Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2409 (2021)[1]

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

Parliamentary Assembly

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

2. The Assembly welcomes the emergency programme of the European Commission for the voluntary relocation of asylum seekers from Greece to other European countries. This programme was established in April 2020, at a time when Greece was faced with large-scale arrivals of migrants from Turkey, its reception centres were already overcrowded and its largest, on the island of Lesbos, had been destroyed by arson. The initial aim of the programme was the voluntary relocation of 1 600 unaccompanied children and families. The programme managed to relocate within twelve months 3 914 persons selected by the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the European Asylum Support Office of the European Union (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 in Italy and Spain since the beginning of 2021, as well as the proportionally high numbers of arrivals in Cyprus and Malta and the ensuing overcrowding of reception centres there, the Assembly calls on all Council of Europe member States and the European Union 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 European Union 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 for voluntary relocation or resettlement 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 of the Council of Europe, 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 relocating these persons, on a voluntary basis, to other cities within their national borders. European solidarity should also be shown by all member States by providing technical and humanitarian assistance to these cities.

---

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 26 November 2021 (see Doc. 15401, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Lord Alexander Dundee).

6. Noting with regret that fewer refugees were 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 European Commission on 9 July 2021 and calls on member States to support the Three-Year Strategy (2019-2021) 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 the voluntary resettlement of refugees, under a private sponsorship programme, to Canada, which has observer status with the Council of Europe, as well as to 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 for ensuring 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;

8.2. all relocations and resettlements should be made voluntarily, namely, 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 (ETS No. 5) and Article 2 of its Protocol No. 4 (ETS No. 46) 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 co-operation 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) “Child-friendly age assessment for unaccompanied migrant children”, Resolution 2354 (2020) “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 (CETS No. 201);

8.5. refugees who are 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 organised crime further exploiting such relocations; in this context, the Assembly refers to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);

8.6. recalling Resolution 2379 (2021) “Role of parliaments in implementing the United Nations global compacts for migrants and refugees”, responsibility sharing should be expanded by voluntary relocation and resettlement as well as complementary pathways.

9. In Resolution 2380 (2021) “Humanitarian action for refugees and migrants in countries in North Africa and the Middle East” and Resolution 2227 (2018) “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 the registration and identification of refugees in those countries, member States should give priority to granting humanitarian visas and providing resettlements and complementary pathways.

10. Recalling Resolution 2243 (2018) “Family reunification of refugees and migrants in the Council of Europe member States”, the Assembly invites all member States to relocate or resettle unaccompanied children, on a voluntary basis, for the purpose of family reunification, where a mandatory scheme does not

exist, such as that under the Dublin Regulation of the European Union. 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 European Union, 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, observer States and States with partner for democracy status to raise awareness of the need for voluntary relocations and resettlements and to co-operate to achieve such relocations and resettlements. In this context, the Assembly invites the Special Representative of the Secretary General on Migration and Refugees to assist in this action.