Asylum: international protection regimes

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PURPOSE : to present the second report on the common asylum policy and the Agenda for protection. CONTENT : the report period, December 2001 to February 2003, was an important period in getting the common European asylum system up and running. The report shows that significant progress was made in implementing the legislative programme for the first phase, determined by the conclusions of the Tampere European Council, and in developing support measures to flesh out this new policy. But progress still lagged behind, even if it met the deadlines set by the Seville European Council. Moreover the price to be paid for it was sometimes a reduction in the effectiveness of the harmonisation or a very low level of agreed standards. The need for unanimous adoption of Community instruments is the main cause, while the difficulty met by the Member States in abandoning their national agendas is another. Regarding asylum policy, there is now a manifest need to explore new avenues to complement the stage-by-stage approach adopted at Tampere. The question arises whether the Member States could better deploy the major human and financial resources which, partly supported by the European Refugee Fund, they devote to receiving displaced persons in the context of often lengthy procedures that regularly culminate in negative decisions requiring repatriation after a long wait. Three complementary objectives should now be pursued to improve the management of asylum in the context of an enlarged Europe: - improve the quality of decisions ("frontloading") in the European Union; - consolidate protection capacities in the region of origin; - treatment of protection requests as close as possible to needs, which presupposes regulating access to the Union by establishing protected entry schemes and resettlement programmes. 2003 will be a crucial year for the consolidation of the common European asylum system on the eve of enlargement of the Union. It will see the end of the first stage of harmonisation on the basis of the Commission's proposals. At the same time the second stage called for at Tampere will be sketched out, with the establishment of a common asylum procedure and a uniform status. In the spirit of the Agenda for Protection and the Convention Plus, the European Union must embark resolutely on a new approach to international protection based on better management of access for persons in need of international protection to the territory of the Member States and on consolidation of the possibilities for dealing with protection needs in the region of origin. The Commission, on the basis of, among other things, the results of a variety of studies already carried out, will embark on this, in close cooperation with the HCR, so as to lay operational proposals before the Council and the European Parliament before the end of the year. The Commission accordingly requests the Council and the European Parliament to take note of its second report on the common asylum policy and: - asks the Council to adopt all the first-stage harmonisation proposals in accordance with the deadlines by the Seville European Council, in particular the directive on asylum procedures where the question of safe countries of origin andthird countries will demand special attention; - invites the Council and Parliament to continue considering the question of an instrument to succeed the European Refugee Fund on the basis of the Commission report of 3 December 2002 on the effectiveness of Community financial resources; - encourages the Member States to make the best use of the machinery for administrative cooperation on asylum (Argo, statistical programme) and to contribute actively to it, and undertakes to pursue the development of the Immigration and Asylum Committee and Eurasil as essential means of comparing analyses and practices to facilitate the identification of new priorities for the establishment of the common European asylum system; - recommends that a common approach be devised to the implementation of the Agenda for Protection and the Convention Plus and that it be defended in the governing bodies of the Office of the High Commissioner for Refugees and its dialogue with that organisation; - suggests that serious thought be given to possibilities offered by processing asylum applications outside the European Union and resettlement as instruments to complement a fair and efficient territorial asylum system in compliance with international obligations and with respect for dialogue and partnership with third countries; - recommends that more detailed serious thought be given to the question of access to the territories of Member States for persons in need of international protection and compatibility between stronger protection for these people and respect for the principle of non-refoulement on the one hand and measures to combat illegal immigration, trafficking in

human beings and external border control measures on the other. The Commission will enter this item on the agenda for the Immigration and Asylum Committee, where it will ensure that special attention is paid to the question of protected entry procedures on the basis of the results of the study already available and the separate but related problem of resettlement; - invites the Council to look beyond the existing European Union action plan and give serious thought to a more operational definition of the content of integrated return programmes in the light of lessons learned from the implementation of the return programme for Afghanistan; - wishes special attention to be paid to refugees and displaced persons in future work by the Community institutions on integration; - invites the Council and Parliament to have regard to the contribution of developing countries in receiving refugees and applying international protection instruments and more generally to incorporate the international protection dimension more deeply into Europe's external policy on the basis of the Agenda for Protection; the Commission will consider the question in 2003 in the mid-term review of the country and regional strategy papers and will raise the objectives of the Agenda for Protection in its dialogue on questions of migration and cooperation with the relevant third countries.