Asylum : minimum guarantees for asylum procedures

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The Committee on Civil Liberties severely criticized the Council Resolution on minimum guarantees for asylum procedures in adopting (by 17 votes for, none against and 11 abstentions) the report by Mrs Hedy d'ANCONA.. In particular, the committee considered that the procedure used by the Council was unacceptable: the EP was not consulted in advance, the application of the Resolution was placed outside parliamentary and judicial review and there was a question mark over its binding nature. As for the content of the Council Resolution, the committee called for it to be possible to appeal to a court of law against any decision to reject an application for asylum and for such appeals to have suspensory effect so that the asylum seeker can remain in the host country until the court gives a ruling. The committee was also against the use of lists of 'safe countries of origin', which would be inconsistent with the principle that applications for asylum should be considered on a case-by-case basis. The d'ANCONA report stated that if the Council insisted on compiling such lists, they should in any case be submitted to the EP. Moreover, the asylum seeker should be able to challenge the alleged safety of the country in question. The report also points out that the decision on the substance of an asylum application should not be a matter for the frontier authorities. Certain procedural guarantees must be respected. Asylum seekers should be allowed sufficient time to prepare for the interview with the authority considering their applications and the procedure should be in a language understood by the asylum seeker). The committee stressed that unaccompanied minors should be able to make asylum applications and that women should be able to make separate applications from their husbands.