

STANDARD OPERATING PROCEDURES FOR AD HOC RELOCATION EXERCISES

In application of the Joint Declaration of Intent on a controlled emergency procedure (paragraph 4), agreed in Malta on 23 September 2019

This document contains Standard Operating Procedures (SOPs) to be followed, within the framework of the temporary solidarity mechanism set out in the Malta Joint Declaration of Intent, by the participating Member States, the Commission and the EU Agencies (always acting upon request by the Member State of disembarkation only) in accordance with their respective tasks and responsibilities. The workflow as outlined in the table below (15 actions during 4 phases) aims at respecting the target of 4 weeks, agreed in the Joint Declaration (paragraph 2), and reflects the common understanding reached by participating Member States, the Commission and EU Agencies in technical meetings held in the months of October and November 2019.

As they are SOPs only, in specific situations additional operational or technical actions may be required during the exercise, notably with regard to:

- the launch of age assessment procedures with regard to unaccompanied minors;
- the nomination of legal guardians and the performance of best interest assessment for the child;
- other vulnerability assessments and necessary measures to address them;
- the transfer of the migrants/applicants between reception centres due to the requirements of national procedures and reception capacity.

#	Action	Proposed average duration ¹	Key Actors
First phase			
1.	Initial identification and screening by the Member State of disembarkation (with possible support from EU agencies and other actors), including: <ul style="list-style-type: none"> - Provision of information on applicable procedures (incl. relocation) to the disembarked migrants, from disembarkation throughout the whole process; - Registration and fingerprinting as category 2 in Eurodac system; - Early Initial indication (whenever possible) of nationalities and languages in order to prepare for cultural mediation support; - Check against national and EU information systems (SIS, VIS, Europol and Interpol databases). 	2-3 days	MS of disembarkation EU Agencies (where applicable)

¹ To be noted that the proposed average duration for all actions/phases notably depends also on the number of migrants to be relocated following disembarkation.

2.	Health checks by national authorities in view of medical clearance prior to deployment teams by EASO. When required by the health situation of a migrant, further medical checks and treatment may become necessary, which may delay the medical clearance and the possibility to perform action 5 and subsequent ones for this person.	2-5 days	MS of disembarkation
3.	Transmission of the list of nationalities and composition of the group (unaccompanied minors, families, women...), including language requirements whenever possible, by the national authorities (with possible support from EBCGA) to the Commission and EASO.	3-5 days	MS of disembarkation EBCGA (where applicable)
4.	Formal launch of the relocation exercise by the Commission and confirmation of pledges by the participating Member States, including their possible constraints and indications. Formal confirmation to EASO that the Commission together with the Member State of disembarkation requests EASO operational support. Organisation by the Commission of an operational meeting with all participating Member States (whenever required).	1 day	Commission MS of relocation
Second phase			
5.	Interview by EASO , including the assessment of possible vulnerabilities, and registration/lodging of the asylum application by the national authorities (with possible support of EASO) in the national asylum system of all those who claim international protection, including registration in Eurodac as category 1. Depending on the available office space, human resources and forward planning, EASO may interview at least 30 persons per day.	2-7 days (until all applicants are interviewed or a first rolling list can be established)	EASO MS of disembarkation
6.	EASO matching in accordance with the jointly agreed matching criteria in the following order: i) application of Dublin criteria and urgent vulnerable cases; ii) other family links iii) cultural links; iv) subsequent fair, transparent and proportional allocation system among participating Member States. As far as possible the matching process also takes into account any constraints or indications expressed by the relocating Member States.	Less than 1 day	EASO

7.	Submission of the proposed redistribution list from EASO to the Commission and the Member State of disembarkation and subsequent circulation by the Commission to all participating Member States, after verification and possible adjustments. In case of a high number of persons disembarked and to be interviewed, all partners can jointly decide to proceed based on rolling lists in order to speed up the relocation process and allow the next actions to be started.	1 day	EASO Commission MS of disembarkation
8.	Acceptance (and/or comments) of the proposed redistribution list by the participating Member States of relocation via e-mail to the Commission, EASO and the Member State of disembarkation.	1 day	MS of relocation
<p style="text-align: center;">Third phase (Actions 9 and 10 are only relevant for relocating Member States who require additional interviews, otherwise the workflow continues directly with action 11)</p>			
9.	Additional interviews by relocating Member States (when requested by a Member State of relocation), either remotely or through deployment on the ground (with possible logistical support by EASO and/or EBCGA where applicable, including the provision of office space, interpreters and facilities for remote interviews). Alternatively, EASO can conduct additional interviews on behalf of the Member States who so request. In view of the swift organisation of the additional interviews, the Member State of disembarkation provides all the relevant documentation (so-called NIST files including fingerprints) to the relocating Member States immediately e.g. via DubliNet after the completion of action 8. Member States of relocation communicate without delay the dates of their planned additional interviews to the MS of disembarkation, the EU agencies (where applicable) and the Commission, together with any requests for logistical support, in view of an efficient planning of the support. When the Member State of relocation requests interpretation on the ground and specifically excludes the possibility to have interpretation through remote facilities provided by EASO, interpreters may be provided by the Member State of relocation. While Member States of relocation may exceptionally decide to group interviews of applicants from different disembarkations within a single deployment in case of low	3-7 days	MS of relocation EASO and EBCGA (whenever required and applicable)

	pledges, Member States of relocation are expected to organise their interviews without any delay and to adapt them to possible rolling lists.		
10.	<p>Acceptance of the interviewed applicants by the Member State of relocation through the informal sending of the list of the accepted applicants to the Member State of disembarkation and the Commission (unless the acceptance is directly made through action 11b via DubliNet).</p> <p>In case of rejection, the Member State of relocation may be proposed additional applicants for interview (if available) by the Commission.</p>	2-4 days	MS of relocation Commission
11.	<p>Preparation of the relocation file by the Dublin unit of the Member State of disembarkation, and submission to the Dublin unit of the Member State of relocation (implementation under Article 17(2) of the Dublin Regulation) :</p> <p>a. The Member State of disembarkation sends a take-charge request which contains the relocation file, and the take charge form where necessary², to the Member State of relocation based on Article 17(2) of the Dublin Regulation, including fingerprints of the person. (<i>N.B. The application of this Article requires that the person concerned consents to the procedure in writing – in practice EASO can assist with this task</i>). Should a relocating Member State require the conducting of additional interviews (both on the ground or remotely), it is recognized that the elements of information present in the take charge form will already be available to the said relocating Member State and who, on the basis of mutual agreement, may decide that there is no need for a specific take charge form.</p> <p>b. The Member State of relocation examines and communicates if it accepts the request for relocation³.</p> <p>c. When the acceptance is received by the Member State of disembarkation, a transfer decision must be made and notified to the applicant in accordance with Article 26 Dublin Regulation.</p>	<p>2-5 days</p> <p>For those relocating Member States not proceeding with additional interviews, the proposed average duration for action 11 is extended accordingly.</p>	MS of disembarkation MS of relocation

² Where the relocating Member State does not require additional interviews and relies only on written information, the “take charge” forms should be used to ensure that all the necessary information is shared with the relocating Member State.

³ If an acceptance was already sent under action 10, the acceptances under action 11b have to be in line with the acceptance provide under action 10.

	<p>d. While the likelihood of an appeal is low considering that the applicant has already given his/her consent, the applicant must be able to exercise his/her right to an effective remedy and a minimum right to request suspensive effect of the transfer decision.</p> <p>All communication shared between the Member States under actions 9, 11 a. and b. should as a rule take place through DubliNet. Where the use of DubliNet is not possible, Member States must ensure that the data is transferred securely and in respect of European data protection law.</p>		
12.	<p>In the exceptional case of rejection of some proposed applicant(s) by a relocating Member State, the applicant(s) may be proposed to another relocating Member State (notably in case the rejection was not based on security-related grounds). In case of rejection by a Member State of relocation based on security grounds, all relevant information pertaining to the rejected applicant is transmitted to the Member State of disembarkation through the appropriate channels and services.</p>		<p>Commission MS of relocation MS of disembarkation</p>
<p style="text-align: center;">Fourth phase</p>			
13.	<p>Preparation/organisation of the transfer by the competent authorities of the Member States of disembarkation and relocation (with possible support of IOM), including with regard to logistical arrangements, pre-departure information for the accepted applicants and health/fit-to-fly checks.</p>	3-15 days	<p>MS of disembarkation MS of relocation IOM (where applicable)</p>
14.	<p>Transfer</p>	1 day	<p>MS of disembarkation MS of relocation IOM (where applicable)</p>
15.	<p>Reception in the relocating Member State, registration in EURODAC category 1 and launch of the asylum procedure in the relocating Member State.</p>		<p>MS of relocation</p>