



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate E: Migration and Security Funds; Financial Resources and Monitoring

The Director

AMIF-ISF/2018/18

**Asylum, Migration and Integration and Internal
Security Funds Committee**

Subject: Guidance Note - Re-commitment or transfer of the unused amounts for relocation and legal admission¹ in the AMIF national programmes

Dear Members of the AMIF-ISF Committee,

Political agreement has been reached between the co-legislators on a Regulation amending the Asylum, Migration and Integration Fund (AMIF) that will enable the re-commitment of the unused amounts for relocation or the transfer of this funding to other actions under the AMIF national programme. The amending Regulation (attached) is set to enter into force before the end of 2018.

This note provides information and guidance for Member States that have unused amounts for relocation remaining in their AMIF national programme that can now be re-committed to the same action or transferred to other actions, both through a revision of the national programme.

The revision process of the national programmes and the re-commitment/ transfer of the remaining amounts must be finalised by mid-June 2019.

1. AMENDING REGULATION – MAIN CONSIDERATIONS

In 2016 and 2017, the Commission committed funding to Member States' AMIF national programmes to support the implementation of the Council Decisions (EU) 2015/1523² and (EU) 2015/1601³. Decision (EU) 2015/1601 was amended by Council Decision (EU) 2016/1754⁴. Those Decisions have now ceased to apply. Member States were informed on 6 August 2018 (AMIF-ISF/2018/13) that the remaining funding can be used for voluntary relocation and resettlement until the end of 2018.

¹ When the unused/remaining funding for relocation is referenced in the note, it also refers to the unused/remaining funding for legal admission.

² Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece (OJ L 239, 15.9.2015, p. 146).

³ Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ L 248, 24.9.2015, p. 80).

⁴ Council Decision (EU) 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ L 268, 1.10.2016, p. 82).

The Regulation amending AMIF will enable Member States to use the remaining relocation amounts beyond 2018, by re-committing them to relocation or transferring them to other actions in the national programme, through a revision of the AMIF national programme.

The main provisions of the amending Regulation are summarised below.

1. The further use of the remaining funding is subject to **two limitations**:
 - a. **At least 20%** of the remaining unused amounts should be re-committed or transferred to actions in the national programme for:
 - i. the transfer of applicants for or beneficiaries of international protection,
 - ii. resettlement,
 - iii. other ad-hoc humanitarian admissions,
 - iv. preparatory measures for the transfer of applicants following their arrival in the Union, including by sea, or for the transfer of beneficiaries of international protection. Such measures should comprise only those measures referred to in points (a), (b), (e) and (f) of the second subparagraph of Article 5(1) of the AMIF Regulation.

When a Member State allocates less than 20% to the actions outlined above, it is not possible to transfer the difference to other actions in the national programme.

 - b. Where duly justified in the revision of the national programmes, **up to 80%** may be used to address any other challenges in line with the AMIF.
2. When the funding is used for the transfer of applicants for or beneficiaries of international protection, Member States should take into account the specific needs of unaccompanied minors, or other vulnerable applicants and the specific situation of family members of beneficiaries of international protection. Transfers can take place from any Member State.
3. The **deadline for the decommitment** of the remaining amounts is **prolonged by six months**. This means that the remaining amounts must be re-committed/ transferred by mid-June 2019, following the revision of the national programmes, to avert the start of the decommitment procedure for these amounts.
4. Once the Commission approves the revised national programme, the amounts concerned will be considered as **committed in the year of the revision of the programme** (i.e. 2019). Therefore, the deadline for decommitment of these amounts (N+2) will be 31 December 2021.
5. The Commission must report annually to the European Parliament and to the Council on the implementation of the remaining amounts. Member States are therefore requested to keep track of this implementation.

2. REVISION OF AMIF NP

The re-commitment or transfer of the remaining amounts needs to be approved by the Commission through a revision of the AMIF national programme. The amounts may be re-committed or transferred only once, i.e. only one revision of the national programme.

The Member States are encouraged to inform their desk officer of the intention to revise the programme by 15 January 2019. It is already possible in SFC2014 to send a revised version of

the national programme to the Commission. Member States intending to proceed with the revision of their national programme should **submit the draft programmes by 15 February 2019** for the revision process to be completed by mid-June 2019. Should the revision of a national programme not be formally completed (the Commission decision is adopted) by mid-June, the remaining amounts will be decommitted.

Member States intending to revise their programmes are invited to submit the drafts along the following lines:

- 1) The Member State should calculate the unused amount remaining from the implementation of the Council Decisions on relocation.
- 2) At least 20% of that amount should be used for or the transfer of applicants for or beneficiaries of international protection, resettlement and other ad-hoc admission, (through Special Cases - **lump sums**) and/or for preparatory measures for the transfer of applicants following their arrival in the Union (**projects** under Specific Objective 1 Asylum or Specific Objective 4 Solidarity).
 - a. If funding is re-committed or transferred to Special Cases, the Member State is invited to indicate the number of persons to be transferred, resettled or admitted in the section on Special Cases. The persons that will no longer be relocated as indicated in the fields Relocation 1523 and 1601 (in SFC2014) should be recorded as 'negative persons' (-) in the fields Relocation 1523 and 1601 respectively, for the period 2018-2020.
 - b. If funding is transferred for the preparatory measures for the transfer of applicants for international protection or the transfer of beneficiaries of international protection, measures should fall under Article 5(1)(a), (b), (e) and (f) of the AMIF Regulation. If applicable, please update the relevant description of the Specific Objective and National Objective concerned (Specific Objective 1 Asylum) or Specific Objective 4 Solidarity).
 - c. Should less than 20% of the amount be committed to the actions outlined above, the difference may not be used for actions outlined under point 3) below. This means that the difference will eventually be decommitted.
 - d. The **financing plan** (section 7) and the **indicators** (section 5) should also be amended in line with the changes.
- 3) Up to 80% of the amount may be transferred to other actions in the national programme, in line with the AMIF. This should be duly justified in the programme and done in line with the Member State's needs, including those identified in the framework of the AMIF mid-term review.
 - a. In the **corresponding text of the Specific Objective and National Objective**, the Member State should, where appropriate, indicate the actions to be implemented with the transferred funding.
 - b. The **financing plan** (section 7) and the **indicators** (section 5) should also be amended in line with the changes.

Yours sincerely,

Beate GMINDER
Chair of the AMIF-ISF Committee
[e-Signed]

