



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.12.1998
COM(1998) 731 final

98/0356 (CNS)

**Proposal for a
COUNCIL DECISION**

establishing a Community action programme to promote the integration of refugees

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. OVERVIEW

The 1998 General Budget of the European Union contains three linked budget lines relating to refugees, displaced persons and asylum applicants, first introduced by the European Parliament in 1997. The objectives of these budget lines are, respectively:

- to improve reception conditions for asylum seekers and displaced persons and to facilitate access to asylum procedures in the Member States of the European Union¹.
- to facilitate the voluntary return of refugees, displaced persons, and asylum applicants from the European Union to their countries of origin, and their reintegration there².
- to support the integration of refugees in the Member States³.

The two budget lines on reception and voluntary return fall within the field of asylum policy, and are covered by the provisions on justice and home affairs in Title VI of the Treaty on European Union. The budget line on integration falls within the field of social policy, and is a matter to be dealt with under the Treaty establishing the European Community.

In both 1997 and 1998, the Commission has successfully established pilot projects under all three budget lines. In implementing the budget lines, the Commission has taken full account of the need to ensure complementarity both between the various measures established under these three budget lines, and also with other actions taken by the Commission relating to refugees and displaced people, in order to ensure a cohesive and integrated approach. The Commission's experience in relation to all three budget lines has been that there is a great demand for action at the level of the European Union in these fields.

In establishing the budget for 1997, the European Parliament gave a clear indication that the Commission should bring forward proposals for full legal bases for these refugee-related budget lines by the end of 1998, and the Commission subsequently gave a commitment to do so. In the course of the procedure to establish the 1999 budget, the European Parliament has called on the Commission to bring forward a Communication presenting a global approach for refugees, displaced persons and asylum applicants on the basis of the existing actions. In the 1999 budget the integration budget line has been maintained in its present form, but the two budget lines relating to reception and voluntary return have been amalgamated into a single budget line.

¹ B5-803.

² B7-6008.

³ B3-4113.

The Commission is therefore presenting a package of two complementary proposals, which reflect the objectives of the actions to be undertaken, the existing Treaty arrangements and the structure of the 1999 budget.

- The first is for a Community action programme to promote the integration of refugees in the European Union⁴, based on Article 235 of the Treaty establishing the European Community.
- The second is for a Joint action establishing measures to provide practical support in relation to the reception and voluntary repatriation of refugees, displaced persons and asylum applicants⁵, based on Article K.3 of the Treaty on European Union.

Taken together, the two proposals represent a global approach to refugees, displaced persons and asylum applicants. Measures to improve reception conditions in the European Union will focus on asylum applicants and displaced persons, that is to say, persons who have not yet been granted protection or who have been granted a form of temporary protection. Integration measures will focus on people who have been recognised as refugees or, depending on the Member State concerned, granted some other form of protection enabling them to remain, and are therefore suitable candidates for full assimilation into the society of the Member States. Measures to promote voluntary return will cover refugees, displaced people and asylum applicants, reflecting the fact that all individuals seeking or receiving protection in the European Union may nevertheless wish to return to their country of origin when conditions there permit a safe return.

II. GENERAL INTRODUCTION

1. WHY A COMMUNITY ACTION PROGRAMME TO PROMOTE THE INTEGRATION OF REFUGEES?

This proposal seeks to establish an action programme to promote the integration of refugees. It builds upon the work carried out and the experience gained in the implementation of the pilot action in favour of the integration of refugees which was developed at the request of the European Parliament from 1997 onwards (budget line B3-4113). The programme aims to provide a legal basis for the continuation of this work.

It is based on the need to act at European level as a consequence of growing public awareness that xenophobia, lack of integration, and social exclusion are fundamental challenges to democratic societies.

Within this general context, the integration of persons who have found refuge and protection in the Member States has become a matter of increasing concern in recent years. The refugee phenomenon is not new, but developments within the European Union, in Europe as a whole, and on other continents, are contributing to a significant increase in its scale and impact in the Member States.

⁴ COM(1998) 731.

⁵ COM(1998) 733.

Refugees are a particularly vulnerable population group whose integration in the Member States requires specific measures adapted to the causes and conditions of their flight, which should be launched prior to or in parallel with general integration activities for socially excluded groups. At the same time, the refugee population tends to include a proportionally large number of highly skilled and educated persons who can play an important and positive role in our societies.

The proposal aims to contribute to efforts already undertaken in or across the Member States, for example in fulfilling their obligations under the 1951 Geneva Convention on refugees, by encouraging and supporting new strategies for the integration of refugees. The European nature of the programme allows for the exchange and transfer of good practice and experience, the collection and dissemination of comparable data and statistics, and the development of new synergies which would not necessarily emerge in a purely national context.

It is designed to complement other EU initiatives addressing the integration of people of non-EU origin living in the Member States. These include in particular actions within the *European Social Fund* and the Community Initiatives *Urban, and Employment/Integra* which are aimed at the integration of disadvantaged population groups within the Member States, the Action Plan against Racism⁶ put forward by the Commission. Synergies will also be sought with the youth programmes *Youth for Europe* and *European Voluntary Service*. Complementarity will also be ensured with the Community initiative *Leader* which offers financial support to local innovative approaches to rural development.

A full evaluation of the pilot measures by outside experts will be carried out early in 1999, when the results of the projects selected in 1997 will be available. The results of this evaluation will be taken into account in the guidelines for actions to be implemented in the proposed Action Programme. However, the initial results of the pilot measures, which the Commission has received, are very positive. They show, in particular, the clear added-value arising from the development of cooperation at the European level and underline the fact that the integration of refugees requires specific measures taking into account the conditions in which refugees arrive and their special needs as individuals especially during the initial phase of their integration into a host society. Such measures, which can act as a bridge into mainstream actions designed to promote integration, do not at present fall directly within other Community interventions, be it action against racism, social exclusion, or Structural Funds intervention.

This, together with the rise of the refugee phenomenon in the Member States, provides justification for the continuation of Community support for such integration actions. In the medium term it is intended that these measures will be taken forward in the framework of Community action to promote social inclusion (under Article 137 of the EC Treaty as amended by the Treaty of Amsterdam).

However, as announced in the Commission's Work Programme for 1999, in order to provide for a smooth transition and so as not to lose the added-value of the actions already initiated, particularly the development of cooperation at the European level, and

⁶ COM(1998) 183 final.

because of the need for a legal basis for the continuation of the action, the Commission is now proposing an action programme on the integration of refugees.

2. IMPLEMENTATION OF THE PILOT MEASURES 1997-98

As mentioned above, increasing concern about the perception of the refugee phenomenon and about the integration of refugees in our societies led the Commission, on the initiative of the European Parliament which earmarked EUR 10 million in each of the 1997 and 1998 budgets, to implement a number of pilot measures to promote the integration of refugees.

In implementing the measures, the Commission has ensured:

- full cooperation with and between the Member States and other partners at all levels: the UNHCR, The European Council on Refugees and Exiles (ECRE) and local authorities, the social partners and NGOs in the Member States;
- complementarity between them and existing action and programmes in this field, whether at national or European levels;
- the widest possible exchange of good practice and experience.

The need for Community support in the field of integration of refugees was clear from the outset. In spite of extremely short implementation deadlines, 237 applications for funding were submitted in 1997, and the Commission selected 62 projects to receive financial support, exhausting the endowment of EUR 10 million. In 1998, the Commission selected 66 projects for financial support out of 191 applications received. A large number of the projects supported by the Commission also received funding from public authorities at different levels in the Member States.

The usefulness of Community action aimed at the integration of refugees has been confirmed by the participants in two European Conferences on the subject. The first of these was organised by the Commission and held in November 1997 and a second was organised by ECRE (European Council on Refugees and Exiles) with the support of the Commission in November 1998 which brought together representatives of all of the projects receiving funding. The participants in the second conference, (over 300 people representing NGO's, refugee groups, local and national authorities) specifically recognised the value of the work which had been carried out in the projects and emphasised the need for the continuation of support for the development of refugee integration activities.

The importance of the actions carried out in 1997 and 1998 has also been borne out by representatives of the Member States in meetings of the *ad hoc* group on the issue set up by the Commission to follow the implementation of the measures.

A full evaluation of the work carried out will be undertaken early in 1999 following a call for tender which was launched by the Commission in July 1998. Such an evaluation could not be carried out earlier since the funding of budget line B3-4113 only became available in July 1997 and most of the projects financed in the first selection round began towards the end of that year.

3. BASIC AIMS AND PRINCIPLES OF THE PROPOSED COMMUNITY ACTION PROGRAMME

The programme is designed to support and supplement action taken by and within the Member States, while fully respecting their responsibilities and cultural diversity.

With a view to building on the achievements of the earlier action, to maintaining the added value of these measures at European level and to providing a transition to the inclusion of measures in favour of refugees in future Community initiatives, the action programme contributes to:

- the development of innovative, multi-dimensional integration measures;
- the creation and development of transnational cooperation on the issue;
- information, coordination, assessment and exchange of good practice and experience at European Union level;
- the stimulation of experiment and the identification of the best innovatory models of action in terms of contents and organisation;
- the analysis of the situation of refugees in the Member States.

The programme will strengthen an approach based on the principles of partnership, participation, transferability, and innovation. These principles will be translated into actions which respond to the various needs and priorities in the area of refugee integration. Particular attention will be paid to specific population categories (according to gender, age, ethnic background ...).

3.1 Partnership

Given that strategies for the integration of refugees require a multi-dimensional approach (including action in all relevant fields: e.g. education and training, guidance and counselling, housing, access to services, social protection, culture and leisure activities ...), actions undertaken in the framework of the programme will be launched in cooperation between two or more partners representing, in particular, public authorities, the social partners, and non-governmental organisations.

3.2 Participation

The partners in the programme's actions are invited to ensure the direct participation of the refugees targeted in the action concerned, and to devise ways and means of ensuring that those who have the most stake in the programme's success are able to influence its development and results.

3.3 Innovation

As the programme is complementary to existing action and instruments at local, regional, national or European levels, and since its results are expected to contribute to future Commission proposals, its actions should be conceived as or aim to develop new approaches, methods, forms of cooperation and/or instruments for intervention.

3.4 Transferability and mainstreaming

Programme actions should target transferable results, i.e. they should not only focus on the immediate (local, regional or national) situation, but must seek to contribute to developments at European level. In the framework of the programme, an understanding of the European context underlying the integration of refugees will be of paramount importance since the Commission intends to build the results of the actions undertaken into its future proposals in the area of socio-economic integration.

4. ACTIONS TO BE UNDERTAKEN IN THE PROGRAMME

4.1 Action I : support for innovative projects with a clear European added-value

In order to ensure continuity with earlier Community measures in favour of the integration of refugees, and with a view to providing concrete input from the bottom up into action at European level, it is proposed to offer financial support for large multi-dimensional projects, offering the best possible practical examples of the underlying aims and principles described under point 3 above. The programme is designed to provide support for innovative actions having a clear European added-value and it is not intended to support proposals with a purely local or national impact.

Given, therefore, that future action on the issue is to be concentrated at European level, it is proposed that financial provision for Action I should be reduced in comparison to earlier years, and that it should be earmarked for the support of an average of 15 such multi-dimensional projects during the first year, and for 20 during the second year of the programme.

4.2 Action II : support for European-level projects

European-level projects drawing together partners and actions in all Member States from the outset will offer valuable illustrations of best practice and experience for future action at European level on the issue of integration of refugees.

It is proposed to offer support for two such projects in the first year and for four in the second year of the present programme.

4.3 Action III: promotion of European cooperation for the integration of refugees

In order to build on the added-value of previous action, it is proposed to offer increasing support for strengthening cooperation at the European level and exchange of information between organisations and other actors concerned with the integration of refugees, particularly with a view to defining and ensuring the transfer of good practice and experience. The promotion of such cooperation networks will be supported through the organisation of meetings and the preparation and publication of findings and reports. Proposals for the scope and work priorities of these networks will be submitted to and discussed with the advisory committee set up in the framework of the programme.

It is proposed to offer provision for the setting up and running of three networks in the first year and seven in the second year of the programme.

4.4 Action IV : exchange of information and compilation of data and statistics at European level

The Commission will ensure the compilation of data and statistics and the exchange of information at European level in connection with the implementation of the programme.

5. CONSULTATION AND ASSESSMENT

5.1 Consultation

The actions of this programme will be implemented in close collaboration with the Member States, particularly in regard to their policies and programmes. To facilitate this, the Commission proposes the creation of an advisory committee of representatives of the Member States. Appropriate links will also be maintained with the UNHCR and other relevant international bodies in accordance with the requirements of the programme's actions.

5.2 Assessment and reports

Regular monitoring of the programme will be carried out by the Commission and an assessment report based on an external evaluation of the actions undertaken will be presented to the Council, the European Parliament, the Economic and Social Committee, and the Committee of the Regions after the completion of the programme.

III. LEGAL BASIS AND SUBSIDIARITY

1. LEGAL BASIS

The appropriate legal basis for the proposed decision is Article 235 of the EC Treaty, in accordance with which the Community may act where it is necessary to attain one of the objectives of the Community in the operation of the Common Market and the Treaty has not provided the necessary powers.

The Treaty objective that the present action programme seeks to achieve is that of greater economic and social cohesion for refugees. The maintenance and strengthening of economic and social cohesion are among the fundamental objectives of the Community mentioned in Articles 2 and 3(j) of the EC Treaty. Refugees on the whole are a vulnerable group, often at the margins of the national societies in Europe, and their integration requires specific action and measures. The programme seeks, therefore, to complement and enhance Member States' initiatives concerning the integration of refugees. Since no specific powers to that effect are to be found in the Treaty, the appropriate legal base is Article 235 of the EC Treaty.

2. SUBSIDIARITY

This proposal aims to supplement the actions undertaken in Member States by encouraging and supporting new strategies, the exchange and transfer of good practice and of comparable experience, the establishment of data and statistics and the development of new synergies which could not be developed at national levels.

The objectives of the proposed programme cannot be adequately achieved by the Member States since the intention is to support and supplement action taken by them in particular through the exchange of experience, the establishment of European level projects and the development of European networks of actors in the field. By its very nature the objectives of the programme can only be achieved if it has a strong Community dimension and is applicable in all the Member States.

IV. COMMENTARY ON THE ARTICLES IN THE PROPOSAL FOR A COUNCIL DECISION

Article 1

This Article establishes the action programme for the integration of refugees.

Article 2

This Article defines the target group for the programme i.e. persons who have been granted by a Member State admission to stay either with refugee status under the United Nations Convention of 1951 or, depending on the Member State concerned, with some other form of status enabling them to remain. There exist in the Member States a number of different humanitarian statuses which provide for displaced persons to remain in that Member State. The purpose of the programme is to provide support for both Convention refugees and for these other groups to integrate into the host society. Asylum seekers and other displaced persons who have not been granted leave to remain in a Member State are not covered by the programme.

Article 3

The programme is designed to provide a transition between the pilot actions carried out in 1997 and 1998 and measures to promote social inclusion which are to be developed under Article 137 of the Treaty of Amsterdam. It therefore combines several objectives:

- (a) the setting-up of innovative projects with clear European added-value allows for an input of ideas, good practice and experience from those actors directly involved in the integration of refugees and from refugees themselves;
- (b) the creation and development of transnational cooperation on the integration of refugees enhanced through projects at European level which demonstrate the means to launch and develop measures on specific issues or to apply specific strategies (or a combination of strategies) across all 15 Member States;
- (c) the involvement of public and private agencies and of actors at all levels through the creation of transnational networks which will make it possible to develop a dialogue and the means to transfer approaches and methods applied at local, regional, national and transnational levels;

- (d) the exchange of information and experience leading to the recognition of both similarities and differences in approaches and stimulating inventive adaptations of the best practice models identified while the creation and development of transnational networks of existing projects will, in addition, establish more permanent structures and prolong the impact of the programme;
- (e) the development of comparable statistics and data at the European level on the evolving situations of refugees in the Member States;
- (f) developing awareness of the situation of refugees since, given the growth of negative attitudes towards refugees in the Member States, it is important that the general public is made aware of the reality of the situation of refugees and of the positive contribution which they can make to society.

Article 4

The measures will consist of a number of large-scale actions.

- (a) Multi-dimensional projects (involving actions in a number of different fields: e.g. education and training, guidance and counselling, housing, access to social services, social protection, culture and leisure activities ...) which will make it possible to develop innovatory and/or experimental approaches and methods. The actions must complement existing actions of the Member States. The assessment of these actions will lead to the identification of those aspects which can be transferred to other levels of cooperation and to other Member States.
- (b) European-level projects including action in all 15 Member States from the outset are at the core of efforts undertaken to identify and test approaches and methods which are useful and/or complementary to existing action in the Member States. The assessment of such projects will contribute to the overall mapping of the situation of refugees within the Community, and of the strengths and weaknesses of existing action in favour of their integration.
- (c) The usefulness of transnational networks is based on their ability to identify the specific and changing needs of the refugee population and to assess, on a continuing basis, the practical effectiveness of policies, programmes and actions launched by the various agencies or groups involved. This pragmatic approach will also allow for the anticipation of difficulties in pursuing a particular line of action.
- (d) The collection, compilation and dissemination of statistics and data: the programme will support the collection, compilation and dissemination of comparable data at the European level of statistics and other information on the situation of refugees. These actions will complement measures under the Commission's Action Plan on the extension of data collection to cover monthly migration and asylum statistics (SEC(1998) 661, 15.4.1998). The Commission will also ensure that reports on the programme's progress and results are made widely available.

Article 5

The Commission and the Member States will ensure the complementarity of actions undertaken at Community level. The Commission will request that Member States designate a national contact person for the purpose of following the implementation of the programme at national level. It should be stressed, in particular, that the programme cannot contribute towards actions aimed at the integration of refugees into the labour market, which should be considered in the framework of the ESF, Community Initiatives and other relevant measures launched by the Member States.

Article 6

The Commission will implement the programme in close cooperation with the Member States and with institutions and organisations active in the field.

Article 7

This Article sets out the composition, operation and relationship with the Commission of the Advisory Committee on which the governments of the Member States are represented.

Article 8

This body will be consulted by the Commission on any important question relating to the implementation of the programme.

Article 9

It is expected that the projects will be funded jointly by the Commission, non-governmental organisations and other private and public sources in the Member States. The contribution of non-Commission partners must be directly relevant to the project activities. Co-funding of the projects from other Community sources cannot be considered.

The partners' contribution to projects will normally be in cash. Contributions in kind may be considered exceptionally, provided that this has been negotiated in advance and that the activities thus funded are directly linked to the implementation of the project work programme.

Article 10

This Article provides both for ongoing monitoring by the Commission of projects and other measures supported by the programme and for an independent evaluation once the programme has been completed. Ongoing monitoring will include the analysis of the reports submitted by the beneficiaries and other partners and their direct contributions by way of meetings and seminars. The monitoring measures are designed to ensure sound management of the programme while the ex post evaluation will assess the impact of the programme and the extent to which good practice and innovation has been developed and disseminated. The Article also provides for the provision a report to the European Parliament and the Council on the action carried out under the programme. This report will also be presented to the Economic and Social Committee and the Committee of the

Regions. The Commission will consult the advisory committee for the programme on the criteria for monitoring and assessment of the actions carried out and on the dissemination of the results of the programme.

Article 11

The customary final provision.

