

Asylum: Member State responsible for examining an application lodged by a third-country national

2001/0182(CNS) - 26/07/2001 - Legislative proposal

PURPOSE : to establish the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

CONTENT : a common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of progressively establishing an area of freedom, security and justice to those who, forced by circumstances, legitimately seek protection in the Community. The conclusions of the Tampere European Council of October 1999 state that a common European asylum system should include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application. With this proposal for a Regulation, the Commission has added a block to the construction of a common European asylum system. This proposal, which is designed to replace the Dublin Convention, essentially sets out the Member States' obligations vis-à-vis each other, which must apply to all parties on the same terms. The aim of this proposal is to: - ensure that asylum seekers have effective access to the procedures for determining refugee status; - prevent abuse of asylum procedures; close the loopholes and correct the inaccuracies detected in the Dublin Convention; - adapt the system to the new realities resulting from the progress made as regards the establishment of an area without internal borders; - the Member States responsible to be determined as quickly as possible; - increase the system's efficiency. More specifically, even though this proposal is based on the same principles as the Dublin Convention and its scope is the same, it does however include a number of innovations: - new provisions emphasising each Member States' responsibility vis-à-vis partners in the Union when it allows illegal residents to remain on its territory; - much shorter procedural deadlines consistent with the proposed deadlines for granting and withdrawing refugees status, to ensure that applications for asylum are processed rapidly; - extended deadlines for implementing transfers to the Member State responsible so as to allow for the practical difficulties arising in connection with such transfers and; - new provisions aimed at preserving the unity of asylum seekers' families.