Asylum: granting and withdrawing refugee status, minimum standards on procedures, Common European Asylum System

2000/0238(CNS) - 03/07/2002 - Modified legislative proposal

This amended proposal sets out a different structure for asylum procedures in Member States and amends a considerable number of minimum standards proposed by the Commission. In addition, it takes over a number of amendments of the European Parliament, either in the recitals or in the text of the proposal. The following key changes have been made: - following suggestions from certain Member States and the European Parliament, most guarantees have been modified. They have either been upgraded in terms of the level of protection accorded to applicants for asylum or have been qualified, to take into account specific circumstances or exceptions occurring in practice, methods or safeguards against abuse and certain national conditions or peculiarities; - in accordance with Council Conclusions, the classification of procedures has been re-organised. Instead of a separate admissibility procedure, applications considered as inadmissible may be processed in accelerated procedures; - following suggestions from some Member States, special standards on two new types of accelerated procedures are introduced: a procedure to examine applications lodged at the border or on the entry to the territory and a procedure in which the need to initiate a new procedure for a subsequent application is assessed; - new cases of inadmissible applications are introduced. The first is where an international criminal court has indicted the individual who has claimed asylum and the second, where an extradition request from a country other than the country of origin of the applicant is pending. Other cases of applications, where there is evidence of misconduct by the applicant or abuse of the procedure, may also be processed in accelerated procedures; - obligations to set a reasonable time limit for taking a decision under the regular procedure, to consider non-compliance with this time-limit as a negative decision against which an applicant can lodge an appeal, as well as obligations for appeal bodies to take decisions within a reasonable time have been deleted; - the obligation to introduce a two level appeal system, in which a court of law is competent at least once to review a decision is replaced by the right of every applicant for asylum to have an effective remedy before a court of law against a decision on his application, leaving the institutional arrangements for review or appeal to national discretion; - following an amendment from the European Parliament, it is proposed that the implementation of this particular asylum directive should be evaluated at intervals not exceeding two years.