

Future of the European common asylum system

2008/2305(INI) - 17/06/2008 - Non-legislative basic document

PURPOSE: to present a Policy Plan on Asylum; an integrated approach to protection across the EU.

BACKGROUND: work on the creation of a Common European Asylum System (CEAS) started immediately after the entry into force of the Treaty of Amsterdam in May 1999. During the first phase of the CEAS (1999-2005), the goal was to harmonise Member States' legal frameworks on the basis of common minimum standards.

The Hague Programme set as the aims of the CEAS in its second phase the establishment of a **common asylum procedure and a uniform status** for those who are granted asylum or subsidiary protection, as well as strengthening practical cooperation between national asylum administrations and the external dimension of asylum.

The Commission considered that, before proposing any new initiative, an in-depth reflection and debate with all the relevant stakeholders on the future architecture of the CEAS was also necessary. It therefore presented a Green Paper in June 2007, which aimed at identifying possible options for shaping the second phase of the CEAS.

CONTENT: the policy plan on asylum presented by the Commission provides for the architecture of the second phase of the Common European Asylum System (CEAS). It addresses the remaining elements on immigration and asylum of the Hague Programme. Building on the existing and future legal framework, this Policy Plan defines a road-map for the coming years and lists the measures that the Commission intends to propose in order to complete the second phase of the CEAS.

The paper discusses the trends in asylum matters and notes the historically low levels of asylum applications in most Member States, which mean that the latter's asylum systems are currently under less pressure than in the recent past (though some border States have witnessed an increase in the asylum flows resulting, notably, from their geographical position). This appears to be the right moment to concentrate efforts on improving their quality.

A genuinely coherent, comprehensive and integrated CEAS should:

- ensure access for those in need of protection: asylum in the EU must remain accessible. Legitimate measures introduced to curb irregular migration and protect external borders should avoid preventing refugees' access to protection in the EU while ensuring a respect for fundamental rights of all migrants. This equally translates into efforts to facilitate access to protection outside the territory of the EU;
- provide for a single, common procedure for reasons of efficiency, speed, quality and fairness of the decisions;
- establish uniform statuses for asylum and for subsidiary protection, which share most rights and obligations, whilst allowing for justified differences in treatment;
- incorporate gender considerations and take into account the special needs of vulnerable groups;
- increase practical cooperation in order to develop, inter alia, common training, as well as jointly assessing Country of Origin Information and organising support for Member States experiencing particular pressures;
- determine responsibility and support solidarity: the CEAS must include rules on the determination of the Member State responsible for examining an asylum application and provide for genuine solidarity mechanisms, both within the EU and with third countries;
-

ensure coherence with other policies that have an impact on international protection, notably: border control, the fight against illegal immigration and return policies.

To attain these objectives the Commission proposes a three-pronged strategy in this Policy Plan, based on:

I. Better and more harmonised standards of protection through further alignment of Member States' asylum laws. The Policy Plan proposes to improve definition at EU of standards for protection, in order to achieve the ambitious objectives set out in the Hague Programme, by amending the existing legal instruments. These include the Directive on Reception Conditions for asylum-seekers, the Directive on the Qualifications for becoming a refugee or a person needing international protection; and the Asylum Procedures Directive.

II. Effective and well-supported practical cooperation. This will be ensured through the establishment of a European Asylum Support Office that will consolidate all activities related to practical cooperation in the area of asylum: country of origin information, training, common curriculum, asylum expert teams, etc.

III. A higher degree of solidarity and responsibility among the Member States, as well as between the EU and third countries. Internally, solidarity mechanisms between the Member States will be proposed, in order to offer adequate support to the Member States whose system is overburdened; existing EU instruments such as the Dublin Regulation and EURODAC (a system allowing comparison of fingerprints in order to assist Member States in the identification of asylum applicants) will be amended to make them more effective. The external aspects of asylum policy are reflected in proposals aimed at alleviating asylum pressure in third countries: Regional Protection Programmes, Resettlement and Protected Entry Procedures. Resettlement, in particular, consists of receiving in the EU refugees who are hosted in countries of first asylum but who do not have a perspective for a durable solution there.

The provisions of the Geneva Convention, the evolving jurisprudence of the European Court of Human Rights (ECtHR) and the full respect of the Charter of Fundamental Rights will be a constant reference for this strategy.

The Commission believes that the following principles should guide the EU's asylum policy:

- uphold the Union's humanitarian and protection tradition and ensure respect of fundamental rights;
- establish a level playing field where all asylum seekers will have access to a high level of protection under the same conditions, wherever in the EU they make their asylum claim;
- enhance the efficiency of the asylum system: Member States should be provided with tools which increase the efficiency of their decision making systems;
- provide solidarity within and outside the Union: it is essential to support those Member States which have more pressures on their systems, as well as helping countries outside the EU which host large numbers of refugees.