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The Lord Boswell  
Chairman of the European Union Committee  
Committee Office  
House of Lords  
London  
SW1A 0PW

01 October 2015

Dear Lord Boswell,

### **Extraordinary JHA Councils on 14 and 22 September 2015**

I am writing to report on two extraordinary JHA Councils, on 14 and 22 September, that I attended in Brussels to discuss the migration situation in the EU. The first of these Councils was convened following calls by myself and my German and French counterparts.

As you will be aware, both Councils focused primarily on working towards agreement (among those member states taking part) on emergency relocation of a further 120,000 asylum seekers. While the Council of 14 September failed to secure agreement, this was eventually achieved through a qualified majority vote at the Council on 22 September. The UK, as a non-participating member, did not vote. Both meetings also discussed the broader EU approach to migration, including: the need for enhanced support for protection in regions of origin alongside enhanced resettlement; the importance of effective controls at the EU's external border; enhanced Frontex operations; support for those Member States under particular pressure; effective returns policies; the need to adopt a list of safe countries of origin; and the need to enhance cooperation with third countries, including those in the Western Balkans, Turkey and in Africa through the Valletta Summit and the High Level Conference on the Eastern Mediterranean migratory route.

### **Council on 14 September**

At the meeting on 14 September, I agreed on the need for bold and concerted action to deliver a sustainable and comprehensive solution to the current situation that allows people to lead fulfilling and safe lives in their country or region of origin, and stressed our desire to work with our European partners to deliver this.

However, I made clear that the UK did not support all the Commission's recent proposals in response to the situation, not least the proposal for the emergency relocation of a further 120,000 people within the EU. I repeated my concerns about this approach, which risks encouraging people to make the dangerous journey across the Mediterranean, and made clear that the UK would not be participating in the scheme. Our position on this has been acknowledged clearly by the Commission and other Member States, including in the Presidency conclusions issued on 14 September and in the recitals to the Council Decision that was eventually adopted on 22 September. The UK will continue to provide practical support to those Member States experiencing particular pressures and to help build functioning asylum systems with the resilience to withstand increased pressures, building on our already sizable previous contribution.

I also stressed the need to ensure full and proper management of the EU external border, at the same time remaining committed to maintaining strong and effective national border controls. Our support includes the offer to assist with implementation of the Commission's proposed 'hot spot' screening centres, which will operate at points of particular pressure at the external border. These will identify those in need of international protection, giving them quick access to asylum procedures, but will simultaneously facilitate the interception and rapid return of those not in need of protection to their countries of origin.

I argued that broader efforts to address the strain imposed by unfounded claims on Member States' asylum systems must also be a priority; claiming asylum must no longer be viewed as an easy means of settlement in Europe. In this regard, I also stressed to the Council that it is crucial that the EU and Member States do not take actions or send messages that unintentionally encourage people to place themselves in the hands of the people smugglers and embark on the dangerous journey to Europe.

I also set out my clear view that the current situation within the EU must not distract us from developing a sustainable response to the current crisis – not least through work with partners outside the EU. We must also use every opportunity, including the Valletta Summit in November, to continue to deepen our work with third countries, seeking a step change in those partnerships.

Finally, I made clear that the UK continued to believe that resettlement from the region, including Turkey, Jordan and Lebanon, was an essential part of a joint response to the situation in Syria, and to the consequential movement of people. I added that we must not lose sight of the fact that the vast majority of refugees will remain in the region; our help must therefore be directed at those who are most in need of protection and assistance, and that is why the Prime Minister recently announced our intention to resettle 20,000 Syrians in need of protection from the refugee camps over the course of this Parliament. I stressed that we should also continue to focus on the provision of the humanitarian aid which those in the region desperately need. The Prime Minister recently announced a further contribution of £100 million, bringing our

commitment to over £1 billion. As the Prime Minister said while visiting the region this week, this is more than ten times the commitment of some EU countries, and indeed more than any other country in the world except the United States. It is also the UK's biggest ever humanitarian effort and reflects the seriousness with which the Government takes this appalling situation.

### **Council on 22 September**

The extraordinary JHA Council on 22 September focused on the Council Decision to relocate 120,000 asylum seekers from Italy and Greece, Hungary having made clear that it did not wish to benefit from the relocation of 54,000 asylum seekers from its territory. There were also discussions on the practical support that might be offered to Greece in order to enable it to meet its responsibilities regarding management of its borders and the arrival of asylum seekers on its territory.

Following an unsuccessful attempt to reach a decision by consensus, the Presidency called for a Qualified Majority Vote. Slovakia, Romania, Hungary and the Czech Republic voted against the proposal, with Finland abstaining. The UK did not have a vote as we had not opted in. As there was a Qualified Majority in favour, the Council Decision was adopted. I again made clear that we would not participate and reiterated the importance both of the messages being sent to potential migrants, so as not to add to the pull factors, and of improving the EU's overall performance on returns.

In discussions following the vote, I and others stressed the importance of now focusing on limiting the flow of migrants, strengthening the external border, enhancing returns, and mitigating pressures through efforts further upstream. The Commission made clear that 'hotspots' should shortly be in operation in both Greece and Italy.

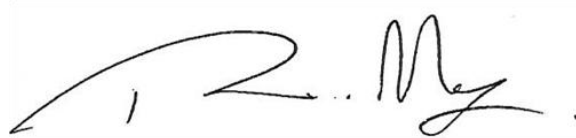
I made clear that the UK stood ready to increase its support to Greece bilaterally or through European agencies, but that support for Greece needed a clear plan and structure. I also reiterated the importance of the Valletta Summit and the High Level Conference on the Eastern Mediterranean route, both in securing improvements to facilitate the return of economic migrants and improving the situation in source and transit regions, emphasising the need for all Member States to follow the UK's lead in increasing aid to address the humanitarian crisis in the Syria region, linked also to resettlement for those most in need.

In concluding the meeting, the Luxembourg Presidency agreed that, in addition to relocation, further action was needed to support refugee camps in regions of origin, alongside work with Turkey and Western Balkan countries to help them better manage the flows. Assisting Greece with their reception capacity, processing of asylum claims and strengthening their borders was also necessary, as was progress on returns and the Commission's proposal on Safe Countries of Origin.

The Commission announced it would bring forward a new Communication on migration ahead of the Informal European Council, which would address some of the wider issues raised by the migration crisis, including on the EU budget. This was published on Wednesday 23 September.

I am placing a copy of this letter in the House library.

I am copying this letter to Sir William Cash, Chairman of the Commons European Scrutiny Committee; Chris Johnson, Clerk to the Lords Committee; Sarah Davies, Clerk to the Commons Committee; Arnold Ridout, Legal Adviser to the Commons Committee; Les Saunders, Cabinet Office and to Deborah Maggs, Departmental Scrutiny Co-ordinator.

A handwritten signature in black ink, appearing to read 'T. May', with a large, sweeping initial 'T' and a stylized 'M'.

**Rt Hon Theresa May MP**