Future of the European common asylum system

2008/2305(INI) - 10/03/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 593 votes to 65 with 18 abstentions, a resolution on the future of the Common European Asylum System (CEAS).

The resolution notes that, in the past year, the number of refugees has grown to more than 12 million refugees and 26 million internally displaced people. In this context, it supports the establishment of a Common European Asylum System (CEAS) and welcomes the Commission's Policy Plan on Asylum. It regrets, however, that, owing to the change of legal basis which will result from the entry into force of the Lisbon Treaty, there are plans to put back to 2012 the deadline for completion of the second phase of the common European asylum system.

Parliament states that the harmonisation of standards leading to a common asylum procedure and uniform asylum status should result in a **high level of protection** throughout the EU. In this context, it regrets that the concept of the institution of asylum has been severely eroded in recent years and reiterate the need for full respect of the rights and needs of asylum seekers and the principle of non-refoulement.

Frontex – towards a renewed mandate: in order for the CEAS to be established under the best conditions, Parliament calls on the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) to provide detailed data relating to the number of asylum seekers, and calls on the Commission to table a proposal for a revision of Frontex's mandate in order to explicitly state that protection and **human rights concerns** are an integral part of the management of the EU external borders.

Improvement of existing legislation: Parliament welcomes the provisions mentioned in the latest Commission proposals that Member States shall not hold a person in detention for the sole reason that he or she is an applicant for international protection. It considers that asylum seekers should, as a **matter of principle, not be placed in detention, in view of their particularly vulnerable position**. It also believes that where an asylum seeker is held in detention, that person should have a right to a remedy before a national court.

Moreover, Parliament considers that the scope of the new Reception Conditions Directive must be clarified in order to cover holding centres, transit areas, border procedures and Dublin transferees. Like the Commission, Parliament considers that a single asylum application procedure and single standards for qualification as refugees or persons needing international protection should be established, covering all requests for 'international protection' (refugee status, subsidiary protection and temporary protection). In addition, it welcomes the recast of the Dublin regulation and the proposed provisions for a mechanism to suspend Dublin transfers if there are concerns that they could result in applicants not benefiting from adequate standards of protection in the responsible Member States.

This recast also includes measures aimed at ensuring that certain Member States faced with a large influx of refugees are not faced with too heavy a burden. **Parliament fears, however, that these provisions would in the end be a political statement** rather than an effective instrument. It therefore proposes the establishment of a binding instrument that includes the following elements:

- the secondment of officials from other Member States, under the aegis of a European Asylum Support Office, to assist those Member States which are faced with specific and problematic situations;

- a scheme to relocate beneficiaries of international protection from Member States which are faced with specific and problematic situations to others.

Integration of beneficiaries of international protection: Parliament regrets that the rules laid down by the Dublin system do not take account of the wishes of applicants (certain criteria relating to family, cultural and linguistic considerations should be given greater consideration). Parliament calls on the Council to reach an agreement on the extension of the scope of Council Directive 2003/109/EC to cover refugees and beneficiaries of subsidiary protection. It also recommends that no difference be made between rights granted to refugees and beneficiaries of subsidiary protection.

Solidarity mechanisms: Parliament takes the view that **solidarity cannot be confined to the granting of financial resources** and calls for the effective implementation of internal resettlement and relocation mechanisms on a voluntary basis as envisaged by the European Pact on Immigration and Asylum. It encourages the creation, under the aegis of the future European Asylum Support Office, of teams of asylum experts who can assist Member States experiencing sudden and mass influxes of asylum seekers with which they cannot cope. The Commission should consider the possibility of setting up a European mechanism for transferring international protection, under the supervision of the future European Asylum Support Office, to allow the movement of refugees in Europe upon their request.

Cooperation with third countries: lastly, Parliament considers that the CEAS should be fully coherent with the objectives and activities in the area of refugee protection of EU instruments for cooperation with developing countries. It also requests that an evaluation should be given of the adequacy of the funds available for measure relating to third countries.