	Spain	Asylum Office	12.09. and 22.09.2019
Interview 7	Hellenic Foundation for European and Foreign Policy	Greece	anonymous	03.06.2019

10. Annex: List of practices of responsibility sharing

Practice	Description
Metadrasi Cluster: People	<p>The Greek NGO Metadrasi and the Portuguese organization CNIS (National Federation of Institutions of Solidarity) initiated a pilot project in 2017 for the transfer of unaccompanied minors and young adults from Athens to Lisbon. It was based on a voluntary cooperation between national public authorities in Greece and Portugal. The legal basis was Article 17(2) of the Dublin III Regulation, the so-called "humanitarian clause" which allows Member States (upon a "take charge" request of another Member State) to voluntarily take over responsibility for an asylum application based on humanitarian grounds.</p>
Dublin sovereignty clause Cluster: People	<p>Article 17(1) of the Dublin III Regulation permits states to take responsibility for an asylum application at any time, on a discretionary basis, even if it is not responsible under the criteria laid down in the Regulation. It is used for a variety of reasons. These include, but are not limited to, humanitarian considerations, mostly concerning the health and vulnerability of the applicant concerned and/or conditions in the responsible Member State, family considerations, and efficiency and cost effectiveness. It gives states the flexibility to respond to different situations and circumstances. In 2011 the German government announced that Germany would take charge of cases in which Greece was considered to be responsible for the asylum procedure. During 2015 - 2016 Dublin transfers to Greece were suspended and the sovereignty clause was applied in a greater extent. Hence, instead of sending back asylum seekers to overburdened countries such as Greece, Italy and partly Malta, this practice of responsibility sharing was applied by German public authorities in particular in 2015 and 2016, but is still being practiced in exceptional cases. Other Member States have also applied the sovereignty clause but in comparison to Germany in a more moderate way.</p>
EUREMA Cluster: People	<p>The EU pilot project "European Relocation Malta" (EUREMA) was the first multilateral project for intra-EU relocation from Malta. It started in July 2009 and was co-financed under the ERF 2008-2013 Community Actions Scheme. EUREMA was implemented under the coordination of the Maltese Ministry for Home and Parliamentary Affairs (MHPA) and in cooperation with UNHCR, IOM and other organizations. Ten Member States participated in the pilot project: France, Germany, Hungary, Luxembourg, Poland, Portugal, Romania, Slovakia, Slovenia and the UK. UNHCR was responsible for pre-selection screening to identify candidates for relocation, counselling of potential candidates and referral to participating Member States. The final screening and selection was done by the Member States. IOM was particularly in charge of pre-departure preparations including cultural orientation and publishing a handbook on lessons learned. During the first phase of EUREMA that lasted until 2011, only 227 individuals were eventually relocated to only six (France, Germany, Luxembourg, Portugal, Slovenia and the UK) out of ten initially participating Member States. Hence, the results were modest. The project was eventually extended by the European Commission (EUREMA II) in 2011. During a second phase of the project in 2012 seven Member States pledged 91 places, however only 16 are confirmed to have been filled by Poland, Lithuania and Portugal. An additional five Member States - Denmark, Germany, Ireland, the Netherlands and Spain (together with the EEA countries Liechtenstein, Norway and Switzerland) – made bilateral arrangements with Malta that added another 265 relocation places. However, the respective States preferred bilateral arrangements over participating in the EUREMA project, as they were considered both faster and more efficient means to demonstrate solidarity. Despite the relatively modest success of this 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.</p>
Reception in Gabčíkovo	<p>During the summer of 2015 there was a shortage in reception places in Austria. The main initial reception center in Traiskirchen was overcrowded and reception conditions were strongly criticized.</p>

Cluster: Resources	<p>Based on a bilateral agreement between the Slovakian and Austrian Ministry of Interior, Slovakia offered reception places in Gabčíkovo located near the Austrian border. In July 2015 asylum seekers from the initial reception center in Traiskirchen were accommodated in the former Technical University of Gabčíkovo. Austria remained responsible for the asylum applications but Slovakia provided the reception places and the costs for reception were paid by Austria. There was no information available through desk research on the asylum seekers legal residence while staying in Slovakia. This bilateral agreement continued for two years.</p>
EASO production of COI Cluster: Knowledge and resources	<p>EASO gathers targeted, relevant, reliable, accurate and up-to-date country of origin information in a transparent and impartial manner according to a published methodology. This supports EU MS in the decision-making in applications for international protection.</p>
EASO country guidance Cluster: Knowledge, resources	<p>In April 2016, the Council of the EU agreed on the creation of a network of senior-level national policy officials, with the task to carry out a joint assessment and interpretation of the situation in main countries of origin. EASO coordinates Member States' efforts to develop common analysis and guidance notes to assist in the examination of applications for international protection from main countries of origin. The country guidance is based on common country of origin information. Two reports (Afghanistan, Nigeria) have been published so far.</p>
Deployment of experts at hotspots Cluster: Knowledge, resources	<p>In 2016, EU Member States deployed asylum experts in Greece and Italy to support asylum authorities in conducting fair and efficient asylum procedure. This deployment of experts (Special Support Teams and Asylum Support Teams) was coordinated by EASO. This was a key element in showing solidarity to overburdened Member States. Member States set up national pools of experts (Asylum Intervention Pool) to ensure an effective capacity of experts to respond to a situation of particular pressure. This increased the effectiveness of the mechanism for the deployment of experts in operational support activities.</p>
EASO joint processing activities Cluster: Knowledge sharing, resources	<p>In 2014 EASO launched several preliminary pilot projects in order to determine a mechanism for the joint processing of asylum applications. It looked into possibilities of processing asylum caseload by caseworkers of other Member States. The European Agenda on Migration (2015) requested EASO to deploy teams in the "Hotspots" in Greece and Italy for joint-processing asylum cases through Asylum Support Teams (ASTs), composed of national experts. Activities included support in information provision, registration of applications for international protection in view of relocation and handling Dublin 'take charge' requests. There is a broad spectrum of what is jointly processed. Member States in need of external help in the management of their specific case-load can request from EASO the deployment of Joint Processing Support Teams. The specific terms of reference is individually agreed upon. It's a practice of solidarity on a voluntary basis between specific Member States.</p>
Frontex joined returns Cluster: Resources	<p>Most Member States organise return operations individually. However Member States can also organise joint return operations. If one Member State organises a return operation by air to a specific country of return and has some spare capacity on the plane, it can invite other Member States to take part. The organising Member State informs Frontex about its intention to conduct a return flight and requests their assistance to coordinate this operation. Frontex then dispatches this information to all other Member States. Frontex also organises return operations on its own initiative (collecting return operations), where returnees are returned with escort officers and transportation provided by their countries of origin.</p>
AMIF Cluster: Financial	<p>The Asylum, Migration and Integration Fund (AMIF) was set up for the period 2014-20, with a total of EUR 3.137 billion for the seven years. It promotes the efficient management of migration flows and the implementation, strengthening and development of a common Union approach to asylum and immigration. One of the four specific objectives of the fund is: Solidarity, making sure that EU States which are most affected by migration and asylum flows can count on solidarity from other EU States. The AMIF also foresees financial support for the transfer of beneficiaries of international protection from an EU State with high migratory pressure to another.</p>

<p>Frontex joint operation Triton</p> <p>Cluster: Resources</p>	<p>Frontex operation is a jointly coordinated border control along the Italian coast. Frontex coordinates the operation under the command of the Italian Ministry of Interior. A total of 26 EU countries take part in the operation by deploying either technical equipment (surveillance aircrafts, patrol vessels) or border guards. The operation started in November 2014. In solidarity with Italy, the EU and its MS support Italy to control the EU external borders. The Triton operation was launched after Italy ended its rescue operation Mare Nostrum because it was too costly. Unlike the Mare Nostrum operation (2013-2014), the mission Triton covers only the territorial waters of Italy as well as parts of the search and rescue (SAR) zones of Italy and Malta.</p>
<p>Solidarity Cities</p> <p>Cluster: Knowledge</p>	<p>A city-to-city collaboration on the management of refugee issues that was launched in the framework of the EURO CITIES network. It targets 1) knowledge sharing between cities and the 2) participation of cities in the European dialogue and EU MS. It promotes the principles of responsibility and solidarity. Visits to other cities (e.g. reception centres for vulnerable asylum seekers, job placement services for asylum seekers provided by public authorities) and discussion on good practices with city representatives are organised (knowledge sharing).</p>
<p>Accepting protection seekers from maritime rescue</p> <p>Cluster: People</p>	<p>In early 2018 a dispute on the role of search and rescue ships run by NGO's has led to a denial of disembarkation of such vessels with asylum seekers at EU ports, particularly opposed by the Italian government. It also involved administrative barriers for NGO's to carry out search and rescue operations. First incidents occurred in summer 2018 with the Aquarius rescue ship that was denied embarkation in Italy and was later accepted by Spain. It continued in 2019 with the ships Sea-Watch, Sea Eye and Diciotti. This opposition to disembarkation has led a group of Member States to arrange a responsibility-sharing agreement, an ad hoc multilateral response to port closures. Several countries have undertaken responsibility for disembarked persons in ad hoc schemes, including France, Spain, Portugal, Malta, Italy, Germany, Luxembourg, Belgium, the Netherlands, Ireland, Romania and Norway.</p> <p>For example, in July 2018 the Lifeline ship, operated by the German charity mission Lifeline, with 235 asylum seekers on board had been denied permission to embark in several European ports. After being stranded at sea for five days it was finally permitted to dock in Malta and seven EU Member States (France, Ireland, Italy, Luxembourg, Malta and Portugal) agreed to relocate the asylum seekers.</p>
<p>EU Temporary arrangements for disembarkation of search and rescue ships</p> <p>Cluster: Knowledge</p>	<p>Following a number of cases of ships with asylum seekers being stranded in the Mediterranean sea due to the denial of embarkation permission, there is a common understanding among some stakeholders for the need of moving from an ad hoc approach of handling of arrivals of search and rescue ships to a more efficient and commonly applied framework. The EC suggested in December 2018 a temporary arrangement to bridge the gap until the new Dublin Regulation becomes applicable. A number of Member States are willing to participate in such a mechanism which would be based on shared efforts, voluntary contributions and EU support. The Member State in which the embarkation takes place, should receive effective operational assistance from other Member States and relevant EU agencies. Member States should then engage in solidarity measures such as relocating protection seekers, or providing other support measures such as external border support, experts, financial support or infrastructural support through EU agencies. This arrangement should not release Member States from existing legal obligations (e.g. Dublin family provisions). The EC (Strategic Committee on Immigration, Frontiers and Asylum, SCIFA) is currently looking into good practices from previous embarkation cases in order to develop the details of the mechanism.</p>
<p>EU emergency relocation programme</p> <p>Cluster: Knowledge</p>	<p>Relocation is the transfer of asylum seekers who are in need of international protection from Italy and Greece to another European country participating in the EU Relocation scheme. The countries of relocation were responsible for examining the applications for international protection. The aim was to support Member States which are faced with disproportionate numbers of people arriving in some countries at the EU external borders. This temporary emergency relocation scheme was introduced with two Council decisions in September 2015. The first Council Decision aimed 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. While the first Council</p>

	<p>Decision foresaw a voluntary commitment by EU MS, the second Decision provided for a mandatory relocation quota for participating EU MS based on a principle of fair sharing. Hence, it was legally binding for all EU MS (except for the opt-outs UK and Denmark). The second Council Decision was met with strong resistance from some EU MS, who voted against the mandatory quota but were overruled by majority vote. 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%. When looking at the number of relocations and the number of participating countries this emergency initiative can be regarded as successful. However, if compared to the target of 160,000 relocations, the result was modest: as of November 2017 over 31,500 persons were relocated.</p>
<p>Emergency Transit Centre in Rumania for resettled refugees</p> <p>Cluster: People, resources</p>	<p>The Emergency Transit Centre (ETC) Timisoara in Rumania is Europe’s first evacuation facility. It opened its doors in May 2008 as part of a Tripartite Agreement between Romania, UNHCR, and International Organization for Migration (IOM). With room to host up to 200 people, the facility provides temporary shelter to refugees who are in need of immediate evacuation from their first country of refuge. The ETC enables UNHCR to bring refugees to a safe place where they can prepare for resettlement in a new home. The transit centre is also a secure venue where resettlement countries can conduct interviews with refugees, and conclude the final arrangements for providing new homes for these people. Medical examinations and treatment are carried out in the ETC. Refugees attend orientation workshops and language courses geared to the countries where they will be resettling. Other partners involved in the operation include the Romanian NGO Generație Tânără, resettlement countries, international donors, and Romanian citizens living nearby.</p> <p>This facility was established as a response to the lack of capacity to evacuate refugees at immediate risk as well as the limited options for emergency departures available with resettlement countries. This should serve as a more predictable, systematic and expeditious mechanism for resettlement under the Emergency priority.</p>
<p>MC2CM</p> <p>Cluster: Knowledge</p>	<p>The “Mediterranean City-to-City Migration Profiles and Dialogue” (C2C project) aims to improve the inclusion and integration of migrants at city level in the Southern Mediterranean region. It is embedded in the framework of the United Cities and Local Governments (UCLG), a worldwide city network. The activities carried out involves, in particular, thematic learning and exchange of good practices among peers linked to the inclusion of migrants at a local level. Cities participating in the C2C project: Amman, Beirut, Lisbon, Lyon, Madrid, Tangier, Tunis, Turin and Vienna.</p>
<p>LINK IT</p> <p>Cluster: People</p>	<p>The EU funded (DG Home) project facilitates the socio-economic integration of Syrian refugees resettled to the United Kingdom, Romania, Portugal and Germany through coordinated pre-departure and post-arrival activities. The target group is Syrian refugees residing in Jordan, Lebanon and Turkey selected for resettlement. The project is led by IOM, coordinated by the International Catholic Migration Commission (ICMC) and NGOs in countries of resettlement.</p> <p>The project develops and pilots a pre-departure skills assessment tool that captures the skills profile of resettled refugees. The tool is based on the EU Skills Profile Tool for Third Country Nationals developed by DG Employment. The collected data is then shared with relevant stakeholders in the receiving countries in order to get advance information about the refugees’ background, education and skills to support their integration into the labour market at the earliest stage. It also informs policy makers how to best design integration and support measures. NGOs in destination countries are responsible for post-arrival activities, including the development of videos, guides and training to facilitate integration and provide essential information on the first steps upon arrival. The project also addresses host communities by the development of tailored curricula and training to support local authorities and employers</p>
<p>UNHCR humanitarian evacuation flights from Libya</p>	<p>An initiative implemented in 2017 by UNHCR and the governments of Libya and Niger. For the first time refugees were directly evacuated from Tripoli to Niamey for resettlement. Niger’s government agreed to host the evacuees until their claims for resettlement to other countries were sorted. UNHCR cooperated with the Libyan Ministry of Interior and authorities in Niger. The majority of evacuated asylum seekers were released from detention centers and accommodated in UNHCR’s</p>

<p>Cluster: People</p>	<p>Gathering and Departure Facility (GDF) in the center of Tripoli until the transfer to Niger took place. In Niger the protection seeker were placed in UNHCR's Emergency Transit Mechanism in Niamey with a capacity for up to 1,500 people. Several evacuation flights took place since November 2017 (most recent flight was in April 2019). From March- May 2018 the evacuations were put on hold following concerns of the government of Niger because the onward transfers to third countries were protracted. However, Niger wants to continue with these evacuations. UNHCR urged resettlement states to ensure quick departures of refugees accepted for resettlement from Niger in order to free up space for new evacuees from Tripoli. This initiative was financially supported by the EU. As of 2017 direct evacuation from Libya to Italy have started. The fighting around Tripoli has escalated in April 2019 and many protection seekers are trapped in detention centers close to places of heavy battles.</p>
<p>Humanitarian Admission Programmes Cluster: People</p>	<p>Countries admit persons in vulnerable situation from third countries and provide temporary protection/ asylum/ other forms of legal pathways. It is different to resettlement. For example, this mechanism was applied by Germany as a response to the Syrian civil war. During the first phase (2013 - 2015) Germany admitted Syrian refugees from Lebanon for 2 years via a Humanitarian Admission Pilot (HAP) Programme. Relatives living in Germany were allowed to suggest persons who then received a humanitarian visa to enter the state. During the second phase (2017 - 2018) Syrian refugees living in Turkey were admitted to Germany. However, relatives were not allowed to suggest persons anymore. This programme was not part of resettlement but it was taken into consideration for the countries EU mandatory relocation quota. The Bundesländer were also allowed to set up humanitarian admission programmes combined with private sponsorship. Other countries have also introduced such humanitarian admission projects.</p>
<p>Humanitarian Response Plan Cluster: Financial</p>	<p>The Humanitarian Response Plan (HRP) sets out the framework within which the humanitarian community responds to large-scale humanitarian and protection needs in Syria throughout 2017 on the basis of the prioritization undertaken across and within sectors. The HRP was developed by the humanitarian community working in Syria, under the leadership of the Humanitarian Coordinator for Syria (HC) and the Regional Humanitarian Coordinator for the Syria Crisis (RHC) and with support from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The HRP was consulted with the Government of the Syrian Arab Republic and collectively prepared by all partners. Humanitarian organizations working under this plan: United Nations (UN) agencies, funds and programmes, the Syrian Arab Red Crescent and humanitarian international and national NGOs.</p>
<p>Family reunification services Cluster: People</p>	<p>The Family Assistance Programme (FAP) funded by Germany (German Federal Foreign Office) and operated by IOM, supports Syrians currently residing in Turkey, Lebanon and Iraq to reunify with their families in Germany. Five such FAP service centers are established. These service centres offer a wide range of support to Syrian and Iraqi families applying for a German family reunification visa (such as support in filing the visa application and providing pre-departure information sessions).</p>
<p>EU regional protection programmes Cluster: Financial</p>	<p>Launched in 2005, the EU regional protection programmes aim to improve the management of refugee flows in the regions from which many refugees originate. The first two Regional Protection Programmes targeted Eastern Europe (Belarus, the Republic of Moldova and Ukraine) and the African Great Lakes Region (Tanzania). In 2010, this concept was applied in two other regions: the Horn of Africa (Kenya, Yemen and Djibouti) and eastern North Africa (Egypt, Libya and Tunisia). In 2014, the Commission launched the Regional Development and Protection Programme (RDPP) in the Middle East in response to the Syria refugee crisis. It's a four years initiative to support Jordan, Lebanon and Iraq with the impact of forced displacement of Syrian refugees. The main activities include market-based support for creating employment opportunities, micro-enterprise finance, skills development training, and vocational training, as well as appropriate social infrastructure development, including education, water and sanitation and to improve energy supply. It also aimed to strengthen the protection of refugees in the region through promoting access to basic rights and legal assistance, as well as to provide training to local and national authorities and civil society groups who are active in the field of asylum and refugees. The RDPP is financially supported by the EC (DEVCO), Ireland, the Netherlands, the United Kingdom, the Czech Republic, Switzerland, Norway and Denmark (coordinator).</p>

<p>Regional Refugee and Resilience Plan (3PR) Cluster: Financial</p>	<p>Introduced by UN agencies and NGO's, this framework supports neighboring countries of Syria: Egypt, Jordan, Iraq, Lebanon and Turkey. Initiated in 2015 it provides support in different sectors: protection for refugee populations, education, health, food security, livelihoods, and water and sanitation services. It also supports local institutions and municipalities.</p>
<p>Private sponsorship Cluster: People</p>	<p>The private sponsorship scheme builds on the involvement of private initiatives and communities that “sponsor” the admission of persons in need of international protection. Under these programmes, refugee applicants are either identified directly by their sponsors, or can be referred by UNHCR but assigned to a sponsor for initial support. Private sponsorship can also be used to enable refugees to reunite with extended family members who may not otherwise qualify for family reunification. This can be further developed by engaging employers as sponsors for people in need of protection that may have certain skills that are sought by the employer. This is carried out by the American NGO Talent Beyond Boundaries that has started pilots in Canada and Australia to match refugees based in Lebanon and Jordan with employment opportunities abroad. The NGO works with federal and provincial governments on visas. This practice has proven to be successful and is widely discussed in the framework of the Global Compact on Refugees as well as by academia and think tanks. EASO is currently developing a pilot project on private sponsorship programmes for interested EU Member States.</p>
<p>Jordan Compact Cluster: Financial</p>	<p>A regional initiative launched in 2016 to deal with protracted refugee situations. In return for humanitarian and development funding, loans and preferential trade agreements with the EU, Jordan agreed to improve access to education and formal labor market access for its Syrian refugees. Some activities:</p> <ul style="list-style-type: none"> • Jordan agreed to issue 200,000 work permits for Syrian refugees in specified sectors. • EU relaxed trade regulations to stimulate exports from 18 designated economic zones and industrial areas in Jordan, in return for employment quotas for Syrian refugees in these businesses. • Jordan committed to provide school places to all Syrian children, and some vocational training opportunities (by introducing double shift schools) <p>The involvement of development partners in the Compact has changed the nature of the refugee response in several ways: 1) higher funding in development than humanitarian aid and 2) other incentive structures that were agreeable for all actors involved (trade agreements). Critics include the non-involvement of refugee actors. Similar models have been proposed for other countries such as Ethiopia, Turkey and Lebanon.</p>
<p>Humanitarian corridors Cluster: People</p>	<p>The Humanitarian Corridors project allows vulnerable asylum seekers to travel safely to Italy with a humanitarian visa in order to apply for international protection upon arrival. This practice is complementary to the resettlement program implemented by UNHCR. The costs are met by private organizations involved, based on a private sponsorship mechanism. The project was initiated by the Italian religious organization, the Community of Sant'Egidio. In December 2015 the commitment led to the signing of a memorandum of understanding between the Ministry of Foreign Affairs and International Cooperation, the Ministry of the Interior, the Federation of Evangelical Churches in Italy (CEI), the Tavola Valdese and the Community of Sant'Egidio on the implementation of the project. The agreement involved the issuance of 1000 humanitarian visas for a two years period (2016-2018). Initially the project started in Lebanon and was later expanded to Ethiopia, Yemen and Somalia. Individuals are selected by the sponsoring organization, the Community of Sant'Egidio, in partnership with local actors and UNHCR in camps and shelters. The selection is based on the UNHCR resettlement categories: Legal and/or physical protection needs, survivors of torture and/or violence, medical needs, women and girls at risk, family reunification, children and adolescents at risk and lack of foreseeable alternative durable solutions. Hence, individuals are selected regardless of their religious or ethnic background. Multiple interviews are conducted in order to assess the individual's circumstances. The sponsoring organization prepares a list of potential beneficiaries who are then security checked by the Italian embassy in Lebanon, the Lebanese security, the Italian Ministry of the Interior and the Ministry of Foreign Affairs. If all these steps are positive the Italian</p>

	<p>consulate in Lebanon issues either humanitarian visas or laissez-passer travel documents for those without passports. The visa is based on Article 25 of the Visa Regulation (EC), which allows Member States to issue humanitarian visa with territorial validity for reasons of national interest or international obligations. Before departure, the selected protection seekers attend pre-departure orientation session organized by IOM. Once the visa is issued the individuals are flown to Rome where they lodge their asylum application upon arrival. Then they are accommodated in different communities throughout Italy. The decisions on the asylum claims are taken within six months and so far, 100% of the selected individuals have been granted international protection. All costs for travel, accommodation and legal support are met by the organizations involved. This scheme was later (2017) launched in France and in Belgium as well.</p>
<p>FREM Cluster: Resources and knowledge</p>	<p>The Framework for a European Pool of Forced Return Monitors (EPFRM) was designed under the EU funded Forced Return Monitoring (FRM) project. This pool of independent, national forced-return monitors, is available to the countries in need of implementing a forced-return monitoring system.</p> <p>All EU Member States and associated States that apply the Return Directive as well as those States that want to implement an effective monitoring in line with the principles of the European Pool of Forced Return Monitors, are eligible for the services of the pool. This practice shares resources and facilitates cooperation among Member States in the field of return.</p>



The research project CEASEVAL (“Evaluation of the Common European Asylum System under Pressure and Recommendations for Further Development”) is an interdisciplinary research project led by the Institute for European studies at Chemnitz University of Technology (TU Chemnitz), funded by the European Union’s Horizon 2020 research and innovation program under grant agreement No 770037.) It brings together 14 partners from European countries aiming to carry out a comprehensive evaluation of the CEAS in terms of its framework and practice and to elaborate new policies by constructing different alternatives of implementing a common European asylum system. On this basis, CEASEVAL will determine which kind of harmonisation (legislative, implementation, etc.) and solidarity is possible and necessary.