Asylum: common procedure, uniform status valid throughout the Union

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PURPOSE : to present the Communication on a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum. CONTENT : at the Tampere European Council on 15 and 16 October 1999, the Commission was asked to prepare a communication on the issue of establishing a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union. This Communication sets out the Commission's thinking on this procedure and this status. Its purpose is not to propose one or more ready-made systems but to launch a debate in the Community on the longer-term prospects. According to the Commission analysis, the range of solutions and tools is quite extensive. The Commission's intention is to take an ambitious approach to all the questions and certain possible scenarios so that the Council, Parliament and the various organisations concerned by asylum policy can engage in a full discussion and come up with precise guidelines. The Communication begins by looking at the context and objectives of the common procedure and the uniform status; it is important not to take account of the flows confronting Member States and the nature of the legal environment before considering common objectives and proposing a scope suitable for the European Union. It goes on to consider the possibilities of a common procedure, either through a limited procedural approach or through a more fully integrated approach, and the possibilities of a uniform status. It stresses the need to reach a common analysis underlying the procedure and the status. Finally, the Commission proposes a general structure and a method for examining the communication. The definition of guidelines for a common procedure and a uniform status demands a consensus on the challenges and objectives to be met. The Commission proposes the following as a basis: 1) following on from the Tampere conclusions, adopt clear principles offering guarantees to those who are legitimately seeking protection in the European Union and seeking access to its territory. These principles must remain firmly attached to respect for the Geneva Convention and other relevant human rights instruments and supply the basis for a capacity to meet humnitarian needs on a basis of solidarity; 2) absolutely respect the right to seek asylum; apply the Geneva Convention in full and inclusively; ensure that nobody will be sent to a country where he faces the renewed risk of persecution, in other words maintain the principle of non-refoulement; 3) allow the Member States to identify those who genuinely need protection and respond properly to situations of vulnerability. The rules adopted must be fair and effective and underlie rapid high-quality decision-making; 4) develop a procedure and a status within the context of common migration policy that covers all aspects (partnership with countries of origin, fair treatment for third-country nationals, management of migratory flows). In particular: - to preserve the specificity of humanitarian admission andasylum in the European Union as distinct from other grounds for admission; - balance absolute respect for the specificity of humanitarian admission against the legitimate objectives of preventing and combating illegal immigration. In this context, the Commission believes that the Member States would be better placed to combat what is presented as a real abuse of the asylum system if they had a wide range of open an transparent immigration management policies (please refer to COS/2001/0047); 5) limit secondary movements influenced solely by the diversity of applicable rules. Divergent asylum policies in the different Member States must disappear and an effort must be made to harmonise conditions in order to avoid negative effects for the Member States' interests; 6) consider the first stage referred to in paragraphs 14,16 and 17 of the Tampere conclusions and in the scoreboard presented in spring 2000 as the pillar on which a common procedure and a uniform status can be built; 7) base the future rules in the context of the development of the European Union as an area of freedom, security and justice; 8) consult the relevant international organisations, in particular the HCR.