

The Union Resettlement Framework: A strategic asset, an alternative to asylum or an expression of humanitarian values?

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I. INTRODUCTION

In this study, I propose several motivations that explain the development of a European Union's (EU) approach to third-country resettlement. Studying these factors is a crucial part of understanding how the European Commission addresses refugee challenges. It also sheds light on why resettlement is an increasingly prominent issue on the EU's agenda.

The analysis takes as a starting point the literature on national resettlement policies and lifts the gaze to develop an explanatory model of why the European Commission is promoting resettlement. Unlike asylum, states do not have a legal obligation to resettle refugees. It is an entirely voluntary endeavour. Nevertheless, many states have done so, even in periods when the public discourse has been highly negative to immigration more generally. This apparent paradox has led to the emergence of a literature of scholars asking some version of the question: "why do states resettle refugees?" on which¹ this study draws.

Methodologically, the study examines publicly available documents relating to the newly adopted *Regulation establishing a Union Resettlement and Humanitarian Admission Framework* (Regulation (EU) 2024/1340) (Henceforth simply the Union Resettlement Framework). My main argument is that the Commission's motivation behind a common policy on resettlement is to use it as a strategic asset in negotiations with third countries. Furthermore, I show that whilst the common resettlement policy is also sometimes framed as an alternative to asylum or as consequence of the EU's fundamental humanitarian values, these two arguments only have limited practical relevance on the ground.

II. PREVIOUS RESEARCH ON STATES AND RESETTLEMENT

In the literature on why *states* resettle refugees we can find countless explanations. Here, I will account for some of the most common ones. The various explanatory models discussed in this section will provide the analytical starting point for the ensuing analysis of the newly adopted Union Resettlement Framework.

Naoko Hashimoto², for instance, proposes a series of explanations for why state resettle refugees, with a particular focus on resettlement as an alternative to asylum. The argument, in short, is that states prefer resettlement to asylum because it is more predictable and manageable. Refugees, of course, also prefer resettlement since it avoids

dangerous irregular voyages and being at the mercy of people smugglers.

Hanne Beirens and Susan Fratzke³ similarly argue that states can choose to resettle refugees for various reasons including humanitarian values, national interests and strategic protection. Humanitarian motivations involve protecting vulnerable individuals and demonstrating solidarity with countries hosting large refugee populations. The motivation behind resettlement from this perspective, is also to alleviate the burden on first-asylum countries and manage migration flows more effectively.

Welfens⁴, contends that the “EU’s justifications of resettlement in reaction to 2015 make clear that for the EU the ‘strategic’ element of resettlement should serve the goal of border and immigration control, rather than expanding protection capacities”. In other words, in her view, resettlement can be used as leverage in negotiations with third countries, as a way to “encourage” them to help counter irregular departures.

Drawing on this previous research, I identify three broad categories of motivations that drive the European Commission’s development of a Union Resettlement Framework, including 1). Resettlement as strategic asset 2). Resettlement as an alternative to asylum and 3). Fundamental values and humanitarianism. The next section will discuss each of these motivations in turn.

III. THE EU’S MOTIVATIONS FOR PROMOTING RESETTLEMENT

In the context of the EU, the most evident example of resettlement as a strategic asset is the EU-Turkey Statement of 2016, in which resettlement was used as a diplomatic bargaining chip. In short, this agreement stipulates that Turkey is to prevent asylum seekers from exiting their territory, and that anyone that does manage to cross on to the

Greek islands in the Eastern Aegean, is to be sent back to Turkey. However, for each person returned, one Syrian refugee will be resettled from a refugee camp in Turkey to an EU member state. The objective of this measure is to “break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk”⁵. By offering resettlement to EU member states from Turkey, it was thus easier for Turkey to agree to the deal. The EU-Turkey deal is also an example of ‘resettlement as an alternative to asylum’. EU Member States *de facto* replace asylum seekers for resettled refugee, one to one. This aspect of the EU-Turkey statement is however highly unique and in many ways an anomaly within European migration management. As we shall see further down, resettlement as an alternative to asylum is more of a common narrative, rather than an actual practice.

Humanitarian values are a common *public* explanation for resettlement programs by governments and indeed at times also the EU.⁶ Social scientists are by nature reluctant to believe in altruism, as we are taught to be critical and, some would argue, cynical of political policies. But is there something to the humanitarian altruism argument? Can states, or the EU, promote resettlement of refugees simply because it is the right thing to do? Humanitarian values should play a central role in the EU’s officially articulated motivations behind promoting resettlement. Indeed, the ill-treatment and fundamental transgressions towards people in need runs against the very foundations of the European treaties. The dysfunctionality of the European common response to refugees puts into question the entire European integration project and highlights an inherent tension between the increasingly radical anti-refugee rhetoric amongst certain political groups in the EU, and the liberal origins of the European integration project.⁷ The extent to which it does, however, is discussed in the section below.

IV. ANALYSIS OF THE UNION RESETTLEMENT FRAMEWORK

In the *travaux préparatoire*¹ of the Union Resettlement Framework that began already in 2016, the EC held consultations with Member States and other relevant actors. Reading the transcripts of these consultations, it is evident that both Member States and the European Commission emphasized that resettlement can be used as a **strategic asset** in negotiations with third countries. Indeed, the Commission explicitly justifies *why* the EU should develop a common legislative framework for resettlement, by stating that:

[Resettlement will] *help reduce the risk of a large-scale irregular inflow of third-country nationals and stateless persons to the territory of the Member States and thereby reducing the pressure of spontaneous arrivals on the Member States' asylum systems [...] help achieve Union's foreign policy objectives by increasing the Union's leverage vis-à-vis third countries.*⁸

The motivation for using resettlement as a strategic asset is reiterated in the preamble of one of the last drafts of the regulation, which states that one core function of the regulation is to strengthen partnerships with third countries, with the objective to curb irregular migration:

*The contribution of the Union Framework to meeting global resettlement and humanitarian admission needs should help strengthen the Union's partnership with third countries [...] and reducing irregular and dangerous onward movements of third-country nationals and stateless persons [...].*⁹

This is slightly different from the narrative that resettlement is about creating safe and “legal pathways” for migration, thus an **alternative to asylum**, which EU Commissioner

for Home Affairs Ylva Johansson frequently argued for. For example, in connection to the high-level Forum on resettlement and refugee protection in July 2021 she stated:

*Part of our motivation in investing in resettlement is providing ways for those who need international protection to arrive safely. Preventing deaths in the Mediterranean is paramount. Irregular departures on the eastern, central and western Mediterranean routes must be curtailed because of the risk to innocent people's lives.*¹⁰

Furthermore, as Welfens¹¹ argues, resettlement as an alternative to asylum “ultimately depends on the sum of resettlement places in EU27+”. Given that the Commission does not have a mandate to set the resettlement quota, it is unlikely that the Union Resettlement Framework will lead to an increase in resettlement places significant enough to impact the number of persons wanting to enter the EU irregularly. In early documents by the Commission, this idea was however suggested. In an explanatory memorandum of the proposal from 2016, it is asserted that a core aim of the legislative proposal is “dissuading people from taking dangerous journeys through offering alternative legal pathways”.¹² Furthermore, it states that the purpose of a common legislative framework on resettlement is to “create *genuine prospects of resettlement* to the Union to discourage irregular and dangerous journeys and save lives”.¹³ It is however impossible to envision resettlement quotas increasing to the extent that it would meaningfully impact the number of individuals wishing to enter the EU, as resettlement places are currently counted in the tens of thousands and asylum seekers in the millions.¹⁴

It is difficult to assess to what extent **fundamental values**, such as humanitarianism, have played a role in the development of the framework. The final text of the legislative act does reiterate the EU's commitment to fundamental values, stating that it “respects the

¹ The records created during the drafting and negotiation of a legal text, including discussions, drafts, and reports that show the intentions of the authors.

fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights".¹⁵ However, these statements are undermined by wording throughout the *travaux préparatoire*, where seeking asylum is often framed as illegitimate. Furthermore, in a 2016 explanatory memorandum by the Commission to the first proposal of the framework, we read that:

*Persons who have irregularly entered, irregularly stayed in, or attempted to irregularly enter into the territory of the Member States during the last five years prior to resettlement shall also be excluded [from being considered for resettlement].*¹⁶

Thus, the Council first and foremost saw resettlement as a way to discourage asylum seekers from entering the common territory, rather than as a purely needs based, humanitarian endeavour. After pressure from the European Parliament, however, art. 6(d) was removed from the final legal text adopted in 2024. Thus, having previously entered irregularly no longer is a ground for exclusion from resettlement programs.¹⁷ Nevertheless, while certain actors within the European Parliament seem to genuinely prioritise fundamental values and humanitarian concerns in relation to resettlement, the final legislative act is compromise between those actors that see resettlement as a strategic asset, and those who see its humanitarian value.

V. CONCLUSION

The Union Resettlement Framework reveals a complex interaction between three main motivations: resettlement as a strategic asset, resettlement as an alternative to asylum, and the EU's fundamental values and humanitarianism. Firstly, the framework clearly positions resettlement as a strategic asset in the EU's diplomatic relations with third countries. Resettlement is seen to strengthen partnerships

and curb irregular migration, reflecting its value in foreign policy negotiations. This strategic aspect aligns with the Commission's goal to enhance the EU's leverage, although its effectiveness remains limited by the relatively low number of resettlement places offered by Member States. There is also a clear example of how resettlement previously has been used as a strategic asset, namely in the so-called EU-Turkey statement form 2016.

Secondly, resettlement is framed as an alternative to asylum, particularly as a way to discourage irregular migration by offering legal pathways. The early legislative documents emphasize this goal, suggesting that resettlement could help divert asylum seekers from dangerous, irregular routes. However, as the legislative process evolved, this idea lost prominence.

Finally, the framework's evolution reflects tensions around the EU's fundamental values and humanitarianism. While the final text reiterates the EU's commitment to humanitarian principles, the initial framing of resettlement indicated that its primary objective is to deter irregular migration rather than to purely address humanitarian needs. In conclusion, the push for a common EU resettlement framework seems to be primarily driven by the Commission's intention to use resettlement strategically. However, pressure from the European Parliament to remove the exclusion clause for former asylum seekers highlights the role of other actors in promoting fundamental values and humanitarianism within the EU.

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REFERENCES

- [1] Beirens H. and Fratzke S. 2017. Taking Stock of Refugee Resettlement – Policy Objectives, Practical Tradeoffs, and the Evidence Base. Migration Policy Institute Europe: Brussels
- Hashimoto, N. 2018. Refugee resettlement as an alternative to asylum. *Refugee Survey Quarterly* 37(2): 162-186.
- Welfens, N. 2024. The EU's normative justifications of refugee resettlement. *Journal of Refugee Studies*, 37(2): 552–569
- [2] Hashimoto, N. 2018
- [3] Beirens H. and Fratzke S. 2017
- [4] P. 10 in Welfens, N. 2024
- [5] P.1 in Council of the EU. 2017. Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council (First reading). 2016/0225 (COD).
- [6] Welfens, N. 2024
- [7] Byrne R, Noll G, Vedsted-Hansen J. 2020. Understanding the crisis of refugee law: Legal scholarship and the EU asylum system. *Leiden Journal of International Law*. 33(4): 871-892.
- [8] P.18 in European Commission. 2016. Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) No 516/2014 of the European Parliament and the Council. COM(2016) 468 final.
- [9] P.5 in Council of the EU. (2024). *Outcome of Proceedings*. Interinstitutional File 2016/0225(COD). 11313/16; COM. 466 Brussels, 9 February 2024
- [10] Johansson Y. 2021. *Time to show democratic leadership by providing international protection*. [Last accessed 2024-11-05].
- [11] P.3 in Welfens, N. 2024
- [12] P.5 in European Commission. 2016
- [13] P.6 in European Commission. 2016
- [14] UNHCR. 2024. *Projected Global Resettlement Needs 2025*. Online at <https://www.unhcr.org/media/projected-global-resettlement-needs-2025> [Last accessed 2024-10-23].
- [15] P.1 in Regulation (EU) 2024/1350 of the European Parliament and of the Council Establishing a Union Resettlement and Humanitarian Admission Framework, and Amending Regulation (EU) 2021/1147. Brussels, 14 May 2024. LEX 2344. PE-CONS 18/1/24. (author emphasis)
- [16] P.11 in Council of the EU. 2017 (see also art 6(d))
- [17] Regulation (EU) 2024/1350

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