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Voluntary relocation of migrants in need of humanitarian protection and voluntary resettlement of refugees

Report¹

Committee on Migration, Refugees and Displaced Persons

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Summary

Welcoming the emergency programme established by the EU Commission in April 2020 for the voluntary relocation of asylum seekers from Greece to other European countries, and aware of the decreased number of resettlements of refugees globally during the Covid-19 pandemic, the Assembly should raise awareness and action regarding the need to intensify and geographically enlarge voluntary relocations and resettlements.

For the purpose of this report, relocations are transfers of migrants in need of humanitarian protection or asylum seekers to third countries processing their migration status. Resettlements are the transfer of recognised refugees to a third country giving them international protection.

Voluntary relocations and resettlements should take due account of individual vulnerabilities of persons and regional emergencies of countries in Europe or abroad. In addition, more humanitarian action is required to avoid human suffering of these persons.

¹ Reference to Committee: [Doc 15082](#), Ref. 4510 of 7 May 2020.

A. Draft resolution²

1. 70 years after the opening for signature of the United Nations Convention Relating to the Status of Refugees (1951 Refugee Convention), the Parliamentary Assembly of the Council of Europe calls on member States and the European Union (EU) to strengthen and increase the voluntary transfer of migrants in need of humanitarian protection and asylum seekers to third countries for determining their migration status (hereinafter: relocation) as well as the voluntary transfer of recognised refugees to a third country giving them international protection (hereinafter: resettlement), when countries of first arrival are unable to accommodate them or process their asylum applications, for instance due to an overwhelmingly large number of arrivals.

2. The Assembly welcomes the emergency programme of the EU Commission for the voluntary relocation of asylum seekers from Greece to other European countries. This programme was established in April 2020, when Greece was faced with large-scale arrivals of migrants from Turkey while having already overcrowded reception centres, the largest of which having been destroyed by arson on Lesbos. The initial aim of the programme was the voluntary relocation of 1 600 unaccompanied children and families. The programme ultimately managed to relocate within twelve months 3 914 persons selected by the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM) and the European Asylum Support Office of the EU (EASO), mostly to Germany and other EU countries as well as Iceland, Norway and Switzerland.

3. In the light of the success of this programme and aware of the dramatic increase in arrivals of migrants to Italy and Spain since the beginning of 2021 as well as the proportionally high numbers of arrivals to Cyprus and Malta and the ensuing overcrowding of reception centres there, the Assembly calls on all Council of Europe member States and the EU to consider voluntarily relocating vulnerable persons also from Cyprus, Italy, Malta and Spain.

4. Aware of the thousands of undocumented migrants sleeping rough at the external borders of the EU in Bosnia and Herzegovina as well as in Albania, Montenegro, Serbia, Turkey and now on the border with Belarus, the Assembly calls on member States to register them, provide shelter and necessary services, take note of any asylum applications, and seek possibilities of voluntary relocations or resettlements to other countries when humanitarian emergencies so dictate. All member States should offer assistance to these countries when such emergencies arise, in a spirit of solidarity.

5. Welcoming Resolution 432 (2018) on border regions facing the migration phenomenon, adopted by the Congress of Local and Regional Authorities, the Assembly invites the Congress to follow-up with related action. As migrants and asylum seekers typically arrive in border cities, which tend to be overwhelmed by the numbers of arrivals, the Assembly invites the countries where these arrivals occur to consider assisting these cities by voluntarily relocating these persons to other cities within their national borders. European solidarity should also be shown by all member States in providing technical and humanitarian assistance to these cities.

6. Noting with regret the fewer refugees resettled voluntarily to third countries due to the impact of the Covid-19 pandemic in 2020, the Assembly welcomes the outcome of the High-Level Forum on Resettlement hosted by the EU Commission on 9 July 2021 and calls on member States to support the Three-Year Strategy on Resettlement and Complementary Pathways of the UNHCR. There is an urgent need to resettle many more refugees faced with humanitarian emergencies in host countries, especially outside Europe.

7. Welcoming voluntary resettlements of refugees under a private sponsorship programme to Canada, which has Observer status with the Council of Europe, as well as a few member States, the Assembly invites all member States to provide for the possibility of private sponsorship of voluntary resettlements. While private sponsors should be able to receive and take care of resettled refugees, member States remain responsible to ensure their international protection as well as their protection against neglect or abuse by private sponsors.

8. Voluntary relocations and resettlements should respect the following requirements:

8.1. all migrants, asylum seekers and refugees should be identified and registered and provided with basic services upon arrival before their relocation or resettlement, in order to identify their specific vulnerabilities; the situation in which undocumented migrants sleep rough, should be avoided under all circumstances, given their high risk of being exposed to violence, abuse and human trafficking;

² Draft resolution adopted unanimously by the Committee on 7 September 2021.

8.2. all relocations and resettlements should be made voluntarily, i.e. the wishes of the persons to be relocated or resettled should be taken into account; nobody should be relocated or resettled to a country against their will; mandatory evacuations should only be made when emergencies so require;

8.3. under Article 26 of the 1951 Refugee Convention, refugees lawfully in the territory of a member State have the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances; Article 5 of the European Convention on Human Rights and Article 2 of its Protocol No. 4 apply equally to refugees;

8.4. unaccompanied child refugees and refugees with medical needs should be given priority for relocation or resettlement where this transfer is in their best interest in accordance with the United Nations Convention on the Rights of the Child; the evaluation to relocate or resettle should be made in cooperation with the persons concerned and, where appointed or acknowledged, their legal guardians; families should not be separated by relocations or resettlements and the parents of unaccompanied children should be searched for and contacted where possible; in this context, the Assembly refers to its Resolution 2195 (2017) on child-friendly age assessment for unaccompanied migrant children, Resolution 2354 (2020) on effective guardianship for unaccompanied and separated migrant children and the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse;

8.5. victims of human trafficking should be prioritised for relocation or resettlement where such transfer can protect them against being exposed to further exploitation or abuse and where their medical or psychological treatment so requires; these relocations should not be made along routes of smuggling and trafficking, in order to prevent that organised crime can further exploit such relocations; in this context, the Assembly refers to the Council of Europe Convention on Action against Trafficking in Human Beings;

8.6. voluntary relocations and resettlements should be part of concerted action for providing international protection under the 1951 Refugee Convention and for better integrating migrants, asylum seekers and refugees in need of humanitarian protection.

9. In [Resolution 2380 \(2021\) on humanitarian action for refugees and migrants in countries in North Africa and the Middle East](#) and [Resolution 2227 \(2018\) on extra-territorial processing of asylum claims and the creation of safe refugee shelters abroad](#), the Assembly emphasised the need to support countries of origin and transit countries also outside Europe and to allow persons to apply for asylum there before embarking on dangerous routes, for instance across the Mediterranean Sea. Welcoming targeted UNHCR action for registering and identifying refugees in those countries, member States should give priority to granting humanitarian visas and providing resettlements and complementary pathways.

10. Recalling [Resolution 2243 \(2018\) on family reunification of refugees and migrants in the Council of Europe member States](#), the Assembly invites all member States to voluntarily relocate or resettle unaccompanied children for the purpose of family reunification, where a mandatory scheme does not exist, such as under the Dublin Regulation of the EU. For this purpose, member States should consider concluding bilateral agreements establishing the procedure for these voluntary relocations or resettlements of unaccompanied children.

11. Aware that the majority of migrants in Europe are not eligible for international protection under national law, the Assembly welcomes the assisted voluntary return and reintegration programmes of the IOM and the EU which offer humanitarian assistance to rejected asylum seekers and irregular migrants in need of such assistance. All member States should support these programmes, including financially, so as to avoid humanitarian hardship and human suffering of those not relocated.

12. The Assembly calls on parliaments of member States, Observers and Partners for Democracy to raise awareness of the need for voluntary relocations and resettlements and to cooperate mutually to achieve such relocations and resettlements. In this context, the Assembly invites the Special Representative of the Secretary General for Migration and Refugees to assist in this action.

B. Explanatory memorandum by Lord Dundee, Rapporteur

1. Introduction

1. In 2020, 416 600 first-time asylum seekers applied for international protection in the member States of the European Union (EU).³ The UNHCR counted 95 031 migrants and asylum seekers who arrived in the EU in 2020 by boat or across land borders at the Mediterranean Sea.⁴ Behind these figures, there are men, women and children who have left their homes in despair, transited often dangerous countries and the Mediterranean Sea or Atlantic Ocean, many fell prey to smugglers and human traffickers, and risked their lives.

2. Nations in Europe must not remain indifferent to such human tragedies but develop coordinated strategies for maintaining the highest humanitarian standards. Asylum applications and arrivals in Europe take place in very large numbers in a few countries. These countries are often overwhelmed with the task of taking care of such a quantity of refugees, asylum seekers and migrants. It is therefore necessary to give proof of European solidarity and cooperation.

3. This report deals with the voluntary transfer of migrants in need of humanitarian protection and asylum seekers to third countries for determining their migration status (hereinafter: relocation) as well as the voluntary transfer of recognised refugees to a third country giving them international protection (hereinafter: resettlement). It calls for greater relocation and resettlement of vulnerable persons in need of international protection and for more humanitarian solidarity. The term “voluntary” signifies that member States act, although they do not have a legal obligation to relocate. They do this for humanitarian solidarity and in a determination to save lives.

4. The fundamental yardstick for refugee rights is the Convention Relating to the Status of Refugees of 28 July 1951 and its 1967 Protocol. However, both treaties do not contain provisions for the humanitarian relocation of refugees.

5. Since I tabled the motion for a resolution on voluntary relocation of migrants in need of humanitarian protection in February 2020 (doc. 15082), this subject has become of particular urgency due to two events: the first was a global pandemic with lockdowns or other restrictions imposed in European and other countries in March 2020 due to the effects of Covid-19. The second was the devastation by arson of the Reception and Identification Centre at Moria on the Greek island of Lesbos, destroying the accommodation and the belongings of nearly 12 000 migrants, refugees and asylum seekers in the camp. Both, the global pandemic as well as the local humanitarian crisis for the inhabitants of the destroyed camp at Moria have been extraordinary hardships which amplified the need for humanitarian assistance, including the relocating of the most vulnerable.

6. The relocation or resettlement of asylum seekers and refugees is currently a subject which receives much attention in Europe and in particular among member States of the EU. One of the reasons for such relocations is to avoid that vulnerable persons become victims of smugglers and human traffickers, who exploit their vulnerability. Nevertheless, voluntary relocation of migrants, refugees and asylum seekers are unfortunately rare.

7. While the notion of relocation in Europe is discussed largely in the context of the EU, where it covers the transfer of persons who are in clear need of international protection from one EU member State to another EU member State, it can and should be applied across Europe and elsewhere. Therefore, this report does not limit itself to the situation only in the EU, but goes beyond.

8. On 19 June 2020, the United Kingdom Parliament hosted a web conference on voluntary relocation of child refugees and concerted action against human trafficking.⁵ Our committee and the Ad hoc Committee on Migration of the OSCE Parliamentary Assembly participated in this event along with the Presidents of the Parliamentary Assembly of the Council of Europe and the OSCE Parliamentary Assembly as well as the Chair of the Committee of Ministers.⁶ In order to raise awareness and promote action, this conference was followed up by two more conferences hosted by the UK Parliament on 4 December 2020 and 5 March 2021.

³ https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics.

⁴ <https://data2.unhcr.org/en/situations/mediterranean>.

⁵ <https://youtu.be/GqGi39yBAGI>.

⁶ <https://www.osce.org/parliamentary-assembly/455029>.

9. Voluntary relocation or resettlement is not the only option open. Complementary and alternative measures helping migrants and refugees with humanitarian needs can comprise resettlement of asylum seekers from dangerous transit countries, family reunification of unaccompanied children, readmission of asylum seekers and migrants, and voluntary return assistance for rejected asylum seekers and other migrants. Furthermore, voluntary relocation and resettlement can have limits and cannot address all situations. For example, the necessary requirement for the transfer of unaccompanied minors is obviously the determination whether it is in their best interest to be transferred abroad.

2. Examples of voluntary relocations in Europe

10. From 1938 to 1940, families in the United Kingdom received nearly 10 000 children from Germany as well as Austria, Czechoslovakia and Poland under a voluntary relocation scheme which became known as the “Kindertransport”. Most of these children had faced ethnic hatred and persecution before their relocation and would likely have perished in the Holocaust.

11. This historic example of humanitarian relocation of vulnerable persons in need of protection served as a precedent for the United Kingdom to pass legislation in 2016, which enabled approximately 480 unaccompanied children to be relocated from Greece, France and Italy to the United Kingdom, following the numerous arrivals of migrants, asylum seekers and refugees to the EU in 2015. UNHCR estimated that approximately 800 000 migrants arrived and transited through Greece in 2015/16. A number of other member States also took similar measures and relocated refugees and vulnerable persons, including children.

12. When many migrants approached the Greek borders from Turkey in 2020, and violence erupted, the EU Commission, in April 2020, set up a project funded by an emergency assistance programme to voluntarily relocate vulnerable refugees and asylum seekers from the already overcrowded camps in Greece, and in particular from the island camps. This issue was addressed in Resolution 2280 (2019) on the situation of migrants and refugees on the Greek islands.

13. The EU project ran until 30 April 2021 and aimed to relocate 1600 unaccompanied migrant children who were applicants and beneficiaries of international protection, including children with severe medical conditions or other vulnerabilities who were accompanied by their family members. The project was built on various pillars: the EU provided funding for the vulnerability assessment of asylum seekers and refugees and for the transport of those selected, the European Asylum Support Office (EASO) together with UNHCR, UNICEF and IOM as well as local NGOs assisted in practical terms, and the Greek government together with the governments of the receiving countries arranged for the actual relocation.⁷

14. The EU Court of Auditors had found in November 2019 that temporary emergency schemes for humanitarian relocation of asylum seekers and refugees had not worked effectively within the EU in the past.⁸ In contrast, this EU project has been a great success despite the Covid-19 pandemic starting in early 2020. Although borders were de facto closed and quarantine requirements were imposed for public health protection reasons throughout Europe and beyond, the originally planned number of 1 600 persons to be relocated voluntarily was exceeded and, finally, 3 654 relocations were achieved to 13 EU member States as well as to Iceland, Norway and Switzerland by 31 March 2021.⁹

15. Although these numbers are small compared to the number of new arrivals of migrants and asylum seekers in Europe, Greece was able to report that the number of arrivals was lower than the number of departures in the first quarter of 2021.¹⁰

16. Besides Greece, other countries experience high numbers of arrivals. Currently, Spain and Italy see the largest increase in migrant arrivals across the Mediterranean Sea and towards the Canary Islands of Spain. Kent in the United Kingdom has hosted an increasingly high number of boat migrants across the Channel. Cyprus and Malta have the highest numbers of boat arrivals per capita of their population. Bosnia and Herzegovina has thousands of irregular migrants. Germany has the highest number of asylum applications in

⁷ <https://greece.iom.int/en/voluntary-relocation-scheme-greece-other-european-countries>.

⁸ <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=51988>.

⁹ <https://twitter.com/EUHomeAffairs/status/1382678763293569030>.

¹⁰ <https://greekcitytimes.com/2021/04/16/migrant-departures-exceed-arrivals/>.

absolute numbers in Europe. Turkey hosts the largest number of persons with international protection needs in Europe, the majority of whom are from Syria.

17. The positive example of the Geek-EU relocation project could therefore provide impetus for similar projects for refugees, asylum seekers and migrants in other European countries which are overwhelmed by the necessity to provide humanitarian assistance and adequate asylum procedures.

18. The New Pact on Migration and Asylum presented by the EU Commission on 23 September 2020 proposes that EU member States agree on a “solidarity mechanism” which includes, firstly, the relocation of asylum applicants rescued by search and rescue operations at sea who are not yet in asylum procedures; secondly, the relocation of beneficiaries of international protection when an EU member State which recognised them is in a situation of pressure; and, thirdly, the relocation of asylum seekers, beneficiaries of international protection as well as irregular migrants when an EU member State is in a crisis situation. In addition, a dedicated solidarity mechanism is proposed for vulnerable persons, when an EU member State faces challenges arising from the presence of such persons.¹¹

19. This new Pact is only a proposal and still requires acceptance by the Council and Parliament of the EU as well as ratification at national level in order to become legally binding. However, the proposed humanitarian action and solidarity could also guide action by all member States of the Council of Europe. I wish to recall that Iceland, Norway and Switzerland participated in the EU project of relocations from Greece.

3. Voluntary resettlement

20. Voluntary resettlements are transfers from transit countries or countries of origin. Such resettlements are important for asylum seekers to have access to international protection without having recourse to migrant smugglers and being obliged, for example, to cross the Mediterranean Sea on inadequate boats with a high death toll.

21. This was the conclusion of a summit meeting in Paris during the French EU Presidency in 2017.¹² In this context, the initiative by the French government stood out positively to voluntarily resettle thousands of vulnerable refugees from Africa in 2017.¹³

22. At our conference of the UK Parliament on 4 December 2020, the Italian Vice-Minister for Foreign Affairs reported about the resettlement of asylum seekers from Libya to Italy, which started during the conflict and was assisted by UNHCR.¹⁴

23. I had the honour to participate in the EU High-Level Forum on Resettlement, which was held online on 9 July 2021 and was chaired by EU Commissioner Ylva Johansson.¹⁵ All participants including the US Government agreed that the numbers of resettlements in 2020 had been very low and more resettlements were needed in order to protect refugees and assist transit countries. At this Forum, the UN High Commissioner for Refugees, Filippo Grandi, called for the implementation of the UNHCR Three-Year Strategy on Resettlement and Complementary Pathways.¹⁶

24. The armed conflict and the poor humanitarian situation in Afghanistan in 2021 intensified migratory pressure on Afghan people, some of whom tried to flee to neighbouring countries. Others were flown out of Afghanistan by NATO members and wait for processing of their migration status in third countries. Resettlements would be a strong means of helping Afghan refugees and transit countries.

25. At the same time, the situation in Syria has deteriorated in 2021. At the session of the UN Security Council on 24 August 2021, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths reported about the ongoing hostilities, the economic crisis, water shortages and

¹¹ https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1707#vulnerable.

¹² https://www.europarl.europa.eu/doceo/document/E-8-2018-000285_EN.html.

¹³ <https://www.infomigrants.net/en/post/6652/france-takes-in-first-group-of-refugees-from-africa>.

¹⁴ <https://www.unhcr.org/news/press/2019/9/5d7a30584/new-unhcr-evacuation-refugees-libya-italy-tripoli-fighting-continues.html>.

¹⁵ https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_3628.

¹⁶ <https://www.unhcr.org/protection/resettlement/5d15db254/three-year-strategy-resettlement-complementary-pathways.html>.

the Covid-19 situation in Syria which have increased the humanitarian needs to their highest levels since the start of the conflict.¹⁷ While most Syrians remained internally displaced inside Syria, resettlement of Syrian refugees who are living in vulnerable situations in other countries should be considered.

4. Complementary humanitarian action

Family reunification

26. Resolution 2243 (2018) on family reunification of refugees and migrants in the Council of Europe member States dealt with this legal pathway of relocating unaccompanied minors.

27. Within the EU, the Dublin III Regulation (No 604/2013) establishes a legal framework for family reunification of asylum seekers and determines which EU member State is responsible for examining an application for international protection. Besides the 27 EU member States, the Dublin III Regulation is applied by Iceland, Lichtenstein, Norway and Switzerland. My own country, the United Kingdom, stopped applying the Dublin III Regulation as from 1 January 2021.¹⁸ Such relocations are not voluntary but follow agreed legal standards and practice. It seems important to look at extending beyond the EU the geographical reach of relocations for the purpose of family reunification as required under the Dublin III Regulation.

Assisted voluntary return

28. The UNHCR recorded from January 2020 to March 2021 the following arrivals to Europe via the dangerous route across the Mediterranean Sea and land arrivals:¹⁹

Country of origin	Source	Data date	Population
Tunisia		31 Mar 2021	19.1% 14,351
Algeria		31 Mar 2021	12.6% 9,426
Morocco		31 Mar 2021	7.0% 5,282
Bangladesh		31 Mar 2021	6.9% 5,215
Syrian Arab Rep.		31 Mar 2021	6.4% 4,826
Afghanistan		31 Mar 2021	6.0% 4,502
Côte d'Ivoire		31 Mar 2021	5.9% 4,411
Others		31 Mar 2021	4.7% 3,535
Mali		31 Mar 2021	4.5% 3,401
Guinea		31 Mar 2021	4.1% 3,041

29. Given their nationalities, many of these migrants will not obtain refugee status. While some may qualify for humanitarian visas, most will face deportation or return orders by national authorities. In such circumstances, it is indispensable that those migrants can return in safety and dignity and receive assistance for their reintegration.

30. The assisted voluntary return and reintegration programme of the IOM has operated with success and helped thousands of migrants who otherwise would have been forcibly returned without help.²⁰ From Greece, for instance, since 2010, more than 50 000 migrants made use of this IOM programme.²¹

¹⁷ <https://news.un.org/en/story/2021/08/1098362?123>.

¹⁸ <https://commonslibrary.parliament.uk/research-briefings/cbp-9031/>.

¹⁹ <https://data2.unhcr.org/en/situations/mediterranean>.

²⁰ <https://www.iom.int/assisted-voluntary-return-and-reintegration>.

²¹ <https://www.iom.int/news/amid-2020-pandemic-iom-supported-over-2500-migrants-voluntary-return-greece>.

5. Conclusions

31. The humanitarian situation of refugees, asylum seekers and migrants has been exacerbated by situations of violence and conflict in transit countries and by overcrowded refugee camps in some European countries. Their human suffering compels us to provide humanitarian solidarity for those in need.

32. While all refugees, asylum seekers and migrants deserve humanitarian support, it may be a matter of humanitarian urgency for the most vulnerable to be relocated or resettled. Unaccompanied minors, persons with medical needs and victims of human trafficking should receive particular attention. Member States should collect and regularly assess data on the vulnerability of refugees, asylum seekers and migrants, and evaluate how far European solidarity through voluntary relocations or resettlements could help deal with the situation.

33. The success of the EU project for voluntary relocations from Greece must be an encouragement to maintain this action and extend it to other EU member States with high numbers of arrivals of asylum seekers and migrants. In addition, non-EU States should be included in EU projects as well as organise voluntary relocations among non-EU States.

34. Voluntary humanitarian action by member States is best encouraged by raising awareness of the severe humanitarian hardship otherwise at stake. Parliaments can and should play a decisive role in this regard. The experience of the web-conferences hosted by the UK Parliament, which raised awareness of the plight of these persons who need relocation, could be an example for other parliaments and the Assembly.

35. The current discussion on the New Pact on Migration and Asylum of the EU should be pursued, taking account of the success of the EU project for voluntary relocations from Greece. The future report of my colleague Mr Oleksii Goncharenko (Ukraine, EC/DA) will analyse the Pact from a human rights perspective.

36. The United Nations should be provided with the budget necessary for voluntary relocations and resettlements and related humanitarian action, in particular through UNHCR, IOM, UNICEF and UN OCHA. National parliaments decide on national budgets and should foresee such humanitarian funds. The UNHCR, IOM, UNICEF, ICRC and relevant NGOs could be invited to regularly alert national parliaments and the Assembly about humanitarian needs for voluntary relocations and resettlements and related action.

37. The Secretary General of the Council of Europe's Special Representative for Migration and Refugees could play a role in assisting member States on this issue.