

Displaced persons: temporary protection in the event of a mass influx, Member States' admission

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The committee adopted the report by Jan-Kees WIEBENGA (ELDR, NL) broadly approving the proposal under the consultation procedure, subject to a number of amendments. While it felt that the draft directive amounted to a substantial improvement on earlier proposals, the committee nevertheless wanted to improve the sharing of responsibility between Member States and the actual protection granted. It called for any decision by Council on providing temporary protection for a specific influx of refugees to ensure a balanced allocation between Member States, having regard to their capacity to absorb the refugees. The committee also argued that, where the Commission or a Member State submitted a proposal for putting a temporary protection regime into place, the Council should then take a decision within three months, given the urgency and seriousness of such situations. Residence permits should be issued without delay, and the committee amended the text to ensure that minors were granted unrestricted and immediate access to the education system in the host country. It also wanted the host Member State to take a decision within three months on any application for family reunification. The committee emphasised that Member States should apply the directive on temporary protection with due regard for the fundamental rights laid down in the Geneva Convention, in particular the principle of "non-refoulement", under which refugees may not simply be sent back where they came from. In connection with the right of persons enjoying temporary protection to apply for asylum status, the committee stipulated that it should be the host country that considered the application for asylum, not the country of first entry as laid down in the Dublin Convention. In addition, it modified the provision enabling Member States to decide that those under temporary protection could lose their rights if they applied for asylum, arguing that this would act as a disincentive to apply for asylum and that the text of the original proposal could be open to abuse by Member States.