

Enhanced intra-EU solidarity in the field of asylum

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by de Kyriacos TRIANTAPHYLIDIS (GUE/NGL, CY) on enhanced intra-EU solidarity in the field of asylum, in response to a communication from the Commission on the same subject.

Members recall that the European Union has committed itself to completing the establishment of a Common European Asylum System (CEAS) in 2012, a system in which solidarity has been recognised as an essential component. They nevertheless consider that **solidarity must go hand in hand with responsibility**.

In this context, they welcome the objectives and principles underlying the Commission's communication and recall that the principles of solidarity and responsibility-sharing are enshrined in the Treaties. An effective solidarity framework includes, at the least, the duty on the part of the EU institutions and agencies and the Member States to **cooperate** in order to find ways to give effect to this principle. In their view, solidarity is not limited to Member States' relations with each other, but is also aimed at asylum seekers and beneficiaries of international protection.

Uneven distribution of asylum in Europe: Members underline the fact that while the number of asylum seekers increased during 2011, the last decade has seen **a significant overall decrease in the number of asylum applications in the EU**. Certain Member States face a disproportionate number of asylum requests compared to others, owing to various factors including their geographical characteristics, and that asylum applications are unevenly spread across the EU (in 2011, ten Member States accounted for more than 90 % of asylum applications). In this context, **the Member States most affected by asylum applications must have greater assistance from the EU, both administratively and financially**.

Members call:

- on Member States to ensure that fair and efficient asylum systems are put in place in order to respond to varying asylum flows; in this way, specific entry points at the EU's external borders which constitute 'hot spots' should be prepared to receive a large number of applications;
- on all Member States to meet their obligation to fully implement and apply both EU law and their international obligations on asylum;
- for the optimisation of the use of existing measures, as well as for the development of new targeted measures and tools in order to respond to ever-changing challenges in a flexible yet effective manner;
- for greater cooperation with third countries;
- for the improved collection, analysis and comparison of data, if possible, broken down by gender, in order to monitor and evaluate measures to be taken;
- on Member States to undertake awareness-raising campaigns on xenophobia and racism.

Practical cooperation and technical assistance: Members welcome the establishment of the [European Asylum Support Office](#) (EASO) the basic role of which is to coordinate and support the joint action of Member States whose asylum systems and reception facilities are subject to particular pressure. They recall nevertheless that the impact of EASO will depend on the willingness of Member States to make full use of its potential. They therefore call on the EASO to optimise its available resources by focusing its activities on both long-term preventive objectives and short-term reactive measures. In Members' view,

the EASO should, above all, support capacity-building measures for underdeveloped or dysfunctional asylum systems, and give priority to emergency situations and to Member States facing particular or disproportionate pressures.

The specific situation of Greece:

Members highlight the extremely difficult situation in Greece in regard to asylum where additional efforts are needed to improve the asylum system and ensure that asylum seekers' rights are respected in full. They recall that measures to reduce the budget deficit preclude allocating national funds to hire more officials. A solution must be found to enable Greece to fulfil its obligations in this regard.

Financial solidarity: Members encourage Member States to make full use of the possibilities available under the **European Refugee Fund (ERF)** in terms of undertaking targeted actions for the improvement of asylum systems. They welcome the creation, as from 2014, of a simpler and more flexible [Asylum and Migration Fund \(AMF\)](#), which will replace the current funds.

As regards the AMF, Members stress the importance of:

- **allocating sufficient resources to support the protection of beneficiaries of international protection and asylum seekers;**
- including safeguards within the AMF, in order to **prevent excessive allocation of funds to only one policy area at the expense of the CEAS as a whole;**
- allocating sufficient resources for **border protection** in order to achieve greater solidarity in this area;
- being **sufficiently flexible and easy** to mobilise as well as offering rapid access, in order to be able to respond rapidly and appropriately to unforeseen pressures or emergency situations affecting one or several Member States;
- reserving a certain percentage of the AMF's budget for measures aimed at helping Member States to fully implement and apply the existing EU asylum acquis and to adhere to all international obligations in this field.

There should always be sufficient resources to fund international protection and solidarity measures for Member States.

With regard to the **allocation of financial responsibility-sharing in the field of asylum**, Members recommend creating a well-resourced mechanism for **receiving larger numbers of asylum seekers and beneficiaries of international protection, in either absolute or proportional terms**, and for helping those Member States with less developed asylum systems. They also recommend that the Member States define their priority areas to address urgent situations and that more substantial financial assistance is provided to Member States wishing to participate in relocation initiatives, in order to alleviate the related financial costs. They stress the importance of strict oversight with regard to the funds' use and management in order to avoid the misallocation of human and financial resources and guarantee compliance with the objectives established. They urge the full exploitation of existing complementarities between other available financial instruments such as the European Social Fund and other Structural Funds, in order to achieve a holistic funding approach for asylum-related policies.

Allocation of responsibilities: Members consider that the [Dublin Regulation](#), which governs the allocation of responsibility for asylum applications, **places a disproportionate burden on Member States constituting entry points into the EU, and does not foresee for a fair distribution of asylum responsibility among Member States**. Generally speaking, this Regulation has led to the unequal treatment of asylum seekers while also having an adverse impact on family reunification and integration. They call on the Commission and the Member States to ensure that asylum-seekers who are returned to a Member State on the basis of the Dublin II Regulation are not discriminated against for the sole reason of

being Dublin II transferees. Overall, Members believe that discussions for the determination of the Member State responsible must take account of the fact that some Member States are already facing disproportionate pressures and some asylum systems are partially or fully dysfunctional.

Joint processing of asylum applications: Members deem it essential to engage in further dialogue with regard to responsibility-sharing towards asylum seekers and beneficiaries of international protection, including on the use of tools such as the joint processing of asylum applications and relocation schemes. In their view, a policy of **joint processing could constitute a valuable tool for solidarity and responsibility-sharing** in various cases, in particular where Member States face significant or sudden influxes of asylum seekers or there is a substantial backlog of applications which delays and undermines the asylum procedure at the expense of asylum applicants.

Joint processing could:

- prevent or rectify capacity problems,
- reduce the burdens and costs related to asylum processing,
- expedite the processing time of claims and
- ensure a more equitable sharing of responsibility for the processing of asylum applications.

Members note that joint processing does not necessarily entail a common decision, but could involve support and common processing with respect to other aspects of the asylum procedure, such as identification, preparation of first-instance procedures, interviews, or assessment of the political situation in the country of origin. A joint processing scheme should offer added value with respect to the quality of the decision-making process, ensuring and facilitating fair, efficient and rapid procedures, as well as fully respect the rights of applicants and contain strong guarantees to that end.

Relocation of beneficiaries of international protection and asylum seekers: Members stress that, under certain conditions, the physical relocation of beneficiaries of international protection and asylum seekers is one of the most concrete forms of solidarity and can make a significant contribution to a more equitable CEAS. They also emphasise that while it also represents a solid expression of commitment to international protection and the promotion of human rights, so far few Member States have engaged in relocation initiatives. In this regard, they highlight the importance of projects such as the European Union's Relocation Project for Malta (EUREMA) and its extension, under which beneficiaries of international protection have been, and are being, relocated from Malta to other Member States.

Regretting that this project has not been as successful as expected because Member States were reluctant to participate, they call on the Commission to take into consideration, in its legislative proposal for a permanent and effective intra-EU Relocation Mechanism, the use of an **EU Distribution Key** for the relocation of beneficiaries of international protection, based on appropriate indicators relating to Member States' reception and integration capacities, such as Member States' GDP, population and surface area and beneficiaries' best interest and integration prospects. This EU Distribution Key could be taken into account for Member States which are facing specific and disproportionate pressures on their national asylum systems or during emergency situations.

Members underline that while relocation can both offer lasting solutions for beneficiaries of international protection and alleviate Member States' asylum systems, it must not result in responsibility-shifting.

Mutual trust at the heart of a renewed governance system: Members insist that mutual trust is based on a shared understanding of responsibilities and stress the importance of laying solid foundations for mutual trust among Member States, since this is quintessentially linked to the development of the CEAS.

They underline that: i) while compliance with international protection obligations enhances mutual trust, this does not necessarily result in a uniform application of rules; ii) early warning mechanisms introduced

to detect and address emerging problems before they lead to crises can constitute a valuable tool in the field of asylum; iii) infringement proceedings should be more readily used to draw attention to Member States' responsibilities and their failure to adhere to the existing asylum acquis.

Lastly, Members call on the Commission to submit a communication on a framework for the transfer of protection of beneficiaries of international protection and mutual recognition of asylum decisions by 2014. They await the adoption of the Commission's 'Communication on new approaches concerning access to asylum procedures targeting main transit countries' by 2013.