

AMIF: INCENTIVISING RESETTLEMENT, RELOCATION AND INTEGRATION, NOT DUBLIN RETURNS

ECRE'S PROPOSALS FOR USING AMIF LUMP SUM FUNDING AS AN INCENTIVE TO ENCOURAGE RESETTLEMENT, RELOCATION AND INTEGRATION

I. INTRODUCTION

Following the agreement reached among the EU's Member States in July on the Recovery Plan and EU budget, negotiations have re-started on the EU's funding instruments which set out the details on how funds will be spent. The proposal for the Asylum, Migration and Integration Fund (AM(I)F) includes money in the form of "lump sums" to support relocation, resettlement and complementary pathways; to support Dublin transfers; and to support return. The lump sum method provides funding without complex reporting requirements and can thus be used to create an incentive for particular actions. (The acronym AM(I)F is used as the name change is ongoing.) The proposal for a Regulation on Asylum and Migration Management, published on 23 September, amends the 2018 AM(I)F proposal, including increasing the situations in which lump sum funding can be used.

This policy note explores the proposals for the expanded use of AM(I)F lump sums as an incentive, which are currently under discussion, building on ECRE's previous analysis of the AM(I)F proposal and in particular the Follow the Money III report, published by ECRE and UNHCR. ECRE's position is that lump sums should be used to incentivise the expansion of safe and legal routes and the use of relocation within the EU. ECRE raises doubts as to the use of lump sums in relation to the Dublin Regulation, and recommends that lump sums should not be used to reward deportations when plentiful funding is available for return policy. Expanding the lump sum model to support integration could assist Member States with a poor record on inclusion of refugees and asylum seekers.

II. ANALYSIS

The provisions on lump sum funding are contained in Articles 16 and 17 of the AMIF proposal; the negotiations concern how much funding – if any – should be provided to Member States for each activity.

Resettlement and Humanitarian Admission from Outside the EU: Article 16

The Commission proposal increases the current lump sum for resettlement from EUR 6000 per resettled person and EUR 10,000 per person from a vulnerable category, to EUR 10,000 for each resettled person (Art. 16.1). The Parliament's alternative proposal includes two lump sums: EUR 10,000 per resettled person and EUR 6000 per humanitarian admission. The EU Presidency suggests EUR 7500 for resettlement and EUR 5000 for humanitarian admission.

	2014-2020	EC proposal	EP proposal	Presidency	ECRE's position
Per resettled person	6000	10,000	10,000	7500	10,000
Per each humanitarian admission	N/A	N/A	6000	5000	6000
Per each person from a vulnerable group	10,000	N/A	10,000	7500	10,000
Per family reunification of resettled person		10,000 (added 09/20)			

During the current Multiannual Financial Framework (MFF 2014-2020), the EU uses lump sum payments to incentivise resettlement. Based on research carried out with UNHCR, ECRE believes that EU funding has unrealised potential to *further* incentivise the use by the EU's Member States of safe and legal pathways for people seeking protection from outside the EU. In the MFF 2021-2027, clever use of funding could contribute to expanding the number of places available for refugees. This would allow refugees to avoid dangerous, traumatic journeys and also support the EU to meet its objective of reducing smuggling. This use of lump sums should thus be prioritised.

Relocation and transfers within the EU: Article 17

In the MFF 2014-2020, lump sum funding has been used to support relocation from Member States at the external border to other Member States. This has served as a way for the EU to support solidarity among the Member States and to mitigate the damaging effects of the Dublin system, including the disproportionate responsibility of countries at the EU's external borders.

New elements in the AMIF proposal are lump sums for completed Dublin transfers (Art. 17.2), although the details are sparse, and lump sum funding for deportations to countries outside the EU (Art. 17.4). (Separately, small amounts of funding for Dublin transfer travel costs will continue). Lump sum funding is proposed to support integration measures (Art. 17.3) for people who are transferred under Dublin.

Again, the Commission, Parliament and Presidency have different positions and proposals.

	2014-2020	EC proposal	EP proposal	Presidency	ECRE's position
Per Dublin transfer (receiving country)	N/A	10,000	Refunding of reception	3500	Remove
Per relocation	6000		10,000		10,000
Per family member	N/A	N/A	6000	3500	6000
Lump sum for implementation of integration measures	N/A	10,000	Not mentioned	3500	10,000
For returned person		10,000		3500	Remove
For unaccompanied minor within EU+	N/A	12,000 (added 09/20)	10,000	N/A	10,000
"Return Sponsorship" transfers		10,000 (09/20)			

ECRE's analysis is that funding Member States after the completion of a Dublin transfer could introduce risks, depending on exactly what is intended (this section of the draft proposal is complicated and contains cross-references to Dublin reform proposals).

First, it could create contradictory effects by incentivising transfers both out of and back to European countries of first arrival. Then, introducing incentives for compliance with a Regulation that is part of the EU's legal framework is conceptually problematic.

If the focus is on support to current policy and practice on Dublin transfers, the proposal will further undermine the hierarchy of criteria for responsibility allocation established by the Regulation itself because it would support efforts of the main users of Dublin to put the onus on transfers back to the countries of first arrival. This should be the default option, used after other the other criteria have been considered, and not the go-to option.

From a practical perspective, it covers procedures which may be modified by forthcoming legislative proposals, with the risk of delaying the approval of the AMIF regulation or necessitating amendments once it is in place. Given cuts to the AMIF budget agreed by the Council Conclusions of July 2020, it could reduce the money available at the Union level for responding to emergencies and financing EU priorities.

If lump sum funding for Dublin transfers remains part of the Regulation, then a more positive interpretation would involve using the lump sum funding to incentivise respect for the hierarchy, for example by providing lump sum funding to support transfers based on the rights of the child (Art. 8) or to effect family reunification (Arts 9-11). Alternatively, the lump sums could be used to support transfers carried out on the basis of the discretionary clauses (Art. 17), for instance, when linked to relocation on the basis of Dublin following the disembarkation of people rescued at sea.

The funding for integration measures following Dublin transfers also carries risks but they are outweighed by the urgent need for integration support for people who have been transferred to another Member State under the Dublin Regulation, and particularly those returned to an EU country of first arrival. Testimony from the people themselves and from communities and NGOs working on migration, shows that many Dublin returnees face a dire situation. This funding could also reduce incentives for additional onward movement (“secondary movement”), another stated aim of the EU.

Allocating lump sum funding for completed deportation of people to countries outside the EU, will divert more money to the over-subsidised area of return. A related issue is the new proposal to provide funding in the context of “return sponsorship” under the Regulation on Asylum and Migration Management, when a Member State offers to sponsor the return of a person which does not then happen within eight months. At that point, the sponsoring country becomes responsible and the person is transferred there. Providing a lump sum in this situation indicates prioritisation of return over relocation and risks funding being used to support detention.

III. RECOMMENDATIONS

ECRE recommends that AMIF funding should be used to incentive resettlement and humanitarian admission, relocation and integration, in line with its alternative vision for EU asylum policy. This is based on making asylum systems function through compliance and solidarity; safe and legal routes to protection; and inclusion through rights. It would generate fairer sharing of responsibility among the Member States but also for Europe collectively to take on a fairer share of global protection responsibilities.

To the co-legislators:

- Incentivise resettlement by Member States: allocate the highest lump sums of EUR 10,000 per person for resettlement places
- Incentivise the use of humanitarian admission by Member States: allocate lump sums of EUR 6000 per person for the use of complementary pathways
- Preserve the distinction between resettlement and complementary pathways: prioritise resettlement over other pathways with differential funding
- Incentivise solidarity among Member States and towards refugees: allocate the highest lump sums of EUR 10,000 per person for relocation
- Support human rights-based compliance with the Dublin regime: reject the use of reward funding for completed Dublin transfers used to return people
- If funding for Dublin transfers remains, support respect for the hierarchy of responsibility criteria: provide lump sum funding for transfers where Member States assume responsibility based on articles covering minors and family provisions, and where Member States use the discretionary clauses to assume responsibility
- Do not add to the excessive resources for deportation: reject provisions on lump sum funding to reward returns
- Support integration, especially in the Member States with a poor track record: expand lump sum funding to cover integration efforts (in the context of Dublin but also more widely), with the highest sums of EUR 10,000 available.